

TOWN OF SUPERIOR  
ORDINANCE NO. 0-5  
SERIES 2021

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR AMENDING SECTIONS 10-8-30 AND 10-8-40 OF THE SUPERIOR MUNICIPAL CODE TO PERMIT THE SALE, CONSUMPTION, AND POSSESSION OF ALCOHOLIC BEVERAGES ON TOWN-OWNED PROPERTY SUBJECT TO THE ISSUANCE OF A LIQUOR LICENSE

WHEREAS, the Board of Trustees desires to allow the sale, consumption, and possession of alcoholic beverages on Town-owned property subject to the issuance of a liquor license; and

WHEREAS, nothing herein permits or is intended to permit the sale, consumption, or possession of alcoholic beverages on Town-owned property outside of the licensed premises of a validly issued liquor license.

NOW BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. Section 10-8-30 of the Superior Municipal Code is hereby amended as follows:

**Sec. 10-8-30. Alcohol in public places.**

It is unlawful for a person to possess an open container of or to consume any fermented malt beverage or any malt, vinous or spirituous liquor, in any public place or upon property owned, operated, leased or maintained by the Town, the State or any political subdivision or agency thereof; provided, however, that it shall not be a violation of this Section to possess an open container of or to consume any fermented malt beverages or malt, vinous or spirituous liquor in conformance with a special event permit issued pursuant to Section 44-5-101, *et seq.*, C.R.S., or a permit issued by the Town pursuant to Section 10-8-40, *or a valid and active license issued pursuant to Article II of Chapter 6 of this Code and Section 44-3-101, et seq., C.R.S.*

Section 2. Section 10-8-40 of the Superior Municipal Code is hereby renamed and amended as follows:

**Sec. 10-8-40. ~~Possession and consumption of alcoholic beverages in public places~~ *Permit for alcohol in public places.***

(a) Upon approval by the Liquor Licensing Authority, the Town Clerk may issue a permit for the possession and consumption of fermented malt beverages, malt, vinous or spirituous liquors in the following public places: Asti Park; Community Park; Purple Park; Founders Park; *Grasso Park; Downtown Superior*

*Parks & Plaza; and Wildflower Park. Additionally, upon approval by the Liquor Licensing Authority, the Town Clerk may issue a license for the sale, possession and consumption of fermented malt beverages, malt, vinous or spirituous liquors on Town-owned property in conformance with Article II of Chapter 6 of this Code and Section 44-3-101, et seq., C.R.S.*

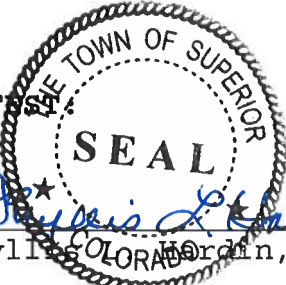
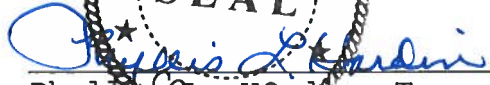
\* \* \*

**Section 3. Severability.** If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

**Section 4. Safety.** This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, PASSED AND ORDERED PUBLISHED this 12<sup>th</sup> day of April, 2021.

  
\_\_\_\_\_  
Clint Folsom, Mayor

ATTACHED  
  
  
\_\_\_\_\_  
Phyllis Hardin, Town Clerk-Treasurer