

**ORDINANCE 2019-08**

**AN ORDINANCE OF THE CITY OF FRUITA, COLORADO AMENDING CHAPTER 9.08 OF THE FRUITA MUNICIPAL CODE CONCERNING ALCOHOL AND DRUGS**

**WHEREAS**, the Colorado State Legislature passed SB18-243 concerning alcoholic beverages in 2018 which included provisions that became effective on January 1, 2019, and

**WHEREAS**, the definition of fermented malt beverage was amended to eliminate the maximum limits of 3.2% alcohol by weight and 4.0% by volume, and

**WHEREAS**, the definition of malt beverage was amended to eliminate the minimum limits of 3.2% alcohol by weight and 4.0% by volume, and

**WHEREAS**, there is a need to amend Chapter 9.08 of the Fruita Municipal Code to be consistent with Section 44-4-103 of the Colorado Revised Statutes.

**BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITA, COLORADO**

**Section 1.** That Paragraph E of Section 9.08.001 - Definitions, of the Fruita Municipal Code, is hereby repealed and reenacted to read as follows:

- E. "Fermented malt beverage" means beer and any other beverage obtained by the fermentation of any infusion or decoction of barley, malt, hops, or any similar product or any combination thereof in water containing not less than one-half of one percent alcohol by volume. "Fermented malt beverage" does not include confectionery containing alcohol within the limits prescribed by section 25-5-410 (1)(i)(II) C.R.S.

**Section 2.** That Paragraph G of Section 9.08.001 - Definitions, of the Fruita Municipal Code, is hereby repealed and reenacted to read as follows:

- G. "Malt liquors" includes beer and means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing not less than one-half of one percent alcohol by volume.

**PASSED AND ADOPTED BY THE FRUITA CITY COUNCIL  
THIS 5th DAY OF MARCH, 2019**

ATTEST:

CITY OF FRUITA, COLORADO

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Margaret Sell, City Clerk

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Joel Kincaid, Mayor