

ORDINANCE NO. 28

Series 2000

AN ORDINANCE AMENDING SECTION 10-1-9 OF THE BRECKENRIDGE TOWN CODE
CONCERNING ENCROACHMENT PERMIT FEES

WHEREAS, the Town is authorized by law to set encroachment permit fees under the "Breckenridge Street Standards Ordinance" (Chapter 1 of Title 12 of the Breckenridge Town Code); and

WHEREAS, the Engineering Department is the primary Town department charged with the duty to process encroachment permit applications under the Breckenridge Street Standards Ordinance; but other Town departments and personnel, such as the Department of Community Development, expend time in connection with the review of such applications. The time expended by all Town personnel in reviewing such applications are part of the present operational cost and future expansion of the Engineering Department. Such costs are part of the overall costs required to operate such Department; and

WHEREAS, on occasion the Town incurs additional out-of-pocket expenses in connection with the review of an application for an encroachment permit under the Breckenridge Street Standards Ordinance. Such expenses may include, without limitation, fees paid by the Town to the Town Attorney. Such fees are part of the overall costs required to process the permit application for which they were incurred; and

WHEREAS, pursuant to Bainbridge, Inc. v. The Board of County Commissioners of Douglas County, 964 P.2d 575 (Colo. App. 1998)(cert. denied) the application fees which may lawfully be charged by the Town for encroachment permits under the Breckenridge Street Standards Ordinance may include both the direct and indirect costs of operating the Town's Engineering Department, as well as the other Town departments and personnel which assist in the review of encroachment permit applications under the Breckenridge Street Standards Ordinance; and

WHEREAS, the Town Council hereby finds and determines that the revised encroachment permit fees under the Breckenridge Street Standards Ordinance, as set forth hereafter, are approximately required to offset some (but not all) of the direct and indirect costs of operating the Engineering Department and the cost to the Town of actually processing encroachment permit fees applications; such fees do not exceed such direct and indirect costs.

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

Section 1. Subparagraph (B)(1) of Section 10-1-9 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

1. Permit Fee: Each individual application for a permit shall be accompanied by a nonrefundable permit and inspection fee of one hundred dollars (\$100.00); provided, however, in any case where such application is made subsequent to commencement of construction, the fee shall be three hundred dollars (\$300.00).

Section 2. 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.

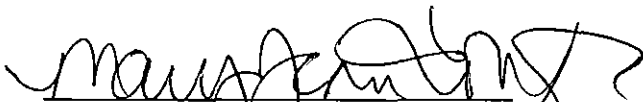
Section 3. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

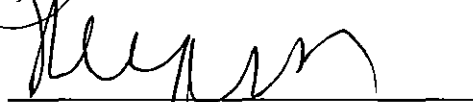
Section 4. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 14th day of November, 2000. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 28th day of November, 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 Loufel, CMC, Town Clerk


Sam Mamula, Mayor

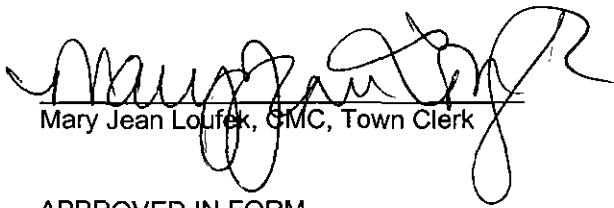
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 24, 2000.

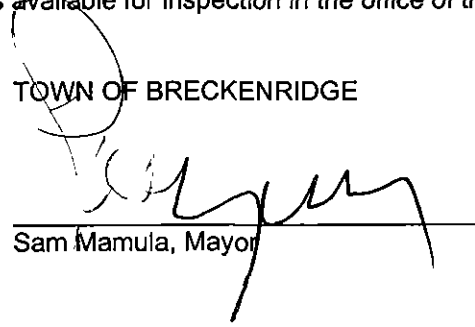
The public hearing on this ordinance was held on November 28, 2000.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 28th day of November, 2000. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, SMC, Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

11/28/00
Date

This Ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on December 8, 2000.