

ORDINANCE NO. 23

Series 2000

AN ORDINANCE AMENDING SECTION 9-8-4 OF THE BRECKENRIDGE TOWN CODE
CONCERNING THE LOCATION OF ADULT BUSINESSES

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

Section 1. Section 9-8-4 of the Breckenridge Town Code, entitled "Location of Adult Businesses", is hereby amended so as to read in its entirety as follows:

9-8-4: LOCATION OF ADULT BUSINESSES:

A. It shall be unlawful to operate or cause to be operated an adult business in any Town land use district other than: Land Use District 6 (west side of Highway 9 only).

B. It shall be unlawful to operate or cause to be operated an adult business within seven hundred fifty feet (750') of:

1. A church;
2. A child care facility; or
3. A public park

C. It shall be unlawful to operate or cause to be operated an adult business within sixteen hundred feet (1600') of a school.

D. It shall be unlawful to cause or permit the operation of an adult business within seven hundred fifty feet (750') of another "adult business" or a "massage parlor" as defined by this Chapter. The distance between any two (2) such businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult business is located.

E. It shall be unlawful to cause or permit the operation or maintenance of more than one adult business in the same building, structure, or portion thereof.

F. For the purpose of subsection B of this Section, the distance between an adult business and the premises of a church, school, or child care facility without regard to intervening structures, objects or Town limits, is from the closest exterior wall of the structure in which the adult business is located to the property line of such uses.

G. An adult business lawfully operating is not rendered a nonconforming use by the subsequent location of a church, child care facility or public park within seven hundred fifty feet (750') of the adult business, or the subsequent location of a school within one thousand six hundred feet (1600') of the adult business; provided however, if the adult business ceases operation for a period of thirty (30) days or more regardless of any intent to resume operation, it may not recommence operation in that location.

H. Each day of operation in violation of any provision of this Chapter shall constitute a separate offense.

Section 2. The definition of "residential property" as set forth in Section 9-8-3 of the Breckenridge Town Code is hereby deleted.

Section 3. Subparagraph (B)(11) of Section 9-8-6 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

11. A straight-line drawing prepared, within thirty (30) days prior to the application, by a licensed land surveyor in Colorado depicting the property lines

and the structures containing any adult business or massage parlor within seven hundred fifty feet (750') of the closest exterior wall of the structure in which the applicant business will be located, and also depicting (i) the property line of any church, child care facility or public park, located within seven hundred fifty feet (750') from the closest exterior wall of the structure in which the applicant's business will be located, and (ii) the property line of any school located within one thousand six hundred feet (1600') from the closest exterior wall of the structure in which the applicant's business will be located.

Section 4. 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 5. The Town Council hereby finds, determines and declares that this Ordinance 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 of Breckenridge and the inhabitants thereof.

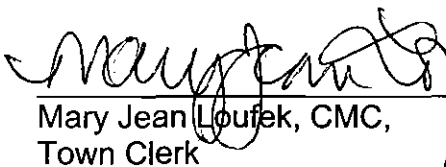
Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

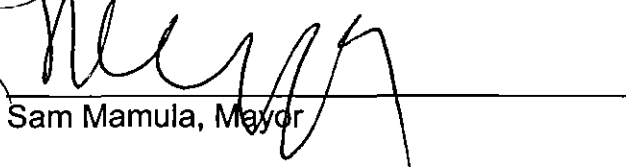
Section 7. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of August, 2000. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12th day of September, 2000, 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


Sam Mamula, Mayor

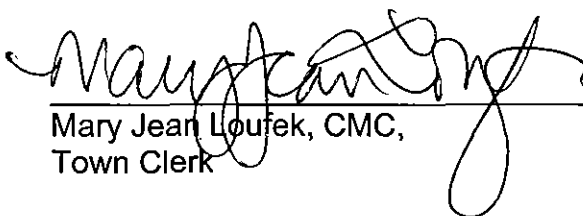
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 1, 2000.

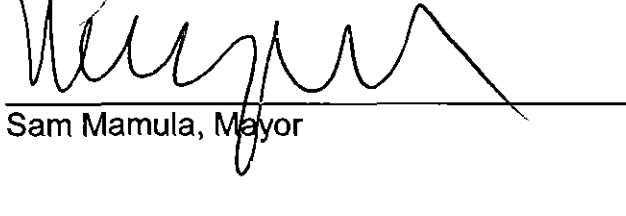
The public hearing on this ordinance was held on October 24, 2000, the date to which such hearing was lawfully continued.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL, this 24th day of October, 2000.

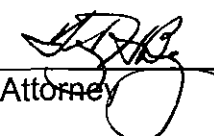
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

10/24/00
Date