

ORDINANCE NO. 26

Series 1995

AN ORDINANCE AMENDING SECTIONS 6-3F-15 AND 6-3F-16 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSES OF "UNLAWFUL CONSUMPTION OF ALCOHOLIC BEVERAGES" AND "OPEN CONTAINERS PROHIBITED"

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO:

Section 1. Section 6-3F-15 of the Breckenridge Town Code, entitled "Unlawful Consumption of Alcoholic Beverages", is hereby amended so as to read in its entirety as follows:

6-3F-15: UNLAWFUL CONSUMPTION OF ALCOHOLIC BEVERAGES:

A. It is unlawful for any person to consume any alcoholic beverage in or upon any public place within the Town, except within an establishment licensed by the Town to sell such beverages for consumption upon the premises; provided, however, that, subject to the provisions of Subsection B of this Section, it shall not be unlawful for a person to consume any fermented malt beverage in those public parks known as "Kingdom Park", "Carter Park" or "Riverwalk Center Lawn".

B. It is unlawful for any person to consume any alcoholic beverage upon a licensed premises other than an alcoholic beverage purchased from such establishment. The premises upon which an outdoor special event is held shall be conspicuously posted to provide notice of the boundaries of the licensed premises upon which such special event is being held.

C. The provisions of Subsection 6-3F-2(D) shall be applicable to any trial for a violation of Subsection A or B of this Section.

D. Any peace officer is authorized to seize any alcoholic beverage which is used in the commission of a violation of either Subsection A or B of this Section. If no summons or complaint is issued for a violation of this Section, and if the circumstances reasonably permit, the peace officer may require the person who has committed a violation of this Section to abandon the alcoholic beverage to the officer for destruction.

Section 2. Paragraph A of Section 6-3F-16 of the Breckenridge Town Code, entitled "Open Containers Prohibited", is hereby amended so as to read in its entirety as follows:

A. It is unlawful for any person to possess any alcoholic beverage in an open container in any public place within the Town, except within an establishment licensed by the Town to sell such beverages for consumption upon the premises; provided, however, that, subject to the provisions of Section 6-3F-15(B), it shall not be unlawful for a person to possess a fermented malt beverage in an open container in those public parks known as "Kingdom Park", "Carter Park" or "Riverwalk Center Lawn".

Section 3. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

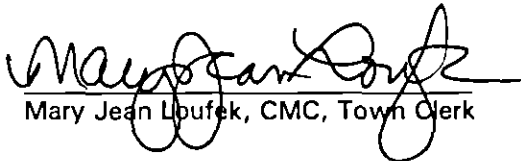
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of August, 1995. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12th day of September, 1995, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

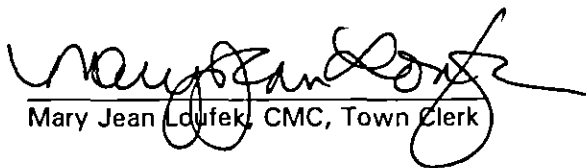
This Ordinance was published in full in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 30, 1995.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 12th day of September, 1995.

A copy of this Ordinance is available for inspection in the office of the Town Clerk.


ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM

 9/12/95
Town Attorney Date

This Ordinance was published by title in The Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 20, 1995.