

PEOPLE'S ORDINANCE NO. 14

SERIES 1989

AN ORDINANCE PROHIBITING THE DISPLAY OF MERCHANDISE OUTSIDE OF FULLY ENCLOSED BUILDINGS WITHIN LAND USE DISTRICTS 17, 18, 18₂, 19, 20, 23, 24, 25, AND A PORTION OF DISTRICT 11; AND AMENDING THE PROVISIONS OF THE TOWN CODE PERTAINING TO SPECIAL EVENTS LICENSES AND EXEMPTIONS THEREFROM

WHEREAS, 66% of those surveyed by the Town who had an opinion said that they find street side sales of goods and services other than food items to be annoying and a nuisance, and

WHEREAS, 67.1% of those surveyed by the Town who had an opinion said that they find that street side sales of goods and services other than food items detract from the charm of Breckenridge and create visual clutter, and

WHEREAS, 57% of those surveyed by the Town who had an opinion said that they found that the display of merchandise outside of stores adjacent to the sidewalk detracts from the charm of Breckenridge and creates visual clutter, and

WHEREAS, the Town Council finds bicycles to be different from other outdoor displays because they are difficult to store, are encouraged because of their recreational value, are non-polluting forms of transportation and are utilized for a short period of time each year, and

WHEREAS, certain land use districts within the Town which serve as pedestrian oriented commercial districts should be void of visual clutter and nuisances in order to enhance the economic viability of the Town, and

WHEREAS, the Town of Breckenridge desires to limit the amount of merchandise which may lawfully be displayed outside of buildings within certain land use districts within the Town because outdoor displays within tourist oriented areas are aesthetically displeasing;

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

Section 1. There is hereby added to the Town Code of Breckenridge a new Chapter 7 of Title 9, entitled "Outdoor Display of Merchandise", which shall read in its entirety as follows:

CHAPTER 7
OUTDOOR DISPLAY OF MERCHANDISE

Section:

- 9-7-1: Title
- 9-7-2: Purpose
- 9-7-3: Findings
- 9-7-4: Definitions
- 9-7-5: Merchandise Confined to Fully Enclosed Buildings
- 9-7-6: Exemptions
- 9-7-7: Violations and Penalties

9-7-1 Title. This chapter shall be known and maybe cited as the "Outdoor Display of Merchandise" ordinance.

9-7-2 Purpose. The purpose of this chapter is to regulate the display, storage and sale of goods and merchandise outside of buildings within certain areas of the Town which are pedestrian or tourist oriented. This chapter is intended to regulate displays for aesthetic purposes and to limit displays which detract from the charm of the Town, create

visual clutter, are annoying, and generally create a nuisance.

9-7-3 Findings. The Town Council finds and determines that the regulations contained in this chapter are not unreasonable, are not discriminatory and are rationally related to the legitimate governmental purposes of protecting and preserving the unique aesthetic character of the Town and preventing obstructions and other dangerous conditions from occurring on the public sidewalks. The Town Council finds that this chapter is necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the order, comfort and convenience of the Town and its inhabitants.

9-7-4 Definitions. For the purpose of this chapter the following definitions shall apply:

- A. Bicycle - Every vehicle propelled solely by human power applied to pedals upon which any person may ride having two tandem wheels or two parallel wheels and one forward wheel, all of which are more than fourteen (14) inches in diameter.
- B. Fully Enclosed Building - That portion of a structure contained fully within the exterior walls of a building. For the purposes of this chapter, fully enclosed buildings shall not include decks, porches, carports, areas under roof overhangs, or any other areas not contained totally within the exterior walls.
- C. Merchandise - Any goods or wares held for rental, lease, sale, display or conveyance in any manner. For the purposes of this chapter, the term merchandise does not include gasoline or other fuel oils held in underground storage tanks.
- D. Motorized Bicycle - A vehicle having two or three wheels, a cylinder capacity not exceeding 50 c.c., and an automatic transmission which produces a maximum design speed of not more than 30 miles per hour on a flat surface.

9-7-5 Merchandise Confined to Fully Enclosed Buildings. Except as specifically authorized in Section 9-7-6, it shall be unlawful for any person to display or store, or permit the storage or display of, merchandise outside of a fully enclosed building within Land Use Districts 17, 18, 18₂, 19, 20, 23, 24, 25 and that portion of Land Use District 11 which lies south of the intersection of French Street and Highway 9, all as shown on the attached Exhibit "A".

9-7-6 Exemptions. The following outdoor displays of merchandise shall be exempt from the provisions of this Chapter:

- A. Outdoor Dining, (when in compliance with the Town's Development Code.)
- B. Temporary vendor carts, when in compliance with Section 9-1-19-36(c) of the Town Code.
- C. The outdoor display of bicycles, including motorized bicycles, subject to the following limitations:
 - 1) The bicycles are displayed or stored totally on the property of the business offering the bicycles for sale or rental.
 - 2) The merchant desiring to display bicycles outdoors shall obtain a Class D development permit prior to any displays.

