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## CITY OF DANBURY

155 Deer Hill Avenue  
Danbury, CT 06810  
City Council

February 23, 2015

Hon. Members of the City Council  
155 Deer Hill Avenue  
Danbury, CT 06810

Dear Council Members:

We are requesting the appointment of an Ad Hoc Committee to review a proposed amendment change of the Ordinance 12-1.1, Alcoholic beverages; consumption, possession in public places. The current ordinance has been in effect for over thirty-five years and even though it was the original intent of the Council, the ordinance now lacks the clarity of language for implementation and may put the city at a competitive disadvantage.

In addition, we ask that the committee address the language and definitions of the ordinance to provide for parameters of implementation for the Director of Parks & Recreation and to allow for additional enforcement in accordance with state and local laws.

Modernizing the language will assist with ensuring a commercially viable, safe and well-regulated atmosphere for future festivals and events.

A preliminary draft of the new ordinance is attached for the committee to consider.

Truly,

Duane E. Perkins  
Councilman - 5<sup>th</sup> Ward

Joe Cavo  
Council President

Thomas Saadi  
Council Minority Leader

Jack Knapp  
Council Legislative Leader

COPY SHOWING DELETIONS AND NEW LANGUAGE

3-1

That Section 12-1.1 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:

Sec. 12-1.1. Alcoholic beverages; consumption, possession in public places.

(a) *Findings of fact.* The consumption of alcoholic liquor OR ALCOHOLIC BEVERAGES within the public highways, public parks, public grounds and in motor vehicles parked on said premises in the city has resulted in the disturbance of the peace, damage to public and private property and the proliferation of litter.

(b) *Definitions.* [For purposes of this section:]

*Alcoholic Liquor* OR ALCOHOLIC BEVERAGE shall have the same meaning as in the Connecticut Liquor Control Act, section 30-1 et seq. of the Connecticut General Statutes, Revision of 1958, as amended.

*Motor vehicle* shall have the same meaning as in section 14-1 of the Connecticut General Statutes.

*Possession with intent to consume* shall mean having in one's possession or control, alcoholic liquor in a glass, open bottle, open can or other open container so as to permit consumption.

PUBLIC FUNCTION, FESTIVAL OR CELEBRATION SHALL MEAN ANY CELEBRATORY FUNCTION EITHER MANAGED, OPERATED OR AUTHORIZED BY THE CITY OF DANBURY.

*Public highways* shall mean all public highways OR STREETS OR ROADS within and under the control of the city and shall include the sidewalks.

*Public parks and public grounds* shall mean those areas owned by or under the control of the city or customarily used by the general public.

(c) *Prohibited.* Except as permitted by subsection (d) hereof, no person shall SELL, consume or possess with intent to consume any alcoholic liquor OR ALCOHOLIC BEVERAGE within the limits of any public highway, public park or public ground as they exist within the city. For purposes of this section, without limiting the generality of the foregoing, the consumption of alcoholic liquor OR ALCOHOLIC BEVERAGE in motor vehicles parked on said premises shall also be deemed a violation hereof.

(d) *Exception to prohibition* Persons may possess alcoholic liquor OR ALCOHOLIC BEVERAGE with the intent to consume and may consume IN A DESIGNATED LIMITED AND DEFINED SPACE, alcoholic liquor OR ALCOHOLIC BEVERAGE during any public function, festival or celebration without violating this section; provided, however, the parks and recreation director has first given written authorization to permit the sale, service or distribution of alcoholic liquor OR ALCOHOLIC BEVERAGE at or in connection with such function, festival or celebration AND IN SUCH DESIGNATED LIMITED AND DEFINED SPACE.

(e) PERMIT REQUIRED. ANY AUTHORIZATION TO POSSESS, SELL, SERVICE OR OTHERWISE DISTRIBUTE ALCOHOLIC LIQUOR OR ALCOHOLIC BEVERAGE IN ACCORDANCE WITH SECTION (D) HEREIN SHALL REQUIRE A VALID PERMIT ISSUED BY THE PARKS AND RECREATION DIRECTOR PURSUANT TO AN APPLICATION AVAILABLE IN SAID OFFICES AND TOGETHER WITH A REASONABLE FEE PAID.

(f) Penalty for violations. Any person violating the provisions of this section shall be ENFORCED IN ACCORDANCE WITH THE CITATION PROCEDURES OF CODE SECTION 12-34 OR FINED NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) FOR AN INDIVIDUAL AND NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR A GROUP, FOR EACH OFFENSE. Fined not more than twenty-five dollars (\$25.00) for each offense.

Note: New language is indicated by CAPITALIZATION COMBINED WITH UNDERLINING except that capitalization is not utilized for the letters in parentheses which indicate subsections.

Deleted language is indicated by strikeouts.



# ORDINANCE

CITY OF DANBURY, STATE OF CONNECTICUT

CITY COUNCIL

\_\_\_\_\_ A.D. 2015

**Be it ordained by the City Council of the City of Danbury:**

3-2

**That Section 12-1.1 of the Code of Ordinances of Danbury, Connecticut is hereby amended to read as follows:**

Sec. 12-1.1. - Alcoholic beverages; consumption, possession in public places.

(a) *Findings of fact.* The consumption of alcoholic liquor or alcoholic beverages within the public highways, public parks, public grounds and in motor vehicles parked on said premises in the city has resulted in the disturbance of the peace, damage to public and private property and the proliferation of litter.

(b) *Definitions.* [For purposes of this section:]

*Alcoholic Liquor* or *Alcoholic Beverage* shall have the same meaning as in the Connecticut Liquor Control Act, section 30-1 et seq. of the Connecticut General Statutes, Revision of 1958, as amended.

*Motor vehicle* shall have the same meaning as in section 14-1 of the Connecticut General Statutes.

*Possession with intent to consume* shall mean having in one's possession or control, alcoholic liquor in a glass, open bottle, open can or other open container so as to permit consumption.

*Public function, festival or celebration* shall mean any celebratory function either managed, operated or authorized by the city of Danbury.

*Public highways* shall mean all public highways or streets or roads within and under the control of the city and shall include the sidewalks.

*Public parks and public grounds* shall mean those areas owned by or under the control of the city or customarily used by the general public.

(c) *Prohibited.* Except as permitted by subsection (d) hereof, no person shall sell, consume or possess with intent to consume any alcoholic liquor or alcoholic beverage within the limits of any public highway, public park or public ground as they exist within the city. For purposes of this section, without limiting the generality of the foregoing, the consumption of alcoholic liquor or alcoholic beverage in motor vehicles parked on said premises shall also be deemed a violation hereof.

(d) *Exception to prohibition* Persons may possess alcoholic liquor or alcoholic beverage with the intent to consume and may consume in a designated limited and defined space, alcoholic liquor or alcoholic beverage during any public function, festival or celebration

without violating this section; provided, however, the parks and recreation director has first given written authorization to permit the sale, service or distribution of alcoholic liquor or alcoholic beverage at or in connection with such function, festival or celebration and in such designated limited and defined space.

(e) *Permit required.* Any authorization to possess, sell, service or otherwise distribute alcoholic liquor or alcoholic beverage in accordance with section (d) herein shall require a valid permit issued by the parks and recreation director pursuant to an application available in said offices and together with a reasonable fee paid.

(f) *Penalty for violations.* Any person violating the provisions of this section shall be enforced in accordance with the citation procedures of code section 12-34 or fined not more than one hundred dollars (\$100.00) for an individual and not more than two hundred dollars (\$200.00) for a group, for each offense.