

ORDINANCE #2009-007

AN ORDINANCE AMENDING ORDINANCE #2002-5 (CODE OF OFFENSES) AND PROHIBITING THE POSSESSION OF OPEN CONTAINERS OF ALCOHOLIC BEVERAGES AND PUBLIC CONSUMPTION OF THE SAME ON UNLICENSED PREMISES AND UPON PUBLIC PROPERTY WITHIN THE TOWN OF CRESTONE

WHEREAS, Ordinance #2002-5 enacted a Code of Offenses for the Town of Crestone and,

WHEREAS, Division 3 of said Ordinance proscribed unlawful conduct upon public and private property and,

WHEREAS the Board of Trustees of the Town has been made aware of the problem of public consumption of alcohol on non-licensed premises within the Town,

NOW THEREFORE, be it Ordained by the Board of Trustees of the Town of Crestone that § 1-25 (Unlawful Conduct) of Ordinance 2002-5 (Code of Offenses) is hereby amended by the addition of the following subsections:

(c) Possession of Open Containers and Public Consumption of alcoholic beverages:

1. No person shall have or carry any open container of alcoholic beverages (including fermented malt beverages and malt, vinous and spirituous liquors) upon any public place (which means a place to which the public or a substantial number of the public have access and includes but is not limited to highways, roadways, alleys, schools, places of amusement, parks, playgrounds, or within any motor vehicle upon the same within the Town of Crestone).
2. It is unlawful for any person to possess or consume by open containers, any fermented malt beverage or malt, vinous, and spirituous liquor in any public place specified in paragraph (c)(1).
3. The foregoing prohibitions shall not apply to any place duly licensed for the sale of alcoholic beverages in accordance with Colorado State Statutes and regulations governing the same.

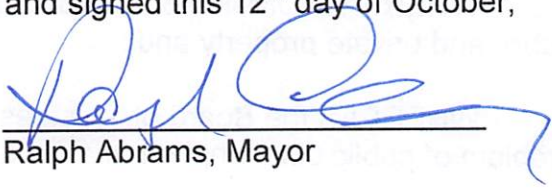
Penalty Clause:

Any person violating the provisions of this Ordinance shall be subject to a fine not exceeding one thousand (\$1,000) dollars or by incarceration for a period not exceeding one (1) year or by both such fine and incarceration.

Health and Safety Clause:

Due to complaints of public possession and consumption of alcoholic beverages within the Town of Crestone, it is hereby declared that this Ordinance is necessary for the immediate preservation of public peace, health and safety and shall become effective and be enforced from and after passage of the same.

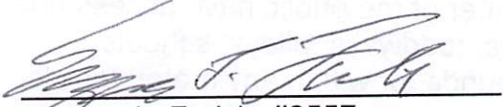
INTRODUCED, read in full, adopted, approved and signed this 12th day of October, 2009.


Ralph Abrams, Mayor

ATTEST:

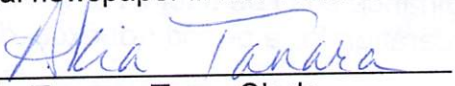

Akia Tanara, Town Clerk

APPROVED AS TO FORM:


Eugene L. Farish, #2557
Crestone Town Attorney

CERTIFICATION

I HEREBY CERTIFY that the within Ordinance was introduced, read in full, approved and adopted at the regular meeting of the Board of Trustees of the Town of Crestone, Colorado on the 12th day of October, 2009 and published by title in The Crestone Eagle, a legal newspaper in the Town of Crestone on November 1, 2009.


Akia Tanara, Town Clerk