

ORDINANCE NO. 1

Series 2010

AN ORDINANCE AMENDING CHAPTER 3H OF TITLE 6 OF THE BRECKENRIDGE TOWN CODE BY ADOPTING PROVISIONS CONCERNING THE MUNICIPAL OFFENSE OF "UNLAWFUL ACTS BY SKIERS"

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

Section 1. Chapter 3H of Title 6 of the Breckenridge Town Code is amended by the addition of a new Section 6-3H-9, which shall read in its entirety as follows:

6-3H-9: UNLAWFUL ACTS BY SKIERS:

A. As used in this section the following words shall have the following meanings:

- |                       |   |
|-----------------------|---|
| PASSENGER TRAMWAY:    | A device as defined in section 25-5-702(4), C.R.S   |
| PERSON:               | An individual.  |
| SKI AREA:             | All ski slopes or trails and all other places within the ski area boundary, marked in accordance with section 33-44-107(6), under the control of a ski area operator and administered as a single enterprise within the Town.   |
| SKI AREA OPERATOR:    | An "area operator" as defined in section 25-5-702(1), C.R.S., and any person, partnership, corporation, or other commercial entity having operational responsibility for any ski areas, including an agency of the state or a political subdivision thereof.  |
| SKIER:                | Any person using a ski area for the purpose of skiing, which includes, without limitation, sliding downhill or jumping on snow or ice on skis, a toboggan, a sled, a tube, a snowbike, a snowboard, or any other device; or for the purpose of using any of the facilities of the ski area, including but not limited to ski slopes and trails.   |
| SKI SLOPES OR TRAILS: | All ski slopes or trails and adjoining skiable terrain, including all their edges and features, and those areas designated by the ski area operator to be used by skiers for any of the purposes enumerated in the definition of "skier" set forth in this section. Such designation shall be set forth on trail maps, if provided, and designated by signs indicating to the skiing public the intent that such areas be used by skiers for the purpose of skiing. Nothing in this definition of the definition of "skier" set forth in this section, however, shall imply that ski slopes or trails may not be restricted for use by persons using skis only or for use by persons using any other device described in the definition of "skier" set forth in this section. |

B. It is unlawful and a misdemeanor offense for any skier to ski on a ski slope or trail that has been posted as "Closed" pursuant to section 33-44-107(2)(e) and (4), C.R.S.

C. It is unlawful and a misdemeanor offense for any person to move uphill on any passenger tramway or use any ski slope or trail while such person's ability to do so is impaired by the consumption of alcohol or by the use of any controlled substance, as defined in section 12-22-303(7), C.R.S., or other drug or while such person is under the influence of alcohol or any controlled substance, as defined in section 12-22-303(7), C.R.S., or other drug.

D. It is unlawful and a misdemeanor offense for any skier involved in a collision with another skier or person in which an injury results shall leave the vicinity of the collision before giving his or her name and current address to an employee of the ski area operator or a member of the ski patrol, except for the purpose of securing aid for a person injured in the collision; in which event the person so leaving the scene of the collision shall give his or her name and current address as required by this subsection (D) after securing such aid.

E. It is unlawful and a misdemeanor offense for any person to knowingly enter upon public or private lands from an adjoining ski area when such land has been closed by its owner and so posted by the owner or by the ski area operator pursuant to section 33-44-107(6), C.R.S.

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.

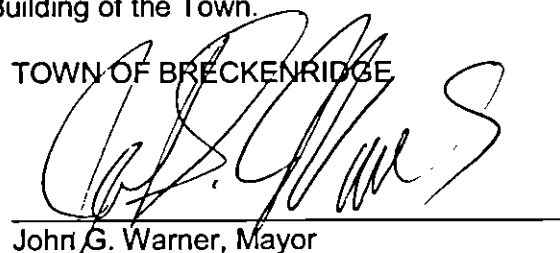
Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 24<sup>th</sup> day of November, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 8<sup>th</sup> day of December, 2009, 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

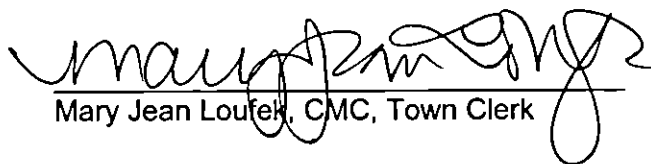
  
John G. Warner, Mayor

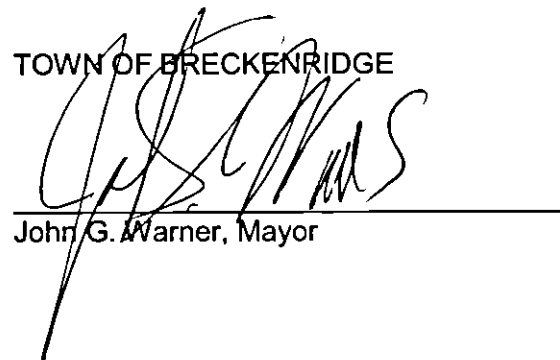
The public hearing on this ordinance was held on January 12, 2010, the date to which such hearing was lawfully continued.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 12<sup>th</sup> day of January, 2010. This ordinance is available for inspection in the office of the Town Clerk.

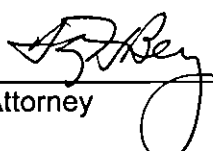
ATTEST:

TOWN OF BRECKENRIDGE

  
Mary Jean Loufek, CMC, Town Clerk

  
John G. Warner, Mayor

APPROVED IN FORM

  
Town Attorney

1/12/10  
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on January 22, 2010.