

ORDINANCE NO. 3

Series 2011

AN ORDINANCE MAKING MISCELLANEOUS AMENDMENTS TO THE BRECKENRIDGE TOWN CODE TO ALLOW FOR THE PUBLICATION OF TOWN NOTICES AND OTHER DOCUMENTS ON THE TOWN'S OFFICIAL WEB SITE INSTEAD OF REQUIRING PUBLICATION IN A NEWSPAPER

WHEREAS, at the regular Town election held April 6, 2010 the electors approved an amendment to the Breckenridge Town Charter to allow publication of Town laws and notices to be made by posting on the Town's official website, unless a different method of publication is required by applicable law; and

WHEREAS, the Town Council finds and determines that it is necessary to make conforming amendments to various sections of the Breckenridge Town Code in order to fully implement the recent amendment to the Breckenridge Town Charter.

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

Section 1. Section 1-17-8(B) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

B. If the custodian cannot determine the owner of unclaimed property, or the owner's last known address, then prior to disposing of any such unclaimed property the custodian shall cause a notice to be published in accordance with Section 1-22-2 of this Code. The notice shall include a description of the property and the amount or estimated value of the property. The notice shall state where the owner may make inquiry about or claim the property. The notice shall also state that if the owner fails to provide the custodian with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the town, and any claim of the owner to such property shall be deemed forfeited.

Section 2. Section 1-17-12(A) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

A. Any public sale of forfeited property shall be preceded by the publication of a notice of sale. Such notice shall be published in accordance with Section 1-22-2 of this Code, and such publication shall be completed at least two (2) weeks in advance of sale. The notice of sale shall describe the forfeited property and shall state where and when the sale shall take place.

Section 3. Section 1-18-3 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

1-18-3: PROCEDURE FOR PROMULGATION OF RULES AND REGULATIONS:

A. Proposed rules and regulations shall be submitted to and approved by the town attorney prior to promulgation.

B. Before becoming effective, all rules and regulations shall be published in accordance with either of the methods set forth below as determined by the promulgating authority:

1. By publishing the rules and regulations in accordance with Section 1-22-2 of this Code; or

2. By filing one copy of the rules and regulations with the town clerk; one copy with the town attorney; and one copy with the promulgating authority; provided, however, that if this method is selected, a notice shall be published in accordance with Section 1-22-2 of this Code, stating: a) that such rules and regulations have been adopted; b) the effective date of such rules and regulations; and c) a brief summary of the purpose and content of such rules and regulations.

C. Not later than two (2) weeks prior to the date rules and regulations are promulgated pursuant to this chapter, the promulgating authority shall provide a copy of the proposed rules and regulations to the town council.

Section 4. Section 2-2-6 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

2-2-6: APPOINTMENTS TO FILL VACANCIES:

Within thirty (30) days of any vacancy on the commission, the town council, by majority vote of all the council members in office at the time of the appointment, shall appoint a town resident and elector to fill such vacancy for the unexpired term of the vacated position. Appointment shall be made only after publication in accordance with Section 1-22-2 of this Code of a solicitation of applications by, and review of all such applications by the town council.

Section 5. Section 2-3-5 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

2-3-5: APPOINTMENTS TO FILL VACANCIES:

Within thirty (30) days of any vacancy on the Board of Appeals, the Town Council by majority vote shall appoint a Town resident and elector to fill such vacancy for the unexpired term of the vacated position. Appointment shall be made only after publication in accordance with Section 1-22-2 of this Code of a solicitation of applicants, and review of all such applications by the Town Council.

Section 6. Section 2-5-13(B) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

B. The town clerk shall serve as the official secretary of the authority, and shall designate a person or persons to provide the necessary secretarial and reporting services for the authority. The town clerk or the clerk's designee shall attend the meetings of the authority, and shall publish and post those notices that are required by law.

Section 7. Section 9-4-4 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-4-4: PROCEDURES FOR ADOPTION OF MASTER PLAN:

The council may adopt the master plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan (said parts corresponding with major geographical sections or divisions of the town or with functional subdivisions of the subject matter of the plan) and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition, the council shall hold at least one public hearing thereon, notice of the time and place of which shall be given by publication in accordance with Section 1-22-2 of this Code. The resolution shall refer expressly to the maps and descriptive and other matter intended by the council to form the whole or part of the plan. If the master plan affects any portion of unincorporated Summit County, an attested copy of the plan or part thereof shall be certified by the town clerk to the board of county commissioners of Summit County and, after the approval of such board, shall be filed with the Summit County clerk and recorder.

Section 8. Section 9-6-6 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-6-6: NOTICE OF HEARING ON CREATION:

Notice of the public hearing on the creation of the improvement district shall be given by publishing the creation ordinance in accordance with Section 1-22-2 of this Code. The Town Clerk shall, by registered or certified mail, send a copy of the creation ordinance to the last known address of each last known owner within the improvement district whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the real property assessment rolls for general (ad valorem) taxes of Summit County, Colorado, wherein the property is located. Any such list of names and addresses pertaining to any improvement district may be revised from time

to time, but such a list need not be revised more frequently than at twelve (12) months' intervals. The creation ordinance shall be mailed as soon as practicable but in no case later than seven (7) days prior to the public hearing. The creation ordinance shall be published at least four (4) days prior to the public hearing.

