

ORDINANCE NO. 18

Series 2007

AN ORDINANCE ADOPTING CHAPTER 12 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING FRANCHISES

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

Section 1. Title 4 of the Breckenridge Town Code is hereby amended by the addition of a new Chapter 12, to be entitled "Franchises", which shall read in its entirety as follows:

CHAPTER 12

FRANCHISES

SECTION:

- 4-12-1: PURPOSE
- 4-12-2: DEFINITIONS
- 4-12-3: TOWN COUNCIL AUTHORITY
- 4-12-4: MAXIMUM TERM OF FRANCHISE
- 4-12-5: FRANCHISE REVIEW
- 4-12-6: FRANCHISE RECORDS
- 4-12-7: FRANCHISE TO BE APPROVED BY ORDINANCE; PROCEDURE
- 4-12-8: ADDITIONAL REQUIREMENTS

4-12-1: PURPOSE: The purpose of this chapter is to establish the procedure for the review and approval of franchises by the Town. The provisions of this chapter shall supersede the provisions and requirements of part 1 of chapter 32 of title 31, C.R.S.

4-12-2: DEFINITIONS: As used in this chapter, unless the context clearly requires otherwise, the following words shall have the following meanings:

FRANCHISE:	means a grant of a right or privilege to use the Town's street and alleys to erect, construct, operate or maintain an electric light plant or system, gas plant or system, geothermal system, solar system, cable television system, or any other similar use of the Town's streets and alleys which the Town is authorized by law to approve through the granting of a franchise.
TOWN:	means the Town of Breckenridge, Colorado
TOWN COUNCIL:	means the Town Council of the Town of Breckenridge, Colorado

4-12-3: TOWN COUNCIL AUTHORITY: The Town Council has the sole authority to grant, amend, revoke or otherwise deal with franchises on behalf of the Town. Approval of a franchise by the electors of the Town is not required.

4-12-4: MAXIMUM TERM OF FRANCHISE: The term of a franchise granted by the Town may not exceed twenty years.

4-12-5: FRANCHISE REVIEW: Each franchise granted under the provisions of this chapter must include a section requiring a periodic review of the franchise.

4-12-6: FRANCHISE RECORDS: The Town Clerk is to main an indexed franchise record including copies of all franchises which have been granted by the Town. The index must give the name of the franchise grantee and any assignees. The record is to be a complete history of all franchises granted by the Town, and must include: (i) a comprehensive and convenient reference to all actions at law affecting Town franchises; (ii) copies of all annual reports filed with the Town by the grantees of Town franchises; and (iii) such other matters of information and public interest as the Town Council may from time to time require.

4-12-7: FRANCHISE TO BE APPROVED BY ORDINANCE; PROCEDURE: A franchise may only be granted by the Town by an ordinance approved by the Town Council. The procedure for the approval of a franchise ordinance is as set forth in Section 5.10 of the Breckenridge Town Charter.

4-12-8: ADDITIONAL REQUIREMENTS: When considering a proposed franchise request, the Town Council will comply with any additional requirements mandated by applicable state or federal 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.

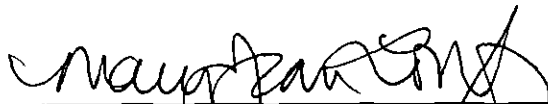
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

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 8th day of May, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 22nd day of May, 2007, 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

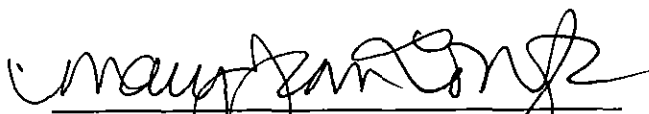
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on May 18, 2007.

The public hearing on this ordinance was held on May 22, 2007.


READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 22nd day of May, 2007. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

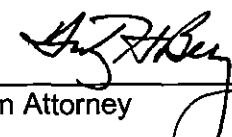


Mary Jean Loufek, CMC, Town Clerk



Ernie Blake, Mayor

APPROVED IN FORM



Town Attorney

5/22/07
Date

This ordinance was published by title only in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on June 1, 2007.