

ORDINANCE NO. 25

Series 2018

AN ORDINANCE CHANGING THE REFERENCES IN THE BRECKENRIDGE TOWN CODE WITH RESPECT TO THE COLORADO BEER CODE, THE COLORADO LIQUOR CODE, AND THE COLORADO SPECIAL EVENT LIQUOR PERMITS STATUTES

WHEREAS, the Colorado legislature recently adopted and the Governor signed into law HB18-1025, which recodified the Colorado statutes that contain the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permits; and

WHEREAS, HB18-1025 became effective October 1, 2018; and

WHEREAS, it is necessary to change the references to the Colorado Beer Code, the Colorado Liquor Code, and the Colorado Special Event Liquor Permit statutes contained in the Breckenridge Town Code to reflect the recodification of such statutes brought about by the adoption of HB18-1025.

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

Section 1. Footnotes 1, 2, and 3 to Section 1-19-3 of the Breckenridge Town Code are amended to read as follows:

Footnote 1: Article 4 of Title 44, C.R.S.

Footnote 2: Article 3 of Title 44, C.R.S.

Footnote 3: Article 5 of Title 44, C.R.S.

Section 2. The definition of "bar" in Section 5-9-2 of the Breckenridge Town Code is amended to read as follows:

BAR: Any area that is operated and licensed under article 3 of title 44, Colorado Revised Statutes, primarily for the sale and service of alcohol beverages for on premises consumption and where the service of food is secondary to the consumption of such beverages. "Bar" includes, without limitation, any outdoor area operated as part of the licensed premises.

Section 3. Footnotes 1 and 2 to Section 6-3-F1 of the Breckenridge Town Code are amended to read as follows:

Footnote 1: Article 4 of Title 44, C.R.S.

Footnote 2: Article 3 of Title 44, C.R.S.

Section 4. The definitions of "Colorado Beer Code," "Colorado Liquor Code," "Private Property," and "Special Events Permit" in Section 6-3-F1 of the Breckenridge Town Code are amended to read as follows:

COLORADO BEER CODE: The provisions of Article 4 of Title 44, C.R.S., Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

COLORADO LIQUOR CODE: The provisions of Article 3 of Title 44, C.R.S., Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

PRIVATE PROPERTY: Any dwelling and its curtilage which is being used by a natural person or natural persons for habitation and which is not open to the public and privately owned real property which is not open to the public. "Private property" shall not include:

A. Any establishment which has or is required to have a license pursuant to the Colorado beer code, Colorado liquor code, or the provisions of Article 5 of Title 44, Colorado Revised Statutes, pertaining to special events licenses; or

B. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold; or

C. Any establishment which leases, rents, or provides accommodations to members of the public generally.

**SPECIAL EVENTS PERMIT:**

A special permit to sell fermented malt beverages or malt, vinous or spirituous liquors issued pursuant to the provisions of Article 5 of Title 44, Colorado Revised Statutes, and the rules and regulations of the Colorado department of revenue promulgated thereunder.

Section 5. Section 6-3F-2G of the Breckenridge Town Code is amended to read as follows:

G. A parent or legal guardian of a person under twenty one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, ethyl alcohol to or by a person under the age of twenty one (21) years under the conditions described in subsection B1 of this section. This subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to the Colorado beer code, Colorado liquor code or the provisions of Article 5 of Title 44, Colorado Revised Statutes, or any members, employees, or occupants of any such establishment, to give, provide, make available, or sell ethyl alcohol to a person under twenty one (21) years of age.

Section 6. Section 6-3F-8 of the Breckenridge Town Code is amended to read as follows:

**6-3F-8: UNLAWFUL SALE OF ALCOHOLIC BEVERAGE BY UNLICENSED PERSON:**

It shall be unlawful for any person to sell or possess for sale any malt, vinous, or spirituous liquor or fermented malt beverage, unless licensed to do so pursuant to the Colorado beer code, Colorado liquor code, or the provisions of Article 5 of Title 44, Colorado Revised Statutes, unless all required licenses are in full force and effect.

Section 7. Section 6-3F-16A3 of the Breckenridge Town Code is amended to read as follows:

3. The provisions of subsection A1 of this section 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 44-3-423 Colorado Revised Statutes.

Section 8. Section 9-8-5C of the Breckenridge Town Code is amended to read as follows:

C. A type B adult business license shall be required for all establishments conducting an adult business where fermented malt beverages or any malt, vinous, or spirituous liquors are dispensed, consumed or sold. Any such establishment shall also comply with all applicable requirements of title 44, article 3 or article 4, Colorado Revised Statutes, the applicable regulations issued thereunder, and title 6 of this code.

Section 9. Section 9-8-16C of the Breckenridge Town Code is amended to read as follows:

C. Nothing in this section shall be construed to permit any act on the premises of a type B adult business license in violation of title 44, article 3 or article 4, Colorado Revised Statutes, or the Colorado department of revenue rules and regulations issued pursuant thereto.

Section 10. 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 11. 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 12. 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 13. 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 25th day of September, 2018.


This ordinance was published in full on the Town of Breckenridge website on September 27, September 28, September 29, September 30 and October 1, 2018.

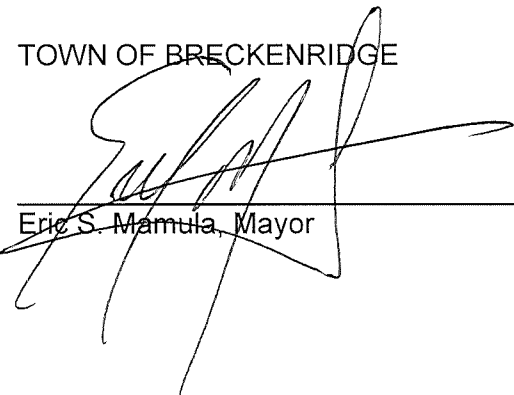
A public hearing on this ordinance was held on October 9, 2018.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 9th day of October, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Helen Cospolich, CMC, Town Clerk

  
\_\_\_\_\_  
Eric S. Mamula, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney                      Date

This Ordinance was published on the Town of Breckenridge website on October 11, October 12, October 13, October 14 and October 15, 2018. This ordinance shall become effective on November 14, 2018.