

ORDINANCE NO. 2165

INTRODUCED BY:

AN ORDINANCE AMENDING SECTION 12-5006 OF THE COMMERCE CITY REVISED MUNICIPAL CODE TO ALLOW THE PERMITTED POSSESSION OF OPEN CONTAINERS CONTAINING FERMENTED MALT BEVERAGES AND VINOUS LIQUORS IN CITY RECREATION FACILITIES.

WHEREAS, Section 12-5006 of the Commerce City Revised Municipal Code currently restricts the possession of open containers holding alcoholic beverages in public places unless the open container holds a fermented malt beverage pursuant to a City-issued permit;

WHEREAS, the City Council of the City of Commerce City desires to amend Section 12-5006 relating to the possession of open containers to allow the service and consumption of certain alcoholic beverages in City-owned recreation facilities with a permit in conjunction with the rental of such facilities;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO AS FOLLOWS:

**SECTION 1.** Section 12-5006 of the Commerce City Revised Municipal Code is amended to read as follows:

It shall be unlawful for any person to possess any open container that holds an alcoholic beverage while on any street, sidewalk, alley, or in an automobile, city park or recreation area or any other public place, except in those public places which are duly licensed for the sale and consumption of alcoholic beverages. Notwithstanding the foregoing, it shall not be a violation of this section for a person, when the person is doing so pursuant to a permit issued by the city, to possess an open container that holds a fermented malt beverage in a city park or a fermented malt beverage or vinous liquor, as defined in C.R.S. 12-47-103, in a city recreation facility.

For purposes of this section, "open container" means any container other than the original, closed container as sealed or closed by the manufacturer; provided, however, the term explicitly excludes the original containers of vinous liquor which have been opened and resealed, as long as the original sealed container did not contain more than seven hundred fifty (750) milliliters of vinous liquor, and the resealed container is located in the trunk or rear storage area of an automobile.

**SECTION 2.** The City Council finds and declares that these regulations are reasonable and necessary to protect the public health, safety, and welfare.

**SECTION 3.** Except as specifically modified herein, the provisions of the Commerce City Revised Municipal Code shall remain unchanged and in full force and effect.

**SECTION 4.** If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect, impair, or invalidate the remaining portions of this ordinance.

INTRODUCED, PASSED ON FIRST READING AND PUBLIC NOTICE ORDERED THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

PASSED ON SECOND AND FINAL READING AND PUBLIC NOTICE ORDERED THIS  
\_\_\_\_ DAY OF \_\_\_\_\_, 2018.

CITY OF COMMERCE CITY, COLORADO

\_\_\_\_\_  
Sean Ford, Mayor

ATTEST:

\_\_\_\_\_  
Laura J. Bauer, MMC, City Clerk