

ORDINANCE NO. 12

Series 2003

AN ORDINANCE AMENDING TITLE 1 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROCEDURES GOVERNING THE PROMULGATION OF MUNICIPAL RULES AND REGULATIONS

WHEREAS, from time to time it is necessary and appropriate for the officers, employees, Boards and Commissions of the Town to promulgate rules and regulations; and

WHEREAS, the Town Council finds and determines that formal procedures should be adopted governing the promulgation of municipal rules and regulations.

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

Section 1. There is hereby added to the Breckenridge Town Code a new Chapter 18 of Title 1, to be entitled "Rules And Regulations", which shall read in its entirety as follows:

CHAPTER 18

MUNICIPAL RULES AND REGULATIONS

Section:

- 1-18-1: Purpose
- 1-18-2: Definitions
- 1-18-3: Procedure For Promulgation of Rules And Regulations
- 1-18-4: Public Inspection
- 1-18-5: Authority To Adopt Rules And Regulations
- 1-18-6: Enforcement of Rules and Regulations
- 1-18-7: Amendments To Rules And Regulations
- 1-18-8: Effectiveness Of Present Rules And Regulations

1-18-1: PURPOSE: The purpose of this Chapter is to establish formal procedures for the adoption of rules and regulations by Town officers, employees, Boards and Commissions.

1-18-2: DEFINITIONS: Unless otherwise required by context or use, words and terms used in this Chapter shall be defined as follows:

Promulgating Authority: The Town officer, employee, Board or Commission promulgating rules and regulations pursuant to this Chapter.

Rules And Regulations: The whole or any part of rules and regulations adopted pursuant to statute or ordinance authority which govern the conduct of the public, including any modifications or amendments thereto. The term "rules and regulations" does not include: (1) the personnel policies and procedural manuals of the Town; (2) the Council Procedures And Rules Of Order adopted by the Town Council; (3) the rules and regulations governing the internal operations of any Town Commission or Board, including, but not limited to, the Planning Commission's rules of procedure; or (4) matters relating exclusively to intra- or inter-departmental management or procedures.

1-18-3: PROCEDURE FOR PROMULGATION OF RULES AND REGULATIONS:

A. Proposed rules and regulations shall be submitted to and approved by the Town Attorney prior to promulgation.

B. Before becoming effective, all rules and regulations shall be published in accordance with either of the methods set forth below as determined by the promulgating authority:

1. By publishing the rules and regulations as finally promulgated in full one time in a newspaper of general circulation within the Town: or
2. By filing one copy of the rules and regulations with the Town Clerk; one copy with the Town Attorney; and one copy with the promulgating authority; provided, however, that if this method is selected, there shall be published once in a newspaper of general circulation within the Town a notice stating: (i) that such rules and regulations have been adopted; (ii) the effective date of such rules and regulations; and (iii) a brief summary of the purpose and content of such rules and regulations.

C. Not later than two weeks prior to the date rules and regulations are promulgated pursuant to this Chapter, the promulgating authority shall provide a copy of the proposed rules and regulations to the Town Council.

1-18-4: PUBLIC INSPECTION: All rules and regulations promulgated pursuant to this Chapter shall be open to public inspection at all reasonable times.

1-18-5: AUTHORITY TO ADOPT RULES AND REGULATIONS: No officer, employee, Board or Commission of the Town shall have the power or authority to adopt rules or regulations except pursuant to the authority of a specific state statute or Town ordinance.

1-18-6: ENFORCEMENT OF RULES AND REGULATIONS: Rules and regulations may not be enforced except upon compliance with the provisions of this Chapter. Rules and regulations may not be enforced in the Town's Municipal Court unless specifically authorized by the Town Council.

1-18-7: AMENDMENTS TO RULES AND REGULATIONS: The provisions of this Chapter shall apply equally to the promulgation, amendment and repeal of rules and regulations.

1-18-8: EFFECTIVENESS OF PRESENT RULES AND REGULATIONS: Nothing in this Chapter shall be interpreted or construed to affect the validity of any rules or regulations presently existing at the time of the adoption of this Chapter; provided, however, that copies of such rules and regulations shall be filed with the Town Clerk, Town Attorney and promulgating authority in the manner required by Section 1-18-3(B) of this Chapter.

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.

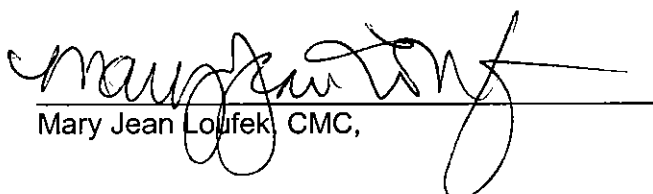
Section 3. The Town Council hereby finds, determines and declares that this Ordinance is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants thereof.

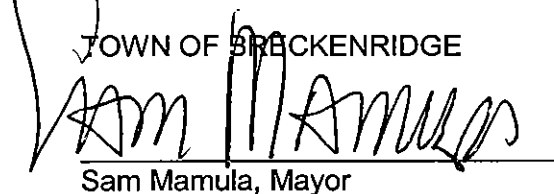
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

Section 5. 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 25<sup>th</sup> day of March, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8<sup>th</sup> day of April, 2003, at 7:30 P.M., or as soon thereafter as possible in the Municipal Building of the Town.

ATTEST:

  
Mary Jean Loufek, CMC,

TOWN OF BRECKENRIDGE  
  
Sam Mamula, Mayor

Town Clerk

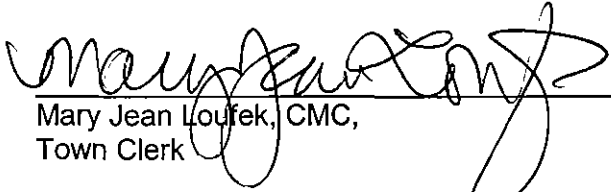
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 4, 2003.

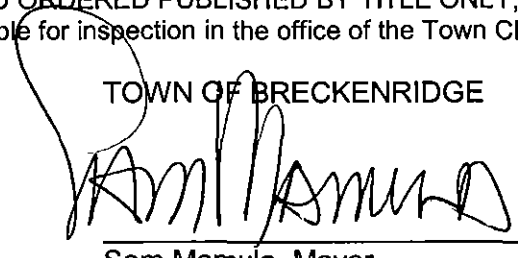
The public hearing on this ordinance was held on April 8, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 8<sup>th</sup> day of April, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

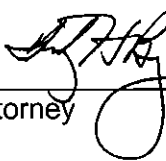
ATTEST:

TOWN OF BRECKENRIDGE

  
\_\_\_\_\_  
Mary Jean Loufek, CMC,  
Town Clerk

  
\_\_\_\_\_  
Sam Mamula, Mayor

APPROVED IN FORM

  
\_\_\_\_\_  
Town Attorney

4/8/03  
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on April 18, 2003