

ORDINANCE NO. 36

Series 2004

AN ORDINANCE REPEALING AND READOPTING WITH CHANGES CHAPTER 3 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING AIRCRAFT OPERATIONS

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

Section 1. Chapter 3 of Title 5 of the Breckenridge Town Code is hereby repealed and readopted with changes so as to read in its entirety as follows:

CHAPTER 3  
AIRCRAFT OPERATIONS

SECTION:

- 5-3-1: Definitions
- 5-3-2: Aircraft Operations Prohibited
- 5-3-3: Exceptions
- 5-3-4: Town Manager Authority To Issue Permit
- 5-3-5: Penalty

5-3-1: **DEFINITIONS;** For the purpose of this chapter, the words and phrases used herein, unless the context otherwise indicates, shall have the following meanings:

AIRCRAFT:	Any airplane, helicopter, ultralight aircraft, hot air balloon, or other vehicle designed, intended or used to fly through the air.
TOWN:	The Town of Breckenridge, Colorado
TOWN COUNCIL:	The Town Council of the Town of Breckenridge, Colorado
TOWN MANAGER:	The Town Manager of the Town of Breckenridge, Colorado, or his or her designee.

5-3-2: **AIRCRAFT OPERATIONS PROHIBITED:** Except as provided in sections 5-3-3 and 5-3-4, it shall be unlawful for any person to cause any aircraft to take off or land anywhere within the Town.

5-3-3: **EXCEPTIONS:** Section 5-3-2 shall not apply to the following:

- A. The take off or landing of any aircraft owned or operated by any local, state or federal government or any agency or department thereof, including, but not limited to, military and police aircraft.
- B. The take off or landing of any aircraft when necessitated by weather conditions or an emergency on board such aircraft.
- C. The take off or landing of any emergency medical transport aircraft.
- D. The take off or landing of any aircraft operated by a news reporting or gathering agency.

5-3-4: **TOWN MANAGER AUTHORITY TO ISSUE PERMIT:**

A. Any person desiring to obtain a permit to take off and land an aircraft within the Town may make an application to the town manager. The town manager shall have the authority to grant a permit authorizing the aircraft to take off and land within the Town in accordance with the provisions of this section. In determining whether to grant a permit for the take off and landing of aircraft under this section, the town manager shall give consideration to: 1) the location where the aircraft to be covered by the permit will take off and land, 2) the size and type of aircraft to be covered by the permit, 3) the number of aircraft to be covered by the permit, 4)

the number of individual take offs and landings to be covered by the permit, 5) the time of day when the aircraft to be covered by the permit will take off and land, 6) the duration of the noise which will be generated from the take off and landing of the aircraft to be covered by the permit, 7) the loudness of the noise which will be generated from the take off and landing of the aircraft to be covered by the permit, 8) the extent of the disruption to public and private activities, if any, which will be caused by the take off and landing of the aircraft to be covered by the permit, and 9) whether there will be any other demonstrable negative effect on the public health, safety and welfare caused the take off and landing of the aircraft to be covered by the permit. The town manager may prescribe any reasonable conditions or requirements on the permit which the town manager deems necessary to minimize the adverse effects upon the community or the surrounding neighborhood, including, but not limited to limiting the number of aircraft which are authorized to take off and land pursuant to the permit and imposing specific time limits on the take off and landing of the aircraft covered by the permit. It shall be unlawful for the holder of any permit issued by the town manager under this section to violate any of the conditions, requirements or terms of such permit. Any permit granted by the town manager under this section shall be effective only for the location, date and time designated within the permit, and shall be further subject to such conditions as may be set forth in such permit. There shall be no charge for an application submitted to the town manager under this section.

B. If an application seeks a permit for a duration of less than seven (7) days, the Town Manager shall issue a final decision on such application within fourteen (14) working days of receipt of the completed application.

C. If an application seeks a permit for a duration of seven (7) days or longer, before acting on the application the Town Manager shall notify the Town Council of the filing of the application. At the Town Council's next regular worksession following the filing of the application, the Council may comment upon application. The Town Manager shall then issue a final decision on the application within five (5) working days of receipt of the Council's comments on the application.

D. The Town Manager shall notify the Town Council at its next regular meeting of any permit issued by the Town Manager pursuant to this section.

E. An applicant for a permit under this section whose application has been denied or who disagrees with the conditions imposed upon such permit by the town manager may appeal such denial or imposition of conditions to the town council. A request for an appeal shall be submitted in writing to the town manager not later than seventy two (72) hours after the denial of the application or the granting of the permit containing the condition(s) to which the applicant objects. The request for appeal shall specify the grounds for the appeal. Such appeal shall be heard and decided by the town council at the next regular town council meeting following the submission of the request for appeal, or at such later date as the council may determine if the applicant consents to the continuation of such matter. In deciding an appeal, the town council shall consider only the factors set forth in subsection A of this section.

5-3-5: PENALTY: It shall be a misdemeanor offense for any person to violate any provision of this chapter. Any person convicted of having violated any provision of this chapter shall be punished as set forth in title 1, chapter 4 of this code.

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 28<sup>th</sup> day of September, 2004. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12<sup>th</sup> day of

October, 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

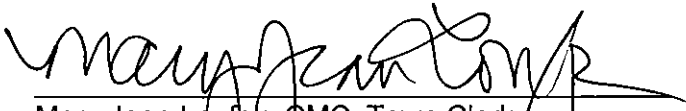
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 8, 2004.

The public hearing on this ordinance was held on October 12, 2004.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 12<sup>th</sup> day of October, 2004. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

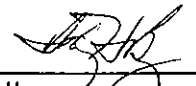
ATTEST:

TOWN OF BRECKENRIDGE

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

  
\_\_\_\_\_  
Ernie Blake, Mayor

APPROVED IN FORM

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

10/12/04  
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge, on October 22, 2004.