

ORDINANCE NO. 6

Series 2010

AN ORDINANCE ADOPTING SECTION 6-3A-5 OF THE BRECKENRIDGE TOWN CODE
CONCERNING BIAS-MOTIVATED MUNICIPAL OFFENSES

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

Section 1. The Breckenridge Town Code is amended by the addition of a new Section 6-3A-5, to be entitled "Bias-Motivated Municipal Offenses", which shall read in its entirety as follows:

6-3A-5: BIAS-MOTIVATED MUNICIPAL OFFENSES:

A. The Town Council hereby finds and declares that it is the right of every person, regardless of race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation to be secure and protected from fear, intimidation, harassment, and physical harm caused by the activities of individuals and groups. The Town Council further finds that the advocacy of unlawful acts against persons or groups because of a person's or group's race, color, ancestry, religion, national origin, physical or mental disability, or sexual orientation for the purposes described in this section poses a threat to public order and safety and should be subject to appropriate sanctions as provided in this section.

B. A person commits a bias-motivated municipal offense if, with the intent to intimidate or harass another person because of that person's actual or perceived race, color, religion, ancestry, national origin, physical or mental disability, or sexual orientation, he or she:

(1) by words or conduct, knowingly places another person in fear of imminent lawless action directed at that person or that person's property and such words or conduct are likely to produce bodily injury to that person or damage to that person's property; or

(2) knowingly causes damage to or destruction of the property of another person.

C. The criminal penalty provided in this section for the commission of a bias-motivated municipal offense is not intended to and shall not be construed as precluding the victim of such action from seeking any other remedies otherwise available under law.

D. For purposes of this section:

(1) "physical or mental disability" refers to a disability as used in the definition of the term "person with a disability" in Section 18-6.5-102(3), C.R.S.

(2) "sexual orientation" means a person's actual or perceived orientation toward heterosexuality, homosexuality, bisexuality, or transgender status.

E. No charge brought under this section shall be dismissed, and a defendant charged with a violation of this section shall not be permitted to plead guilty or nolo contendere to an offense that is not a violation of this section, unless the prosecuting attorney makes a good faith representation to the Municipal Judge on the record that such attorney would not be able to establish a prima facie case that the defendant violated this section if the defendant was brought to trial on the original charge of having violated this section.

F. It shall be a misdemeanor offense for any person to violate this section. Any person convicted of having violated this section shall be punished as set forth in Chapter 4 of Title 1 of this Code; provided, however, that for a second and each subsequent conviction for violating this section occurring at any time after the date of the previous violation the Municipal Judge shall impose upon such person a fine of \$999 and a minimum sentence of five days imprisonment in the Summit County jail.

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.

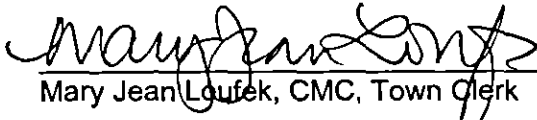
Section 4. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 31-15-103, C.R.S. (concerning municipal police powers); (ii) Section 31-15-401, C.R.S.(concerning municipal police powers); (iii) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (iv) the powers contained in the Breckenridge Town Charter.

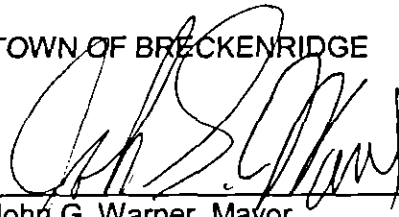
Section 5. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 26th day of January, 2010. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 9th day of February, 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

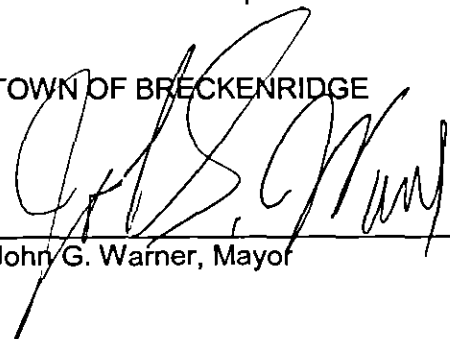
The public hearing on this ordinance was held on January 9, 2010.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY this 9th day of February, 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

2/9/10
Date

This ordinance was published by title in the Summit County Journal, a newspaper of general circulation within the Town of Breckenridge on February 19, 2010.