

ORDINANCE NO. 1

Series 2006

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE 5 OF THE BRECKENRIDGE TOWN CODE CONCERNING HAZARDOUS SUBSTANCE INCIDENTS

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

Section 1. The definition of "Hazardous Substance Incident" as set forth in Section 5-4-1 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

HAZARDOUS SUBSTANCE INCIDENT:

Any emergency circumstance involving the sudden discharge of a hazardous substance which threatens immediate and irreparable harm to the environment or the health and safety of any individual other than individuals exposed to the risks associated with hazardous substances in the normal course of their employment. "Hazardous substance incident" includes those incidents of spilling, dumping, or abandonment of a hazardous substance, whether or not such spilling, dumping or abandonment is found to threaten immediate or and irreparable harm, but such term does not include any discharge of a hazardous substance authorized pursuant to any federal, state, or local law or regulation. "Hazardous substance incident" includes those incidents which occur during transportation of a hazardous substance, in which a spill does not occur during the incident but is threatened prior to or during the cleanup period. As used in this definition, "abandonment" means the act of leaving a thing with the intent not to retain possession of or assert ownership or control over it. The intent need not coincide with the act of leaving.

Section 2. Section 5-4-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

5-4-2: EMERGENCY RESPONSE AUTHORITY DESIGNATED: Pursuant to section 29-22-102(3), C.R.S., the Summit County Sheriff's Department is designated as the emergency response authority for hazardous substance incidents occurring within the corporate limits of the Town.

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.

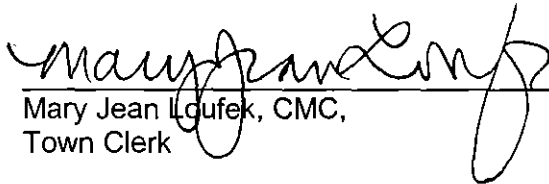
Section 5. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the provisions of Section 29-220102(3), C.R.S., and the powers possessed by home rule municipalities in Colorado.

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 13th day of December, 2005. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 10th day of January, 2006, 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

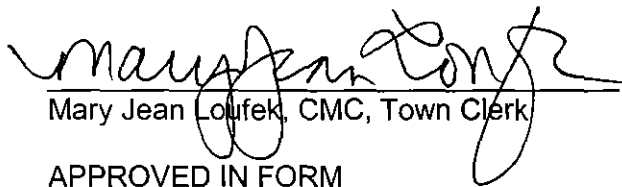
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on December 23, 2005.

The public hearing on this ordinance was held on January 10, 2006.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 10th day of January, 2006. 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

1/10/06
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on January 20, 2006.