

ORDINANCE NO. 32

Series 2004

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE CONCERNING THE JURISDICTION OF THE TOWN OF BRECKENRIDGE MUNICIPAL COURT

WHEREAS, the Town of Breckenridge is a home rule municipality organized and existing under Article XX of the Colorado Constitution; and

WHEREAS, Article XX, Section 6, of the Colorado Constitution grants to a home rule municipality the power to define and regulate the jurisdiction of its municipal courts with respect to matters of local and municipal concern; and

WHEREAS, Section 8.2 of the Breckenridge Town Charter provides for the creation of the Town of Breckenridge Municipal Court; and

WHEREAS, Section 8.2 of the Breckenridge Town Charter further provides that the Town of Breckenridge Municipal Court shall have "exclusive original jurisdiction of all cases arising under the ordinances of the Town and as may be conferred by law"; and

WHEREAS, the Town Council has previously adopted Chapter 8 of Title 1 of the Breckenridge Town Code to implement Section 8.2 of the Breckenridge Town Charter with respect to the jurisdiction and powers of the Town of Breckenridge Municipal Court; and

WHEREAS, the Town Council desires to clarify the jurisdiction of the Town of Breckenridge Municipal Court with respect to civil actions which are brought against the Town under Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

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 1-8-2-1, to be entitled "Exception to Jurisdiction", which shall read in its entirety as follows:

1-8-2-1: EXCEPTION TO JURISDICTION: Notwithstanding the provisions of Section 1-8-2 or Section 8.2 of the Town Charter, the municipal court shall not have jurisdiction over any civil action brought against the Town under Rule 106 of the Colorado Rules of Civil Procedure.

Section 2. There is hereby added to the Breckenridge Town Code a new Section 9-1-18-6, to be entitled "Appeals", which shall read in its entirety as follows:

9-1-18-6: APPEAL: The final decision of the Director, Planning Commission or Town Council with respect to any development permit application submitted pursuant to this Chapter may be appealed to an appropriate court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The municipal court shall not have jurisdiction over such civil action.

Section 3. There is hereby added to the Breckenridge Town Code a new Section 9-2-3-10, to be entitled "Appeals", which shall read in its entirety as follows:

9-2-3-10: APPEAL: The final decision of the Director, Planning Commission or Town Council with respect to any development permit application submitted pursuant to this Chapter may be appealed to an appropriate court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The municipal court shall not have jurisdiction over such civil action.

Section 4. 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 5. 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.

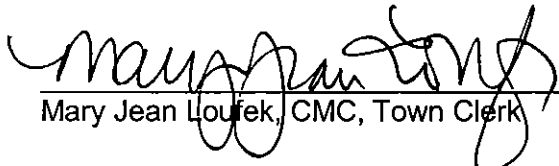
Section 6. The Town Council hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to the powers possessed by home rule municipalities in Colorado.

Section 7. 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 10th day of August, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 24th day of August, 2004, 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


Ernie Blake, Mayor

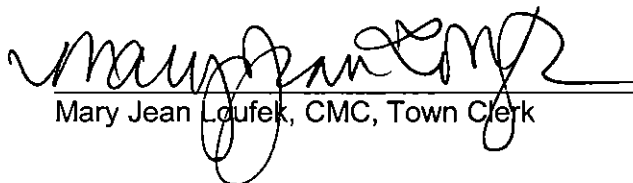
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on August 20, 2004.

The public hearing on this ordinance was held on August 24, 2004.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 24th day of August, 2004. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

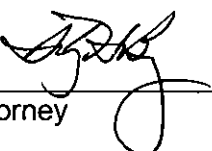
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

APPROVED IN FORM


Town Attorney

8/29/04
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on September 3, 2004.