

**TOWN OF BOW MAR
ORDINANCE NO. ____**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF
BOW MAR AMENDING SECTION 10-152 OF THE BOW MAR
MUNICIPAL CODE TO COMPLY WITH CHANGES IN STATE LAW**

WHEREAS, the Colorado General Assembly recently passed House Bill 18-1023 and House Bill 18-1025, which move certain provisions of Title 12 of the Colorado Revised States into a new Title 44; and

WHEREAS, the Board of Trustees wishes to update the Bow Mar Municipal Code accordingly.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BOW MAR AS FOLLOWS:

Section 1. Section 10-152 of the Bow Mar Municipal Code is hereby amended as follows:

Sec. 10-152. Illegal possession or consumption of alcohol beverages by an underage person.

(a) As used in this Section, unless the context otherwise requires:

* * *

(2) Private property means 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 ~~Article 46, 47 or 48 of Title 12~~ *Article 3, 4, or 5 of Title 44, C.R.S.*;

* * *

(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, alcoholic beverages to or by a person under the age of twenty-one (21) years under the conditions described in subsection (c)(1) above. This subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to ~~Article 46, 47 or 48 of Title 12~~ *Article 3, 4, or 5 of Title 44, C.R.S.*, or any members, employees or occupants of any such establishment to give, provide, make available or sell alcoholic beverages to a person under twenty-one (21) years of age.

Section 2. If any part, section, subsection, sentence, 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 Board of Trustees hereby declares it would have passed this ordinance, and each part, section, subsection, sentence, clause or phrase thereof, regardless of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

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

INTRODUCED, READ, APPROVED AND ORDERED PUBLISHED this ___ day of _____ 2018, in the Columbine Valley Town Hall, Columbine Valley, Colorado.

Tom Feldkamp, Mayor

ATTEST:

Sue Blair, Town Clerk