

ORDINANCE NO. 8

SERIES 1994

AN ORDINANCE AMENDING CHAPTER 8 OF  
TITLE 1 OF THE BRECKENRIDGE TOWN  
CODE CONCERNING THE CIVIL  
JURISDICTION OF THE BRECKENRIDGE  
MUNICIPAL COURT

WHEREAS, Section 1-8-10 of the Breckenridge Town Code provides that the Breckenridge Municipal Court has civil jurisdiction over violations of the Town's 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); and

WHEREAS, the Town Council of the Town of Breckenridge finds and determines that the civil jurisdiction of the Breckenridge Municipal Court should be expanded to include the authority to issue an injunction to prevent the alleged violation of the Town's Sales Tax Ordinance (Chapter 1 of Title 3) and the Town's Business and Occupational Licenses and Tax Ordinance (Chapter 1 of Title 4).

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

Section 1. The introductory portion of Section 1-8-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows;

1-8-10: CIVIL ACTION: 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 these Codes, or when a violation of the Sales Tax Ordinance (Chapter 1 of Title 3) or the Business and Occupational Licenses and Tax Ordinance (Chapter 1 of Title 4) is alleged to exist:

Section 2. Subparagraph (B) of Section 1-8-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

B. The civil action to declare and abate or to declare and enjoin a violation shall be brought in the name of the Town 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.

Section 3. Subparagraph (E) of Section 1-8-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

E. Any disobedience of or interference with any injunction or order issued by the Municipal Court in an action to abate or enjoin 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 five hundred dollars (\$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.

Section 4. Subparagraph (G) of Section 1-8-10 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

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 or enjoining the violation, including reasonable attorney's fees, plus (in an abatement action) 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 5. Section 3-1-39 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

3-1-39: VIOLATION; 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 of this Code to enjoin the alleged violation of any provision of this Chapter.

Section 6. There is hereby added to Section 4-1-12 of the Breckenridge Town Code a new Subparagraph (C), which shall 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 of this Code to enjoin the alleged violation of any provision of this Chapter.

Section 7. Except as specifically amended hereby, the Breckenridge Town Code, and the various secondary codes adopted by reference therein, shall continue in full force and effect.


Section 8. 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.

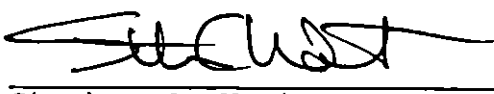
Section 9. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of February, 1994. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of March, 1994 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, CMC, Town Clerk

  
Stephen C. West, Mayor

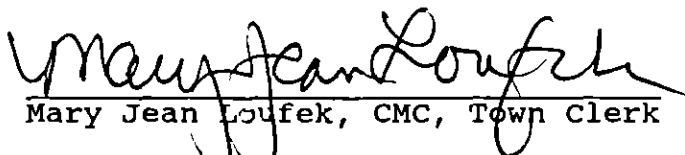
This Ordinance was published in full in The Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on March 3, 1994.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE this 8th day of March, 1994.

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


ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
Stephen C. West, Mayor

APPROVED IN FORM

  
Town Attorney

3/8/94  
Date

This Ordinance was published by title in The Breckenridge Journal, a newspaper of general circulation within the Town of Breckenridge, on March 17, 1994.