

PEOPLE'S ORDINANCE NO. 19

SERIES 1988

AN ORDINANCE REPEALING AND READOPTING CHAPTER 1 OF TITLE 9 OF THE TOWN CODE OF THE TOWN OF BRECKENRIDGE PERTAINING TO THE TOWN'S "DEVELOPMENT CODE"; ADOPTING BY REFERENCE THERETO THE "BRECKENRIDGE DEVELOPMENT CODE, 1988 EDITION"; AND PROVIDING A PENALTY FOR THE VIOLATION OF SAID DEVELOPMENT CODE

WHEREAS, the Town of Breckenridge Town Council and Planning Commission have reviewed numerous amendments to the Breckenridge Development Code over the past two (2) years; and

WHEREAS, the Town of Breckenridge desires to maintain the Breckenridge Development Code in compliance with existing State statutes and recent Supreme Court decisions; and

WHEREAS, the Town of Breckenridge believes in updating the Development Code from time to time to maintain development policies that are in compliance with community goals and objectives; and

WHEREAS, the Town of Breckenridge has substantially revised and updated the Development Code and compiled the "Breckenridge Development Code, 1988 Edition"; and

WHEREAS, codes may be adopted by the Town Council by reference thereto pursuant to Section 5.13 of the Breckenridge Town Charter.

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

Section 1. Pursuant to Section 5.13 of the Breckenridge Town Charter that is hereby adopted as the Development Code of the Town of Breckenridge, by reference thereto, the Breckenridge Development Code, 1988 Edition, compiled and published by the Town of Breckenridge, Colorado, to have the same force and effect as if set forth herein in every particular. The subject matter of the adopted code includes comprehensive regulations and requirements governing the use of land within the Town.

Section 2. At least one (1) copy of the Breckenridge Development Code, 1988 Edition, has been and is now on file in the office of the Town Clerk, and may be inspected by any interested persons between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. The "Development Code" as finally adopted shall be available for sale to the public through the offices of the Town Clerk or the Town's Planning Department at a reasonable price.

Section 3. The following penalty clause as contained in the Breckenridge Development Code, 1988 Edition, is herewith set forth in full and adopted:

9-1-6 ENFORCEMENT AND PENALTIES.

- A. It shall be the duty of the Director to administer and enforce the provisions of this Chapter.
- B. The Director may serve a written stop work order requiring the correction of any violation of this Chapter upon the applicant, or other person who commits or assists in any such violation.

- C. Any person, either as applicant, owner, lessee, occupant or otherwise, who violates any of the provisions of this Chapter or any amendment thereto, or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him by the provisions of this Chapter, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than Five Hundred and 00/100 Dollars (\$500.00) or imprisoned more than ninety (90) days, or both. Each day during which such violation continues shall be deemed to be a separate offense.
- D. Town Council may further institute, in addition to other remedies provided by law, such equitable proceedings, including, but not limited to, injunction, mandamus, abatement or any other appropriate action or proceeding as may be necessary to effect compliance with the provisions of this Chapter.
- E. Any unapproved demolition or destruction of an historic structure will result in revocation of the original permit and the person in violation shall be required to reconstruct the building or portion thereof as closely as possible to its original condition at the time it was destroyed.

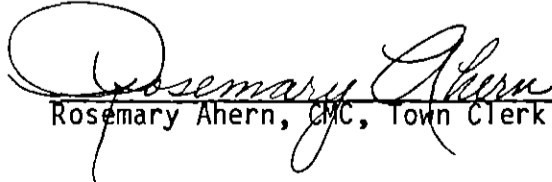
Section 4. If any part, section, subsection, sentence, clause, or phrase of this Ordinance or of the Development Code adopted hereby is for any reason held to be invalid, such decisions shall not affect the validity of the remaining sections of this Ordinance or of said Development Code; the Town Council hereby declares that it would have passed this Ordinance and adopted said Development Code in each part, section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

Section 5. Any or all Ordinances or parts of Ordinances of the Town of Breckenridge, in conflict or inconsistent herewith are hereby repealed; provided, however, that the repeal of any Ordinance or parts of Ordinances of the Town of Breckenridge shall not revive any other section of any Ordinance heretofore repealed or superseded.

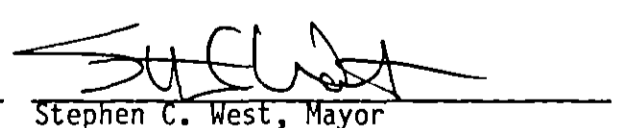
Section 6. This Ordinance shall become effective on September 1, 1988, and shall apply to all matters governed by the Development Code occurring or arising on or after such date; provided, however, that all final Development Code applicants received by the Town prior to September 1, 1988 shall be reviewed and acted upon under the provisions of the Development Code which was in effect at the date of the filing of such application.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 26th day of July, 1988. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado, on the 9th day of August, 1988, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


 Rosemary Ahern, CMC, Town Clerk

TOWN OF BRECKENRIDGE

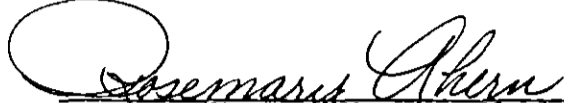

 Stephen C. West, Mayor

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE
this 9th day of August, 1988.

A copy of this Ordinance is available for inspection in the
office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Rosemary Ahern, CMC, Town Clerk



Stephen C. West, Mayor

APPROVED IN FORM



Town Attorney

8/9/88

Date