

ORDINANCE NO. 18

Series 2001

AN ORDINANCE AMENDING ARTICLE B OF CHAPTER 3 OF THE BRECKENRIDGE TOWN CODE; AMENDING SECTION 6-3B-5 CONCERNING THE MUNICIPAL OFFENSE OF "FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES"; AND ADOPTING PROVISIONS RELATED TO THE MUNICIPAL OFFENSE OF UNLAWFUL USE OF SKIING FACILITIES

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

Section 1. Section 6-3B-5 of the Breckenridge Town Code, entitled "Fraudulently Avoiding Payment of Admission Fees", is hereby amended so as to read in its entirety as follows:

6-3B-5: FRAUDULENTLY AVOIDING PAYMENT OF ADMISSION FEES:

It shall be unlawful for any person fraudulently to enter, without payment of the proper admission fee, any theater, ballroom, lecture, concert, or other place where admission fees are charged; provided, however, that nothing herein contained shall be deemed to prohibit or restrict the admission of police officers engaged in the performance of police duties to any place of public entertainment or amusement. The provisions of this Section shall not apply to any person who unlawfully uses skiing facilities or skiing services as described in Section 6-3B-18.

Section 2. There is hereby added to the Breckenridge Town Code a new Section 6-3B-18, entitled "Unlawful Use of Skiing Facilities", which shall read in its entirety as follows:

6-3B-18: UNLAWFUL USE OF SKIING FACILITIES:

A. As used in this Section, the following words shall have the following meanings:

SKI AREA All ski slopes or trails and other places under the control of a ski area operator and administered as a single enterprise. The term "ski slopes and trails" shall mean those areas designated by the ski area operator to be used by skiers for the purpose of sliding downhill on snow or ice on skis, a snowboard or any other device.

SKI AREA OPERATOR: Any person having operational responsibility for a ski area.

SKIING FACILITY: Any ski tow, ski lift, or gondola at a ski area.

SKIING SERVICE: Any service or instruction offered for sale or provided for a fee by any ski instructor or ski school at a ski area, and any service offered for sale or provided for a fee at a ski, including, but not limited to, admission to any skiing facility.

B. Failure to Pay Admission Fee: It shall be unlawful for any person within the Town to knowingly obtain or to attempt to obtain entry to or use of any skiing facility without payment of any required admission fee.

- C. Deceptive Use of Ski Facility: It shall be unlawful for any person within the Town to knowingly obtain or attempt to obtain the use, benefit or enjoyment of any skiing service or skiing facility by any false pretense, trick, or deceptive means, method or device whatever.
- D. Use of False Ticket: It shall be unlawful for any person within the Town to knowingly possess, offer, use, present, sell or give away any false, simulated, bogus, spurious, sham, altered, forged, counterfeit, defaced or mutilated ticket, token, pass, badge, pin or other device which is not genuine and which purports to authorize the holder thereof to obtain the use, benefit or enjoyment of any skiing service or skiing facility.
- E. Making False Ticket: It shall be unlawful for any person within the Town to knowingly falsify, alter, forge, counterfeit, deface or mutilate any ticket, pass, badge, pin or other device entitling the holder thereof to obtain the use, benefit or enjoyment of any skiing service or skiing facility, or to make or manufacture any simulated, bogus, spurious, or sham ticket, token, pass, badge, pin or other device purporting to entitle the holder thereof to the use, benefit or enjoyment of any skiing service or facility.
- F. Exception: The provisions of Paragraphs B and C of this Section shall not apply to any person who enters upon a ski area but does not obtain or attempt to obtain entry to or use of any skiing facility.

Section 3. 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 4. 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.

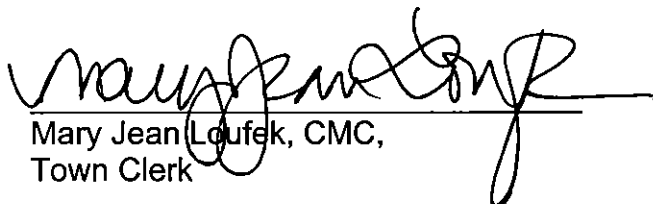
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

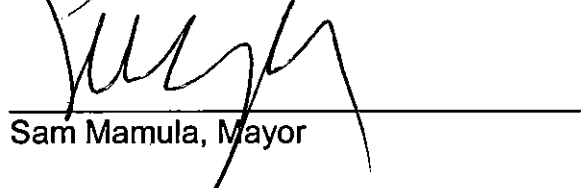
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 12th day of June, 2001. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of June, 2001, 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

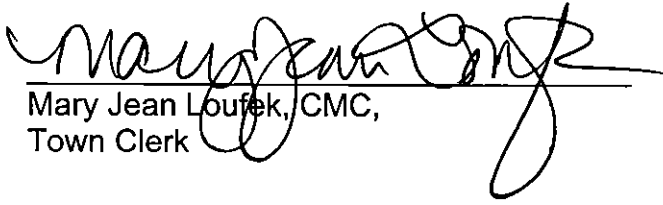
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on June 22, 2001.

The public hearing on this ordinance was held on June 26, 2001.

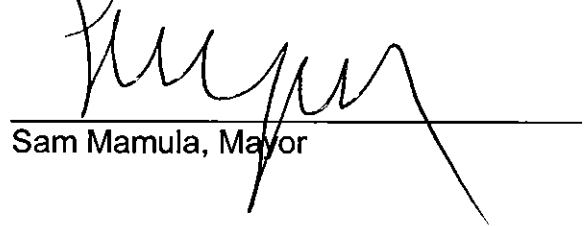
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 26th day of June, 2001. A copy of this ordinance is available for inspection in the office of the Town Clerk.

ATTEST

TOWN OF BRECKENRIDGE

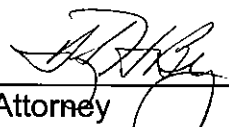


Mary Jean Loufek, CMC,
Town Clerk



Sam Mamula, Mayor

APPROVED IN FORM:



Town Attorney

6/26/01

Date

This ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 6, 2001.