

ORDINANCE NO. 23

Series 2002

AN ORDINANCE CONCERNING THE RIGHT OF PERSONS TO ENGAGE IN DOOR-TO-DOOR
ADVOCACY OF POLITICAL, RELIGIOUS AND SIMILAR NON-COMMERCIAL CAUSES PROTECTED
BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

WHEREAS, the United States Supreme Court recently announced its decision in the case of Watchtower Bible & Tract Society of New York, Inc. et al. v. Village of Stratton, et al.; ___ U.S. ____ (2002); and

WHEREAS, the Watchtower case upheld the constitutional right of an individual to engage in door-to-door advocacy of political, religious and similar non-commercial causes, and prohibited local governments from requiring a license in order for such constitutionally-protected activity; and

WHEREAS, as a result of the Supreme Court's decision in the Watchtower case, the Breckenridge Town Code must be amended.

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

Section 1. Section 4-2-12 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

4-2-12: EXEMPTIONS:

A. All religious, charitable, non-profit and philanthropic organizations shall be exempt from the fees required by this Chapter; however, such organizations must register with the Town Clerk prior to any activities involving the solicitation of funds.

B. Nothing in this Chapter shall be interpreted or construed as requiring a person to obtain a license from, or to pay a fee to, the Town in order to be permitted to engage in the door-to-door advocacy of political, religious and similar non-commercial causes protected by the First Amendment to the United States Constitution.

Section 2. Paragraph D of Section 4-2-11 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

D. Organizations meeting the qualifications set forth in Section 4-2-12(A) shall be exempt from the special events license fee, but shall be subject to all other requirements of this Section.

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.

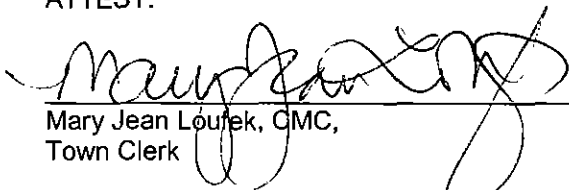
Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

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.

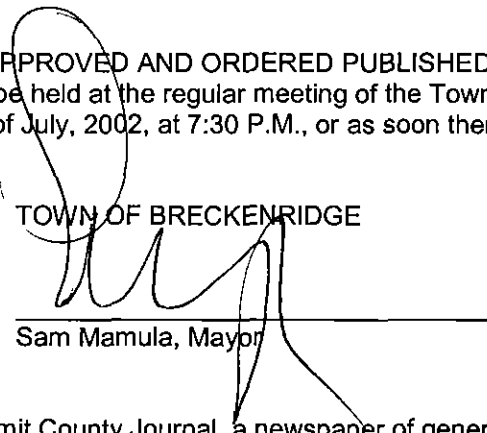
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 9th day of July, 2002. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 23rd day of July, 2002, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE


Sam Mamula, Mayor

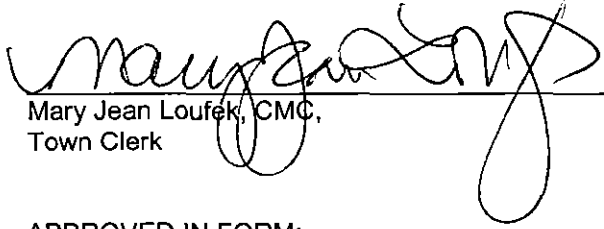
This ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on July 19, 2002.

The public hearing on this ordinance was held on July 23, 2002.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 23rd day of July, 2002. A copy of this ordinance is available for inspection in the office of the Town Clerk.

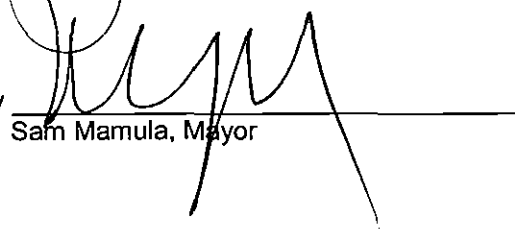
ATTEST:

TOWN OF BRECKENRIDGE



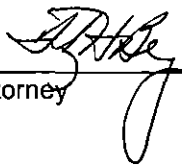
Mary Jean Loufek, CMC,
Town Clerk

By



Sam Mamula, Mayor

APPROVED IN FORM:



Town Attorney

7/23/02
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 2, 2002.