

ORDINANCE NO. 14

SERIES 1991

AN ORDINANCE AMENDING TITLE 5 OF THE BRECKENRIDGE TOWN CODE SO AS TO DESIGNATE AN EMERGENCY RESPONSE AUTHORITY FOR HAZARDOUS SUBSTANCE INCIDENTS OCCURRING WITHIN TOWN

WHEREAS, Section 29-22-102(3)(a), C.R.S., requires the governing body of each municipality to designate an emergency response authority for hazardous substance incidents occurring within the corporate limits of such municipality;

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

Section 1. There is hereby added to the Breckenridge Town Code a new Chapter 4 of Title 5, entitled "Hazardous Substance Incidents", which shall read in its entirety as follows:

CHAPTER 4
HAZARDOUS SUBSTANCE INCIDENTS

Section:

- 5-4-1 Definitions
- 5-4-2 Emergency Response Authority Designated

5-4-1: DEFINITIONS: As used in this Chapter:

"Hazardous substance" means any substance, material, waste, or mixture designated as a hazardous material, waste, or substance according to 49 Code of Federal Regulations Part 172, as amended, or by section 18-13-112(2)(b), C.R.S., or as designated pursuant to the federal "Comprehensive Environmental Response, Compensation, and Liability Act of 1980" (PL 96-510) as in effect July 1, 1983.

"Hazardous substance incident" means any emergency circumstance involving the sudden discharge of a hazardous substance which, in the judgment of the emergency response authority, threatens immediate and irreparable harm to the environment or the health and safety of any individual other than individuals exposed to the risks associated with hazardous substances in the normal course of their employment. "Hazardous substance incident" includes those incidents of spilling, dumping, or abandonment of a hazardous substance, whether or not such spilling, dumping, or abandonment is found to threaten immediate and irreparable harm, but such term does not include any discharge of a hazardous substance authorized pursuant to any federal, state, or local law or regulation.

5-4-2 EMERGENCY RESPONSE AUTHORITY DESIGNATED: Pursuant to Section 29-22-102(3), C.R.S., the Police Department of the Town is designated as the emergency response authority for hazardous substance incidents occurring within the corporate limits of the Town.

Section 2. 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 3. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the provisions of Section 29-22-102, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 4. 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 25th day of June, 1991. 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 July, 1991, 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 3, 1991.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 9th day of July, 1991.

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

7/9/91
Date

This Ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 18, 1991.