

ORDINANCE NO. 9

Series 2012

AN ORDINANCE 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. Section 6-3F-16 of the Breckenridge Town Code is amended to read in its entirety as follows:

6-3F-16: OPEN CONTAINERS PROHIBITED:

A. 1. It is unlawful for any person to possess any alcoholic beverage in any open container or to consume any alcoholic beverage in any public place within the town, or in the interior of any motor vehicle while the motor vehicle is either parked on a public street, right of way or alley within the town or is being operated on a public street, right of way or alley within the town.

2. The provisions of subsection A1 of this section shall not apply to the possession of an open container or the consumption of an alcoholic beverage within the licensed premises of an establishment licensed by the town to sell such beverage for consumption upon the premises, or to the possession of an open container or the consumption of a malt liquor or a vinous liquor as defined in the Colorado liquor code in those public parks known as "Kingdom park" and "Carter park".

3. The provisions of this subsection A1 shall not apply to a person in possession of one opened but resealed container of partially consumed vinous liquor which was lawfully removed from the licensed premises of an establishment holding a liquor license pursuant to section 12-47-411(3.5), CRS.

4. The provisions of subsection A1 of this section shall not apply to the possession of an open container or the consumption of an alcoholic beverage within the permitted area of either a special event held by the Town, or a special event sponsored by the Town's destination marketing organization for which a special event permit has been issued pursuant to chapter 13 of title 4 of this code, if: (a) no special event or other liquor license has been issued and is in effect for the special event; and (b) the Town Manager or his designee approves the application of this subsection A4 to such event. When made applicable, this exception applies only during those times when the special event is approved to operate.

B. The provisions of subsection 6-3F-2F shall be applicable to any trial for a violation of subsection A of this section.

C. Any peace officer is authorized to seize any alcoholic beverage which is used in the commission of a violation of subsection A 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.

D. The town council hereby finds, determines and declares that the provisions of this section are no less restrictive than the provisions of section 42-4-1305, CRS.

E. An underage person and one or two (2) other persons shall be immune from criminal prosecution under this section if they establish the following:

1. One of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

2. The underage person who called 911 and, if applicable, one or two (2) other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

3. The underage person was the first person to make the 911 report; and

4. The underage person and, if applicable, one or two (2) other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

Section 2. 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.

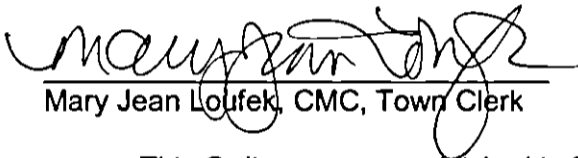
Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

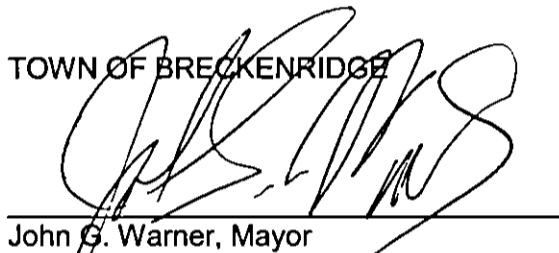
Section 4. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 24th day of January, 2012. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 14th day of February, 2012, 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


John G. Warner, Mayor

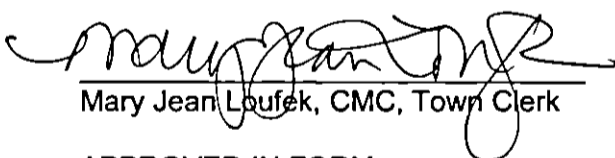
This Ordinance was published in full on the Town of Breckenridge website on January 26, January 27, January 28, January 29, and January 30, 2012.

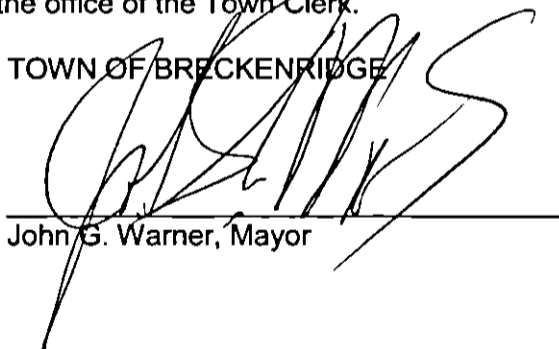
A public hearing on this ordinance was held on February 14, 2012.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS ON THE TOWN'S WEBSITE this 14th day of February, 2012. 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


John G. Warner, Mayor

APPROVED IN FORM

 3/14/12
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on February 16, February 17, February 18, February 19, and February 20, 2012. This ordinance shall become effective on March 21, 2012.