

ORDINANCE NO. 3

Series 2010

AN ORDINANCE CONCERNING THE CLASSIFICATION OF VIOLATIONS OF TOWN ORDINANCES

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

Section 1. The definition of "Code Infraction" set forth in Section 1-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

CODE INFRACTION: Any violation of this code, any ordinance of the town, or any code adopted by reference, other than a traffic infraction, which is classified as an infraction in the applicable penalty section. A code infraction is a civil (noncriminal) matter.

Section 2. The definition of "Misdemeanor" set forth in Section 1-3-2 of the Breckenridge Town Code is hereby amended so as to read in its entirety as follows:

MISDEMEANOR: Any violation of this code, any ordinance of the town, or any code adopted by reference that is not specifically classified as an infraction. A misdemeanor is a criminal matter. The term "misdemeanor" does not include any infraction as defined in this Code.

Section 3. Subsection A of Section 1-4-1 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

A. It is unlawful for any person to violate any ordinances of the town, this code, or any code adopted by reference. Each violation is a misdemeanor offense, except those violations specifically classified as infractions in any Town ordinance, this code, or any code adopted by reference. Any person convicted of a misdemeanor violation of this code, any ordinance of the town, any code adopted by reference, or any regulation adopted pursuant to this code or town ordinance shall be punished by a fine of not more than nine hundred ninety nine dollars (\$999.00), or by imprisonment not to exceed one day less than one year, or by both such fine and imprisonment; provided, however, that no person under the age of eighteen (18) years as of the date of the offense for which he is convicted shall be subject to a jail sentence, except in the case of a conviction of a traffic offense under title 7 of this code. Any persons found to have committed a violation of an infraction shall be punished as provided in Section 1-4-1-1.

Section 4. Section 1-4-1-1 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

1-4-1-1: GENERAL PENALTY--INFRACTIONS: It is unlawful and a violation for any person to violate any provisions of the ordinances of the Town, this Code, any code adopted by reference that is classified as an infraction. Any person found to be in violation of, or against whom a default judgment has been entered for any infraction (other than a traffic infraction) shall be fined in an amount not to exceed five hundred dollars (\$500.00), unless a greater or lesser amount is specified in any specific penalty provision. Any person found to be in violation of, or against whom a default judgment has been entered for any traffic infraction shall be punished as provided in Section 7-1-6 of this Code. No person found to be in violation of, or against whom a default judgment has been entered for, any infraction shall be subject to imprisonment. Each day that an infraction occurs shall constitute a separate offense.

Section 5. 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 6. 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.

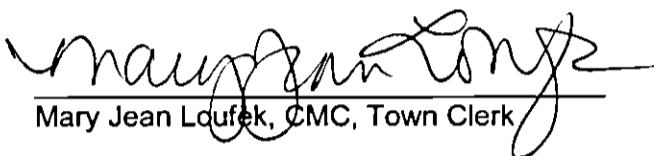
Section 7. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to the authority granted to home rule municipalities by Article XX of the Colorado Constitution and the powers contained in the Breckenridge Town Charter.

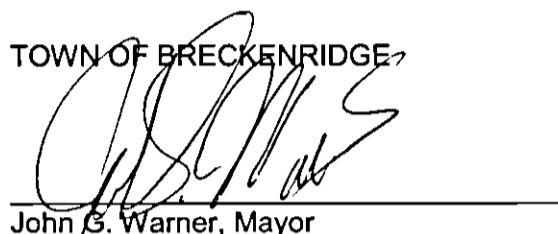
Section 8. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 8th day of December, 2009. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 12th day of January, 2010, 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

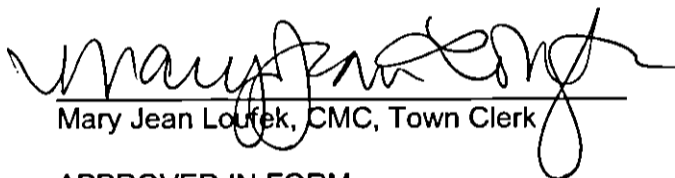

John G. Warner, Mayor

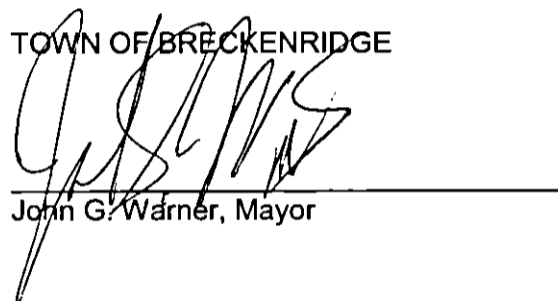
The public hearing on this ordinance was held on January 12, 2010.

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

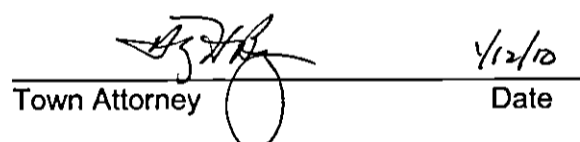
ATTEST:

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.