

PEOPLE'S ORDINANCE NO. 23

SERIES 1990

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE TO GRANT THE BRECKENRIDGE MUNICIPAL COURT CIVIL JURISDICTION TO ENFORCE THE TOWN'S NUISANCE ORDINANCE, BUILDING AND TECHNICAL CODES, SIGN CODE AND LAND USE AND DEVELOPMENT REGULATIONS

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

Section 1. Section 1-8-2 of the Breckenridge Town Code, is hereby amended so as to read in its entirety as follows:

1-8-2: JURISDICTION AND POWERS: The Municipal Court shall have original jurisdiction of all cases arising under the ordinances of the Town with full power to punish violators thereof by the imposition of such fines and penalties as are prescribed by law, ordinance or court rule. It shall have power to compel attendance at sessions of court and to punish for contempt of court by fine or by jail sentence, or both such fine and jail sentence. The Municipal Court shall have civil jurisdiction with respect to alleged violations of the Town's Nuisance Ordinance (Chapter 1 of Title 5), the Town's Building and Technical Codes (Chapter 1 of Title 8), the Town's Sign Code (Chapter 2 of Title 8), and the Town's Land Use and Development Regulations (Title 9) for the exercise of such civil jurisdiction is set forth in Section 1-8-10.

Section 2. There is hereby added to the Breckenridge Town Code a new Section 1-8-10, entitled "Civil Actions", which shall read in its entirety as follows:

1-8-10: CIVIL ACTIONS: When a violation of the Nuisance Ordinance (Chapter 1 of Title 5), the building and Technical Codes (Chapter 1 of Title 8), the Sign Code (Chapter 2 of Title 8), and the Land Use and Development Regulations (Chapters 1, 2, 3 and 7 of Title 9) is alleged to exist and has not been abated within any applicable time period provided by this Code:

- (A) The Town may bring a civil action in the Municipal Court to have the violation declared as such by the Court and to have the Court enjoin the violation or to authorize its restraint, removal, termination or abatement by the owner, agent, occupant or person who caused the violation or the person who allowed the violation to continue.
- (B) A civil action to declare and abate a violation shall be brought in the name of the Town of Breckenridge by filing a complaint, which shall be verified or supported by an affidavit. Summons and subpoena shall be issued and served as in civil cases. Any employee or agent of the Town who is over the age of eighteen (18) may serve a summons and verified complaint upon the owner, agent, occupant or the person who caused or allowed the violation (hereinafter "respondent"), or a subpoena upon any witness.

Trial shall be to the Court sitting without a jury.

- (C) A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than twenty (20) days from the date of service of the summons and complaint. The respondent shall file a response or answer on or before the appearance date specified in the notice of appearance. The trial shall be held upon the appearance date, unless the Court grants a continuance for good cause shown. No case shall be continued for more than sixty (60) days after the appearance date.
- (D) Upon the date and time specified for appearance and trial, if the respondent has filed no response and fails to appear and if the Town proves that proper service was made on respondent at least twenty (20) days prior to the appearance date, the Court may grant such orders as are requested by the Town, except that, the Court shall order the enforcement by the Town be stayed for ten (10) days and that a copy of the Court's order be mailed to the respondent at his last known address. Failure to appear on any date set for hearing and trial shall be grounds for entering a default and default judgment against the non-appearing party. Prior to enforcement, and upon good cause shown, the Municipal Court may set aside an entry of default and the default judgment entered thereon.
- (E) Any disobedience of or interference with any injunction or order issued by the Municipal Court in an action to abate a violation of those portions of the Code, enumerated above, may be punished as a contempt of court or by a fine not to exceed \$500.00. Each day's failure to comply with an injunction or order to abate shall constitute a separate act of contempt for which an additional penalty may be imposed.
- (F) To the extent necessary to facilitate just, speedy, informal and inexpensive determinations of claims, the Court may use the Colorado Rules of Civil Procedure as a guideline for Civil procedures in Municipal Court. The judgment of the Municipal Court may be appealed to the District Court of Summit County.
- (G) In any case in which the Town prevails in a civil action initiated pursuant to this Section, the Town may recover its reasonable costs of abating the violation, including reasonable attorney's fees, plus fifteen percent (15%) in administrative costs; plus costs of the proceeding. The remedies specified in this Section shall be in addition to all other remedies provided by law.

Section 3. There is hereby added to the Breckenridge Town Code a new Section 5-1-7, entitled "Injunctive Relief", which shall read in its entirety as follows:

5-1-7 INJUNCTIVE RELIEF: In addition to other

remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 4. Subsection B of Section 8-1-24 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- B INJUNCTIVE RELIEF: In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 5. Subsection B of Section 8-2-17 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- B INJUNCTIVE RELIEF: In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 6. Subsection D of Section 9-1-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- D In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 7. Subsection C of Section 9-2-8 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

- C In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 8. Section 9-7-7 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

9-7-7: VIOLATION AND PENALTIES:

- A 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.
- B In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

Section 9. Except as specifically amended hereby, the Town Code Of Breckenridge, and the various secondary codes adopted by reference therein, shall continue in full force and effect.

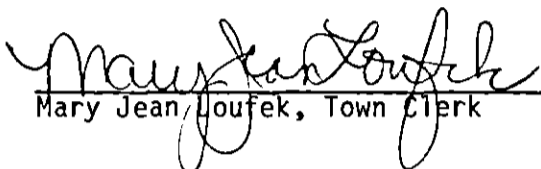
Section 10. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

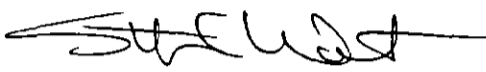
Section 11. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 10th day of July, 1990. A public hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of July, 1990, at 7:30 p.m. or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Town Clerk

  
Stephen C. West, Mayor

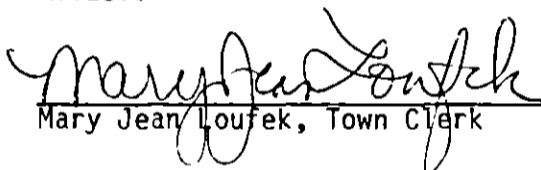
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 19, 1990.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 24th day of July, 1990.

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


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM:

  
Town Attorney

7/24/90  
Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 2, 1990.