

ORDINANCE NO. 40

Series 2002

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE BRECKENRIDGE DEVELOPMENT CODE, TO AUTHORIZE AND REGULATE SPECIAL COMMERCIAL EVENTS

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

Section 1. There is hereby added to Section 9-1-5 of the Breckenridge Town Code a new definition of "Special Commercial Event", which shall read in its entirety as follows:

SPECIAL COMMERCIAL EVENT:

A special event, of not more than 3 consecutive days duration, which: (i) is sponsored by a non-profit corporation or other not-for-profit entity; and (ii) is conducted by the non-profit sponsor to promote not only the members of the non-profit sponsor, but any Town business or commercial activity whose owner desires to participate in the special event.

Section 2. There is hereby added to the Section 9-1-19 of the Breckenridge Town Code a new Policy 45(Absolute), to be entitled "Special Commercial Events", which shall read in its entirety as follows:

45. (Absolute) SPECIAL COMMERCIAL EVENTS: A Class D development permit may be issued to authorize a special commercial event. An application for a development permit to authorize a special event shall be subject to the following:

1. A special commercial event permit issued pursuant to this Policy may authorize the holder of the permit to do one or more of the following in connection with the special commercial event: erect temporary structures; display signs and banners to promote or advertise the special commercial event or its participants; have live or recorded, amplified music in connection with the special commercial event; conduct a live, remote radio broadcast at the site of the special commercial event, and distribute commercial handbills to promote and advertise the special commercial event and its participants.

2. No permit for a special commercial event shall be issued unless the reasonably anticipated impacts of such event are adequately mitigated. The Town shall have the power to impose reasonable conditions on such permit in accordance with Section 9-1-17-7 of this Chapter when necessary to protect the public, health, safety and welfare. Such conditions may include, without limitation: (i) restrictions on location, hours of operation, and parking; (ii) requirements for trash collection, removal and disposal; (iii) restrictions on noise; (iv) requirements for sanitation; (v) requirements for traffic control and security; and (vi) requirements for the clean up of the site following the conclusion of the special commercial event.

3. If a special commercial event is to be held on property which does not belong to the non-profit sponsor, written approval from the owner of the property where the special commercial event is to be held shall be submitted along with the development permit application.

4. If a special commercial event is to be held on property owned by the Town, the non-profit sponsor shall obtain permission to use the property from the Town Manager and shall, at its cost, obtain and maintain in effect throughout the special commercial event general liability insurance with limits of liability not less than the limits of liability for governmental entities established by the Colorado Governmental Immunity Act, Article 10 of Title 24, C.R.S., as amended from time to time. The Town shall be named as an additional insured under such insurance policy.

5. The following provisions of this Code shall not apply to a special commercial event conducted pursuant to a development permit issued under this Policy, unless the application of such provision is made an express condition of the permit:

- Policy 36 (Absolute)(Temporary Structures) of this Section (prohibition against use of temporary structures)
- Policy 44(Absolute)(Radio Broadcasts) of this Section (pertaining to live, remote radio broadcasts)
- Section 5-8-9 of this Code (prohibition against the use of sound for advertising)

- Section 8-2-15 of this Code (prohibition against off-premises signs and banners, prohibition against use of attention-getting devices; and prohibition against use of sandwich board signs only).

- Section 11-5-4 of this Code (limitation on manner of distributing commercial handbills in public places)

To the extent that any of the ordinance provisions set forth above conflict with the provisions of this Policy, the provisions of this Policy shall control.

6. One Class D development permit may authorize more than one special commercial events, if all of the special commercial events will occur on the same property. No such permit shall be valid for more than six months from the date of issuance.

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.

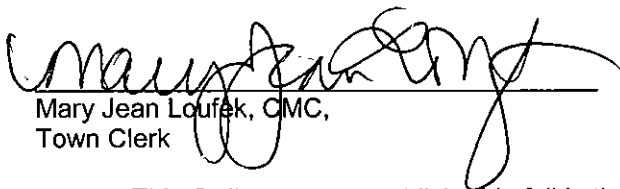
Section 4. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

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.

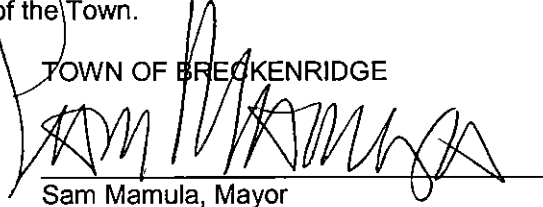
Section 6. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of October, 2002. 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 November, 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

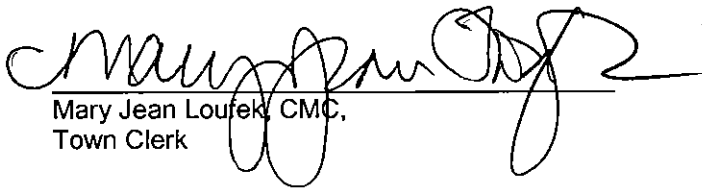

Sam Mamula, Mayor

This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on November 8, 2002.

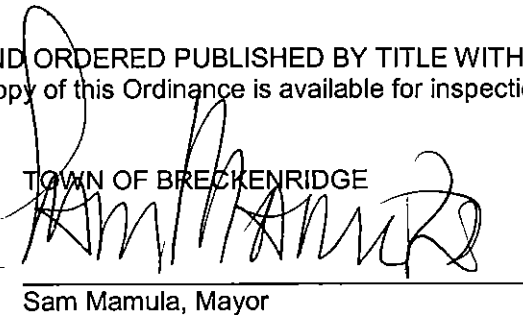
The public hearing on this ordinance was held on November 26, 2002, the date to which such hearing was lawfully continued.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 26th day of November, 2002. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:


Mary Jean Loufek, CMC,
Town Clerk

TOWN OF BRECKENRIDGE


Sam Mamula, Mayor

APPROVED IN FORM:


Town Attorney

11/26/02
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 December 6, 2002.