

ORDINANCE NO. 39

Series 2007

AN ORDINANCE AMENDING POLICY 22(ABSOLUTE)(LANDSCAPING) OF CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE", BY PROHIBITING THE CONSTRUCTION OF WATER FEATURES

WHEREAS, in the factual context presented in a recent call up hearing the Town Council determined that the construction of a "water feature" may currently be allowable under the Town's Development Code; and

WHEREAS, the Town staff is currently engaged in proposing a substantial revision to the Town's "Landscaping Policy", Policy 22 (Absolute) (Landscaping) of Section 9-1-19 of the Breckenridge Town Code; and

WHEREAS, the Town Council has serious concerns about the propriety of allowing water features to be constructed within the Town, and wants to discuss that issue as part of the broader discussion of the proposed new Landscaping Policy; and

WHEREAS, the Town Council finds and determines that the best course of action is for the Town to temporarily ban the construction of all water features in the Town pending the upcoming review of the proposed new Landscaping Policy.

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

Section 1. Section 9-1-5 of the Breckenridge Town Code is hereby amended by the addition of the following additional definition:

WATER FEATURE:

A term used in landscape architecture and garden design referring to the use of any fountain, pool, pond, cascade, waterfall or stream in an outdoor landscape feature.

Section 2. Policy 22 (Absolute) (Landscaping) of Section 9-1-19 of the Breckenridge Town Code is hereby amended by the addition of a new Paragraph C, which shall read in its entirety as follows:

C. Water Features Prohibited: The construction of water features is prohibited.

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: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

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 27th day of November, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of December, 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

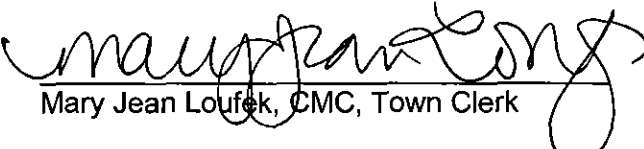
This Ordinance was published in full in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on December 7, 2007.

The public hearing on this ordinance was held on December 11, 2007.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE WITH AMENDMENTS, this 11th day of December, 2007. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

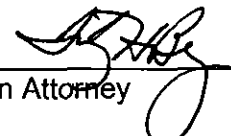
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


Ernie Blake, Mayor

APPROVED IN FORM


Town Attorney

12/11/07
Date

This ordinance was published by title with amendments in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on December 21, 2007.