

**CITY CLERK'S OFFICE MEMORANDUM**  
**#07-2019**

**DATE:** June 10, 2019  
**TO:** Honorable Mayor Pro Tem Esquibel and City Council Members  
**THROUGH:** Heather Geyer, City Manager *hmg*  
**FROM:** Johanna Small, City Clerk *JS*  
**SUBJECT:** CB-1929 – Fermented Malt Beverage and Malt Liquor Amendments

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**PURPOSE**

To consider an amendment to Sections 9-8-1 and 18-2-10 of the Northglenn Municipal Code concerning fermented malt beverages and malt liquor.

**BACKGROUND**

Senate Bill 18-243, effective January 1, 2019, eliminated the maximum alcohol content limit in fermented malt beverages, previously referred to as 3.2% beer, and malt liquor. Those businesses previously holding 3.2% beer licenses are now allowed to sell “full strength beer” or malt liquor containing more than 3.2% alcohol by weight or 4% alcohol by volume. In accordance, existing “3.2% beer” licenses were automatically converted to “fermented malt beverage” licenses. An ordinance is now required to amend the Northglenn Municipal Code to reflect these changes.

**STAFF RECOMMENDATION**

Attached to this memorandum is an ordinance which, if adopted, would amend Northglenn Municipal Code Sections 9-8-1 and 18-2-10 by removing the maximum alcohol content limit in the definitions of “fermented malt beverage” and “malt liquor” to be consistent with the definitions in the State of Colorado Liquor and Beer Codes. Staff recommends approval of CB-1929.

**BUDGET/TIME IMPLICATIONS**

There are no budget implications. If CB-1929 is approved on first reading, a public hearing and second reading of the ordinance will be held on June 24, 2019.

**STAFF REFERENCE**

If Council members have any comments or questions they may contact Johanna Small at [jsmall@northglenn.org](mailto:jsmall@northglenn.org) or 303.450.8757.

CB-1929 – Fermented Malt Beverage and Malt Liquor Amendments

SPONSORED BY: MAYOR PRO TEM ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1929  
Series of 2019

\_\_\_\_\_  
Series of 2019

A BILL FOR AN ORDINANCE AMENDING SECTIONS 9-8-1 AND 18-2-10 OF THE NORTHGLENN MUNICIPAL CODE CONCERNING 3.2 BEER

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. Section 9-8-1(b) and (d) of the Northglenn Municipal Code is hereby amended to read as follows:

(b) **"Fermented Malt Beverage"** -- shall mean and include BEER AND 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 more than three and two tenths percent (3.2%), but more than one half of one percent (.05%) of alcohol by weight~~ LESS THAN ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME.

(d) **"Malt Liquor"** -- includes beer and shall be construed to mean and include any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops or any similar product or combination thereof in water containing ~~more than three and two tenths percent (3.2%) of alcohol by weight.~~ NOT LESS THAN ONE-HALF OF ONE PERCENT ALCOHOL BY VOLUME.

Section 2. Section 18-2-10(b)(1)(B) of the Northglenn Municipal Code is hereby amended to read as follows:

(B) In the case of malt, vinous, or spirituous liquor licensees, there shall be a mandatory suspension of at least one (1) day commencing at 2:01 a.m. on a Saturday and ending at 2:01 a.m. the following day. In the case of ~~3.2% beer~~ FERMENTED MALT BEVERAGE licensees, there shall be a mandatory suspension of at least one (1) day commencing at 12:01 a.m. on a Sunday and ending at midnight that same day.

INTRODUCED, READ AND ORDERED POSTED this \_\_\_\_ day of \_\_\_\_\_,  
2019.

\_\_\_\_\_  
ANTONIO B. ESQUIBEL  
Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

PASSED ON SECOND AND FINAL READING this \_\_\_\_ day of \_\_\_\_\_,  
2019.

\_\_\_\_\_  
ANTONIO B. ESQUIBEL  
Mayor Pro Tem

ATTEST:

\_\_\_\_\_  
JOHANNA SMALL, CMC  
City Clerk

APPROVED AS TO FORM:

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COREY Y. HOFFMANN  
City Attorney