

July 28, 2011

ADMINISTRATIVE REGULATION NO. PKRG1101

Grand Junction Municipal Code

Issued by: /s/: Rob Schoeber

Rob Schoeber, Director of Parks and Recreation

Topic:

Alcoholic Beverages in City Parks

Background and Purpose:

The purpose of this Administrative Regulation is to interpret, clarify and implement the provisions of §12.16.100 of the Grand Junction Municipal Code (“the Code” or “Code.”) Chapter 12.16 establishes special regulations for the use of streets, sidewalks and other public places. Section 100 of that Chapter concerns *Drinking of alcoholic beverages in public*.

With the adoption of §12.16.100 the lawful consumption of alcoholic beverages in public places, including but not limited to City parks, required a special event permit or a valid license and compliance with applicable law. The Code prohibits the possession, use and/or consumption of malt, vinous and spirituous liquors.

With the advent of an increasing population of people that are using the parks for subsistence living the City has seen increased damage to facilities, increased violence and increased anti-social behaviors such as public intoxication and drunkenness with quarreling and other disorderly conduct which interferes with the recreational use of the parks. The Chief of Police and the Director of Parks and Recreation have consulted about these disturbing behavioral trends and have among other things determined that the use, possession and consumption of all alcohol, including 3.2% beer, is contributing to the problems in the parks.

In order to clarify §12.16.100 at the time of its adoption the then Acting Director of Parks issued an administrative regulation that allowed for the consumption in parks of 3.2% beer from non-glass containers and so long as the consumption was otherwise lawful. That regulation is now being repealed and replaced as provided herein.

Administrative Interpretation:

Chapter 2.12, section 010, *Administrative Regulations*, of the Code provides that:

The Department Directors of the various departments of the City may promulgate, after public notice, administrative regulations for the purposes of interpreting, clarifying and effectuating the purposes of this code. A violation of an administrative regulation shall constitute a violation of this code.

The Director hereby determines that for the protection of the general health, safety and welfare of the community, that he will prohibit the possession of fermented malt beverages (3.2% beer) and/or any other malt, vinous or spirituous liquor as provided by the Code, in any park within the City in which the Director deems it appropriate based upon the deleterious effect on the recreational use and/or enjoyment of the park caused by a person(s) being and/or becoming publicly intoxicated in the park. The Director may reasonably rely on reports from the Grand Junction Police Department and/or Parks Department to form his opinion regarding the deleterious effects being visited on the parks.

In the event that the Director prohibits the possession and/or consumption of fermented malt beverages in a park, the park shall be posted with signs which provide notice to the public of the fact that such possession and/or consumption is prohibited.

As provided by the Code, the Director shall allow possession and/or consumption of any fermented malt, malt, vinous or spirituous liquors when such possession and/or consumption is pursuant to 12-48-101 C.R.S. *et. seq.*