

ORDINANCE NO. 1

Series 2008

AN ORDINANCE AMENDING ARTICLE H OF CHAPTER 3 OF TITLE 6 OF THE
BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE
MUNICIPAL OFFENSES OF "FRAUD IN THE PROCUREMENT OF TOWN ASSISTANCE"
AND "FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM"

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

Section 1. Article H of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby amended by the addition of a new Section 6-3H-7, entitled "Fraud In The Procurement of Town Assistance", which shall read in its entirety as follows:

6-3H-7: FRAUD IN THE PROCUREMENT OF TOWN ASSISTANCE:

A. It is unlawful for any person to obtain, or for any person to willfully aid or abet another to obtain, Town assistance to which the person is not entitled, or in an amount greater than that to which the person is justly entitled, by means of a willfully false statement or representation, by failing to disclose a material fact, by impersonation, or by any other fraudulent device.

B. As used in this section, "Town assistance" means any financial benefit provided to an individual person by or on behalf of the Town of Breckenridge based upon a determination of the recipient's income and expenses, assets, or other financial resources of any kind, including, but not limited to, monetary grants, stipends, and scholarships.

C. Any person convicted of violating this section shall be required to provide restitution to the Town in the full amount of Town assistance unlawfully obtained. No portion of the required restitution may be suspended or waived by the court.

D. Any person convicted of violating this section is disqualified from receiving any Town assistance for a period of five years following the date of such conviction.

Section 2. Article H of Chapter 3 of Title 6 of the Breckenridge Town Code is hereby amended by the addition of a new Section 6-3H-8, entitled "Fraud In Connection With Town Housing Program", which shall read in its entirety as follows:

6-3H-8: FRAUD IN CONNECTION WITH TOWN HOUSING PROGRAM:

A. It is unlawful for any person to intentionally and knowingly submit to the Town of Breckenridge, or any authorized agent of the Town of Breckenridge, any financial or employment information in connection with the Town's Housing Program containing any untrue statement of a material fact to fail to state in such financial or employment information any material fact necessary in order to make the statement made in the financial or employment information, in light of the circumstances under which it was made, not misleading.

B. As used in this section, "Town's Housing Program" means the Town of Breckenridge Housing Program providing deed restricted and affordable housing opportunities, both for rent and for ownership, for qualified participants based upon the participant's employment and or income and expenses, assets, or other financial resources, as from time to time established and operated.

C. Any person convicted of violating this section is disqualified from further participation in the Town's Housing Program for a period of five years following the date of such conviction; provided, however, this provision shall not be construed or interpreted to impair any existing contract to which the convicted person is a party.

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) Section 31-15-103, C.R.S. (concerning municipal police powers); (ii) Section 31-15-401, C.R.S.(concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) 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.

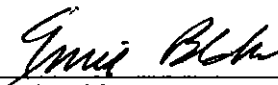
INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 11th day of December, 2007. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8th day of January, 2007, at 7:30 P.M., or as soon thereafter as possible in 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 21, 2007.

The public hearing on this ordinance was held on January 8, 2008.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY, this 8th day of January, 2008. 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

1/8/08
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 18, 2008.