

**TOWN OF MINTURN, COLORADO
ORDINANCE 25 – SERIES 2008**

**AN ORDINANCE AMENDING CHAPTER 10 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 10-10-20 AS IT
PERTAINS TO OPEN CONTAINERS OF BEER, VINOUS OR SPIRITOUS LIQUOR
WITHIN THE TOWN OF MINTURN, COLORADO.**

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. Amendment. Minturn Municipal Code, Section 10-10-20 is repealed and re-enacted as follows:

Sec. 10-10-20. Open container.

It is unlawful for any person to possess beer, vinous or spirituous liquor in any open container in any public place within the Town, provided that:

(1) It shall not be unlawful for any person to have in his or her possession or under his or her control one (1) opened container of vinous liquor removed from a licensed premises pursuant to Section 12-47-411(3.5), C.R.S.

(2) It shall not be unlawful for any person to consume any malt, vinous or spirituous liquor in any such location when a special events permit has been issued pursuant to Article 48, Title 12, C.R.S.

Section 2. Severability. If any part, section, sub-section, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance; and the Town Council for the Town of Minturn, Colorado hereby declares it would have passed this Ordinance and each part, section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, sub-sections, sentences, clauses or phrases be declared invalid.

Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper for the health, safety and welfare of the Town of Minturn and the inhabitants thereof.

Section 4. The repeal or the repeal and re-enactment of any provision of the Minturn Municipal code as provided in this ordinance shall not affect any right which has accrued, and duty imposed, any violation that occurred prior to the effective date hereof, any prosecution commenced, nor any other action or proceeding as commenced under or by virtue of the provision repealed and re-enacted. The repeal of any provision hereby shall not revive any provision or any ordinance previously repealed or superseded unless expressly stated herein.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 19 DAY OF November, 2008. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 3 day of December, 2008, at 7 P.M. in the Minturn Town Center in the Town of Minturn, Colorado.

Hank Kay Flaherty
Mayor

Attest:

[Signature]

Town Clerk



INTRODUCED, READ BY TITLE, PASSED ON SECOND READING, APPROVED AND ORDERED PUBLISHED BY TITLE ONLY THIS 3 DAY OF Dec, 2008.

Hank Kay Flaherty
Mayor

Attest:

[Signature]

Town Clerk



TOWN OF MINTURN ORDINANCE CHECKLIST

Ord 25-2008

FIRST READING

11/19/08 The ordinance shall be introduced and read by title at any regular or special meeting. Copies shall be available to the public.

11/25/08 If the ordinance is approved on first reading, Mayor and Clerk must sign ordinance after first reading. It shall be published in full in a newspaper of general circulation within the Town. The minutes shall reflect number of votes for and against each ordinance.

_____ If the ordinance is tabled, it shall be reconsidered at subsequent meetings until it is approved with or without amendment or rejected by vote of the Council.

12/3/08 The Council shall set a day, hour and place at which the Council shall hold a public hearing on the ordinance, and notice of such day, hour and place shall be included in the first publication.

SECOND READING

_____ The ordinance shall be introduced a second time at the meeting at which the public hearing on the ordinance is held. The ordinance may be read by title only on second reading. The ordinance may be amended before final approval or rejection by vote of the Council. The text of any such amendment or amendments shall be read in full.

_____ If the ordinance is substantially amended it shall be published in full after final passage. If not amended in substance, it may be published either by title or in full, as the Council may determine, after final passage.

_____ The minutes shall reflect the number of votes for and against the ordinance.

_____ A true copy of every ordinance shall be numbered and recorded in the official records of the Town. Its adoption and publication shall be authenticated by the signatures of the Mayor or Mayor Pro Tem and the Town Clerk and by the certificate of publication. Proof of publication for both readings shall be attached to the ordinance.

_____ The effective date of ordinances is seven (7) days after publication following final passage unless a later date is prescribed in the ordinance.