

ORDINANCE. NO. 25

Series 2001

AN ORDINANCE AMENDING SECTION 6-3-5 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE DEFINITION OF "PUBLIC PLACE"; AND AMENDING SECTION 6-3F-16 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE MUNICIPAL OFFENSE OF "OPEN CONTAINERS PROHIBITED"

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

Section 1. The definition of "public place" set forth in Section 6-3-5 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

PUBLIC PLACE: Any place commonly or usually open to the general public, or to which members of the general public may resort, or which is accessible to members of the general public. By way of example, such public places include, but are not limited to, public ways, streets, buildings, sidewalks, alleys, parking lots, playgrounds, places of business usually open to the general public and the common areas of buildings usually open to the general public. The term "public place" shall not include the yard area of any private home, residence, condominium or apartment.

Section 2. Paragraph A of Section 6-3F-16 of the Breckenridge Town Code 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 any open container in any public place within the Town, or in the interior of any automobile while the automobile is either parked on a public street or alley within the Town or is being operated on a public street or alley within the Town, except within an establishment licensed by the Town to sell beverages for consumption upon the premises; provided, however, that, subject to the provisions of Section 6-3F-15B of this Chapter, 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.

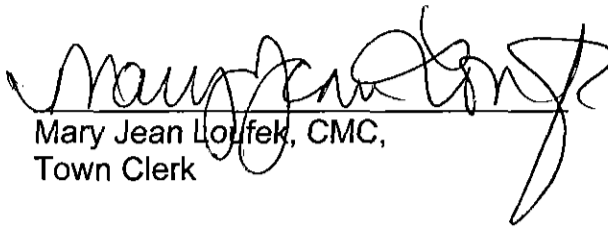
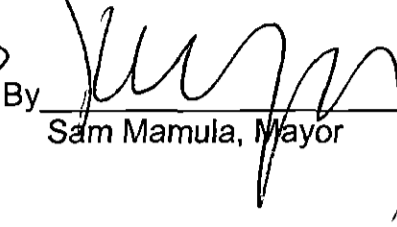
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9TH day of October, 2001. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the

23rd day of October, 2001, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

 By 
Mary Jean Loufek, CMC, Town Clerk Sam Mamula, Mayor

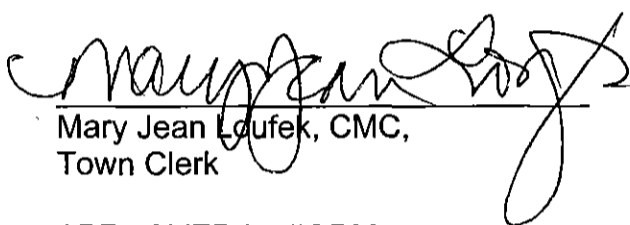
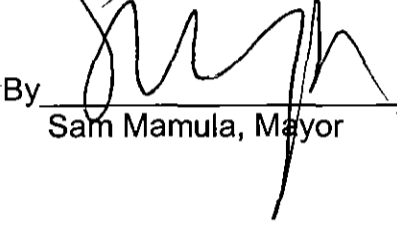
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 19, 2001.

The public hearing on this ordinance was held on October 23, 2001.

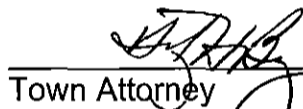
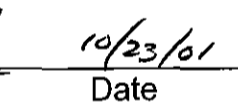
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 23rd day of October, 2001. A copy of this ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

 By 
Mary Jean Loufek, CMC, Town Clerk Sam Mamula, Mayor

APPROVED IN FORM

 
Town Attorney Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 2, 2001.