Section 9. Section 9-6-15 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-6-15: NOTICE OF HEARING ON ASSESSMENT ROLL:

Notice of the public hearing on the assessment roll shall be given by publishing the assessment ordinance in accordance with Section 1-22-2 of this Code, and by posting the assessment ordinance, as provided in the Charter. The Town Clerk shall, by registered or certified mail, send a copy of such ordinance to the last known address of each last known owner of land within the improvement district whose property will be assessed for the cost of the improvements, such addresses and owners being those appearing on the real property assessment rolls for general (ad valorem) taxes of Summit County, Colorado, wherein said property is located. Any such list of names and addresses pertaining to any improvement district may be revised from time to time, but such a list need not be revised more frequently than at twelve (12) months' intervals. The assessment ordinance shall be mailed as soon as practicable but in no case later than seven (7) days prior to the public hearing. The assessment ordinance shall be published at least four (4) days prior to the public hearing.

Section 10. Section 9-6-22 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

9-6-22: CASH PAYMENT OF ASSESSMENTS; NOTICE:

Payments may be made to the Director of Finance at any time within thirty (30) days after the effective date of the assessing ordinance, without penalty or the payment of interest. The Director of Finance shall give notice by publication in accordance with Section 1-22-2 of this Code, such publication to be completed at least twenty (20) days before the end of said thirty (30) day period, of the place of payment and the time for the cash payment period to close. At the expiration of said thirty (30) day period, the Director of Finance shall prepare or cause to be prepared a permanent assessment roll reflecting the cash payments and the amounts remaining due in installments.

Section 11. Section 9-9-10(D) of the Breckenridge Town Code is amended so as to read in its entirety as follows:

D. In addition to the notice required by subsection 5.10(d) of the town charter, notice of the required public hearing shall be given in the same manner as is required for a final hearing on a class A development permit application pursuant to chapter 1 of this title.

Section 12. Section 11-4-2 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

11-4-2: PUBLIC HEARING AND NOTICE:

The Council shall hold a public hearing on the vacation ordinance at the time of the second reading of the ordinance. Notice of such hearing shall be published in accordance with Section 1-22-2 of this Code, such publication to be completed at least four (4) days prior to such hearing. In addition, the Town Clerk shall mail notice of such hearing to all owners of property adjacent to the public way sought to be vacated as shown in the request for vacation and to all public utility companies providing service within the Town. Such notice shall be mailed at least four (4) days prior to the public hearing.

Section 13. Section 12-4-4 of the Breckenridge Town Code is amended so as to read in its entirety as follows:

12-4-4: PLANT INVESTMENT FEE; AUTOMATIC ANNUAL ADJUSTMENT:

On January 1 of each year, commencing in 2007, the amount of the PIF to be paid to the town pursuant to section 12-4-3 of this chapter shall be increased by an amount equal to five percent (5%) of the previous year's PIF. The increased PIF rate shall apply to all applications for water service that have not been fully paid by the effective date of such rate increase. Not later than thirty (30) days after the PIF is adjusted each year as provided in this section, the town clerk shall cause to be published a public notice setting forth the amount of the adjusted PIF. Such notice shall be published in accordance with Section 1-22-2 of this Code; provided, however, that the failure of the town clerk to cause such notice to be published shall not affect the validity of the adjustment to the PIF as made by the finance director pursuant to this section.

Section 14. 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 15. 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.

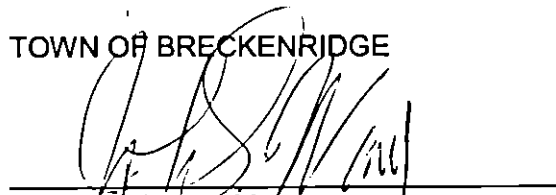
Section 16. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED
PUBLISHED IN FULL this 25th day of January, 2011. 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 February, 2011, 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

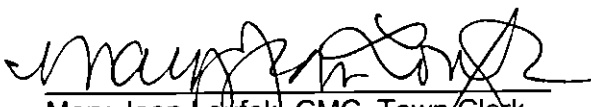
This Ordinance was published in full on the Town of Breckenridge website, on January 27, January 28, January 29, January 30, and January 31, 2011.

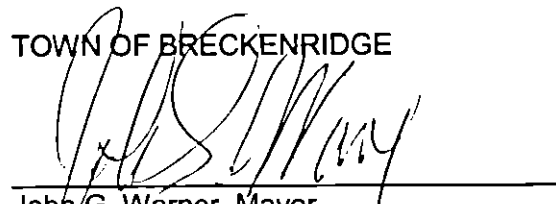
The public hearing on this ordinance was held on February 8, 2011.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON
THE TOWN'S WEBSITE this 8th day of February, 2011. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

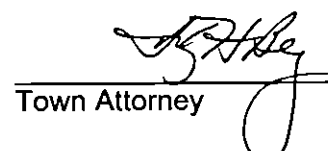
ATTEST:

TOWN OF BRECKENRIDGE


Mary Jean Loufek, CMC, Town Clerk


John G. Warner, Mayor

APPROVED IN FORM


Town Attorney

2/8/11
Date

This Ordinance was published on the Town of Breckenridge website on February 10, February 11, February 12, February 13, and February 14, 2011. This ordinance shall become effective on March 16, 2011.