

ORDINANCE NO. 16

Series 2003

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 2 OF THE BRECKENRIDGE TOWN CODE TO AUTHORIZE COMMUNITY SERVICE OFFICERS TO ISSUE SUMMONS AND COMPLAINTS, PENALTY ASSESSMENT NOTICES, OR OTHER APPROPRIATE CITATIONS FOR ALLEGED VIOLATIONS OF CERTAIN LAWS OF THE TOWN OF BRECKENRIDGE AND THE STATE OF COLORADO

WHEREAS, Rule 204(B)(3) of the Colorado Municipal Court Rules of Procedure requires that a summons and complaint charging a violation of a municipal ordinance must be signed by a peace officer; and

WHEREAS, the Town of Breckenridge Traffic Code, adopted by reference in Chapter 1 of Title 7 of the Breckenridge Town Code, contains a similar requirement with respect to alleged violations of the Traffic Code; and

WHEREAS, Rule 203(d) of the Colorado Municipal Court Rules of Procedure defines a "peace officer" as:

a duly appointed law enforcement officer of the state of Colorado or any political subdivision thereof, authorized by the constitution, statutes, charter or ordinances to enforce municipal charter and ordinance violations.

; and

WHEREAS, §18-9-901(3)(I)(IV), C.R.S., authorizes the Town Council to designate community service officers as peace officers, level III; and

WHEREAS, the Town Council of the Town of Breckenridge finds and determines that duly appointed community service officers of the Town of Breckenridge Police Department are or will be adequately trained in the enforcement of the traffic and other ordinances of the Town, and the traffic laws of the state; and

WHEREAS, the Town Council further finds and determines that community service officers should be authorized, as part of their duties, to issue summons and complaints, penalty assessment notices, or other appropriate citations alleging violations of the traffic and other ordinances of the Town, and the traffic laws of the state.

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 Section 2-1-6, to be entitled "Community Services Officers; Authority to Issue Citations Into Municipal and County Courts", which shall read in its entirety as follows:

2-1-6: COMMUNITY SERVICES OFFICERS; AUTHORITY TO ISSUE CITATIONS INTO MUNICIPAL AND COUNTY COURT:

- A. Any duly appointed community service officer of the police department is authorized, as part of his or her duties, to issue a summons and complaint, penalty assessment notice, or other appropriate citation into the Municipal Court for any alleged violation of any ordinance or code of the Town of Breckenridge, except an alleged violation of Chapters 3, 3A, 3B, 3C, 3D, 3E, 3F, 3G, and 3H of Title 5 of this Code. To the extent permitted by law, and for the sole purpose of issuing Municipal Court summons and complaints, penalty assessment notices or other citations as authorized by this paragraph, a community service officer shall be deemed to be a duly authorized law enforcement officer within the meaning of Rule 203(d) of the Municipal Court Rules of Procedure.
- B. Any duly appointed community service officer of the police department is authorized, as part of his or her duties, to issue a summons and complaint, penalty assessment notice, or other appropriate citation into the Summit county court for any alleged violation of the state traffic laws. To the extent permitted by law, and for the sole purpose of issuing county court summons and complaints, penalty assessment notices or other citations as authorized by this paragraph, a community service officer shall be deemed to be a peace officer, Level III, as defined by section 18-1-901(3)(I)(IV), C.R.S.
- C. A summons and complaint, penalty assessment notice, or other appropriate citation into the Municipal Court or the Summit county court may be issued if the offense constituting a violation of the Town's Traffic Code or the state traffic laws, as applicable, was committed in the presence of the community service officer or, if not committed in the presence of the community service officer, when the

community service officer has reasonable grounds for believing that the offense was committed in fact and that the offense was committed by the person charged. Any summons and complaint, penalty assessment notice or other appropriate citation issued by a community service officer shall be issued in accordance with the requirements and procedures set forth in any applicable law, rule or ordinance.

- D. The community service officer position is one of limited police commission. A community service officer shall not have the authority to make arrests for violations of any law.

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.

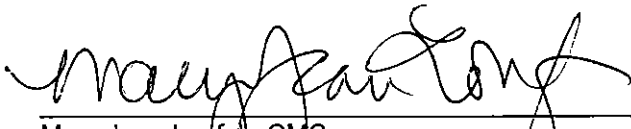
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

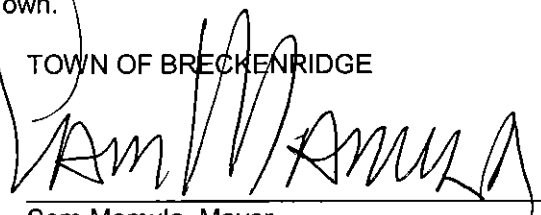
Section 5. This Ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 22nd day of April, 2003. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 13th day of May, 2003, 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

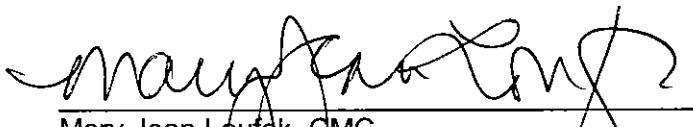
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 2, 2003.

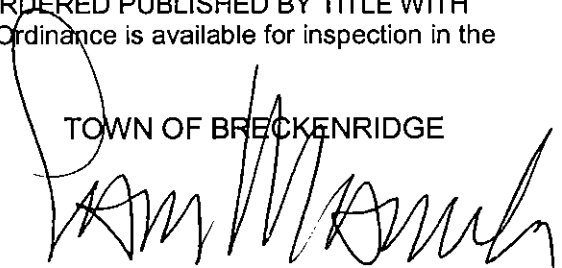
The public hearing on this ordinance was held on May 13, 2003.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 13th day of May, 2003. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

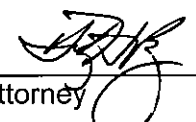
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC,
Town Clerk


Sam Mamula, Mayor

APPROVED IN FORM


Town Attorney

5/13/03
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on May 23, 2003.