

CITY OF RIFLE, COLORADO
ORDINANCE NO. 18
SERIES OF 2015

AN ORDINANCE OF THE CITY OF RIFLE, COLORADO, AMENDING
SECTION 10-8-30 OF THE CITY OF RIFLE MUNICIPAL CODE
PERTAINING TO GENERAL OFFENSES INVOLVING LIQUOR SALES.

WHEREAS, Article VIII of Chapter 10 of the Rifle Municipal Code (the “RMC”), establishes general offenses and restrictions on the sale of fermented malt beverages and malt, vinous, and spirituous liquors in the City of Rifle (the “City”); and

WHEREAS, the City’s staff has recommended changes to the RMC to provide clarity to the restriction of such sales; and

WHEREAS, the City Council wishes to address the recommendations of the City staff by amending the RMC to improve its ease of interpretation and application.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RIFLE, COLORADO, THAT:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Section 10-8-30 of the RMC is hereby amended as follows, with additions shown in double underlined text and ~~strike through language deleted~~:

Sec. 10-8-30. - Establishment restrictions.

(a) Except as provided for elsewhere in this Article, it shall be unlawful for the licensee, proprietor, agent or employee of any establishment possessing a liquor license for the sale of fermented malt beverages or malt, vinous or spirituous liquors for consumption on the premises to, ~~to permit or allow the following~~:

~~(1) Customers, guests and any other persons to be present in such establishments during the hours and days that state law prohibits the sale, serving or distribution of fermented malt beverages or malt, vinous or spirituous liquors.~~

(1) Allow the consumption, sale, or distribution of any alcoholic beverage on the licensed premises at any time during such hours as the sale of such beverages is prohibited by law.

(2) Sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any alcohol beverage to or for any person under the age of twenty-one years.

~~A violation of Paragraph (a)(1) above is a Class B municipal offense.~~ A violation of Paragraph (a)(1) or (a)(2) above is a Class A municipal offense. Penalties for these violations are set forth in Section 10-1-40 of this Chapter.

- (b) A licensee or proprietor of any establishment having a license or possessing a license to sell fermented malt beverages or malt, vinous or spirituous liquors for consumption on the premises shall be legally accountable for the conduct of any agent or employee of said licensee or proprietor who violates any provision of this Section. A licensee or proprietor shall be guilty of any offense created under this Section if it is committed by an agent or employee of such licensee or proprietor.
- (c) Any offense committed under this Section shall be one of strict liability.
- (d) It shall be an affirmative ~~offense~~-defense to any prosecution for violations contained within this Section if the licensee, proprietor, agent or employee of the licensed establishment can prove, by a preponderance of evidence, that such person required a minor to exhibit a State operator's license, chauffeur license, or identification card prior to entry by such person into the establishment, and that such proof of age exhibited was fraudulent.

INTRODUCED on September 16, 2015, read by title, passed on first reading, and ordered published as required by the Charter.

INTRODUCED a second time at a regular meeting of the Council of the City of Rifle, Colorado, held on October 7, 2015, passed without amendment, approved, and ordered published in full as required by the Charter.

Dated this ___ day of _____, 2015.

CITY OF RIFLE, COLORADO

BY: _____
Mayor

ATTEST:

City Clerk