- D. Residential garage sales not held more frequently than three (3) days in any one calendar quarter at the same residence. No permit shall be required.
- E. Seasonal plants, including Christmas trees, may be displayed and sold outdoors on a temporary basis, not to exceed a total of six (6) weeks during any calendar year for any one business or location. A Class D development permit shall be required.
- F. Special events, subject to the following limitations:
- 1) The event includes twenty (20) or more individual merchants, each holding a State sales tax license.
 - 2) The event is no longer in duration than three (3) consecutive days.
 - 3) The event is conducted on a single premises not currently licensed under the provisions of Chapter 1 of Title 4 of this Code.
 - 4) A Class D development permit is issued which adequately addresses parking, transportation and waste disposal.
 - 5) A special events license is issued for the event pursuant to Section 4-2-11 of this Code.
- G. Newspaper racks.
- H. Merchandise displayed by transient dealers, when in compliance with Title 4 of Chapter 2 of this Code.
- I. Summer sales days. Outdoor displays of merchandise conducted on the following days:
- 1) Each Memorial Day, and the three (3) days immediately preceding each Memorial Day.
 - 2) Friday, Saturday and Sunday of the last full weekend of each September.
- J. Merchandise of historical significance. Merchandise meeting the following criteria may be stored out of doors:
- 1) The merchandise relates to, or is compatible with, the history of the Town.
 - 2) The merchandise is too large or too heavy to be easily stored inside.
 - 3) The merchandise is displayed only on the property of the business offering such merchandise for sale.
 - 4) No more than three (3) items of merchandise per business may be displayed.
 - 5) The merchant desiring to display such merchandise obtains a Class D development permit for each item.
- K. Sculptures and statues, subject to the following limitations:
- 1) The display is on private property.
 - 2) The display is placed in a manner that is essentially permanent in nature.
 - 3) The size and design of the displays are in general harmony with the location in which they are placed.

- 4) A Class D development permit is obtained for each item, and no more than two (2) permits may be obtained per business.

9-7-7 Violations and Penalties.

Every person convicted of a violation of any provision of this Chapter shall be punished as provided in Section 1-4-1 of this Code.

Section 2. Section 4-2-11 of the Town Code of Breckenridge, entitled "Special Events License", is hereby amended so as to read in its entirety as follows:

4-2-11 Special Events License. The sponsor of any fair, show or exhibition of arts, crafts or similar handiwork, or the sponsor of any special event to be held in accordance with Section 9-7-6(F) of this Code, shall obtain a Special Events License from the Town Manager at least fourteen (14) days prior to the event. Said application shall include the name and local address of the sponsor, proposed duration of the event, names and addresses of the artisans or merchants taking part in the event, purpose of the event, goods or types of goods to be sold, and a statement under oath as to whether the applicant or its agents have ever been convicted of any crime or misdemeanor and, if so, the nature thereof.

- A. At the time of filing of the application, a license fee of two hundred fifty dollars (\$250.00) shall be paid to the Town Clerk to cover the costs of investigating the facts stated in the application and administrative costs.
- B. At least five (5) days prior to the event, each merchant taking part in the event shall file with the Town Clerk, a sworn statement, on a form furnished by the Town Clerk, which shall give the following information:
- 1) Name and permanent home/business address.
 - 2) Date of birth.
 - 3) Colorado State Sales Tax Number.
 - 4) Anticipated taxable sales from the special event.

A sales tax deposit shall be made by each merchant taking part in the event as described in Section 4-2-5(E) of this Chapter.

- C. Merchants covered under a Special Events License shall be exempt from the license fee provided in Section 4-2-5(D) of this Chapter, but are subject to the sales tax deposit as described in Section 4-2-5(E).
- D. Organizations meeting the qualifications set forth in Section 4-2-12 shall be exempt from the Special Events License fee, but shall be subject to all other requirements of this Section.
- E. The Town Manager may impose reasonable conditions on the approval of the Special Events License, including, but not limited to, required sanitation and cleanup measures, security measures or reasonable requirements to secure the payment of the sales tax due to the Town.

Section 3. Section 4-2-12 of the Town Code of Breckenridge, entitled "Exemptions", is hereby amended so as to read in its entirety as follows:

4-2-12 Exemptions. All religious, charitable, nonprofit and philanthropic organizations having the majority of their mem-

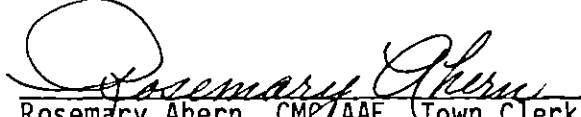
bership located within Summit County shall be exempt from the fees required by this Chapter; however, such organizations must register with the Town Clerk prior to any solicitation activities.

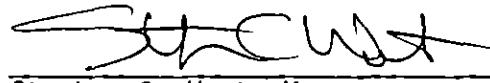
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL, this 14th day of March, 1989. A Public Hearing on the Ordinance shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 9th day of May, 1989, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

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

ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, CMC/AAE, Town Clerk

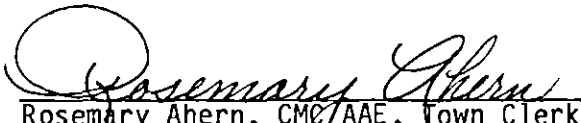

Stephen C. West, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on March 23, 1989.

READ, ADOPTED ON SECOND READING, AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 9th day of May, 1989.

ATTEST:

TOWN OF BRECKENRIDGE


Rosemary Ahern, CMC/AAE, Town Clerk


Stephen C. West, Mayor

APPROVED IN FORM:


Town Attorney

5/9/89
Date

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 18, 1989.