

ORDINANCE NO. 38

Series 2011

AN ORDINANCE AMENDING ARTICLE B OF CHAPTER 2 OF TITLE 6 OF THE
BRECKENRIDGE TOWN CODE CONCERNING THE PROHIBITION OF ANIMALS AT
CERTAIN SPECIAL EVENTS

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

Section 1, Article B of Chapter 2 of Title 6 of the Breckenridge Town Code is amended by the addition of a new section 6-2B-6, to be entitled "Animals Prohibited at Designated Special Events", which shall read in its entirety as follows:

6-2B-6: ANIMALS PROHIBITED AT DESIGNATED SPECIAL EVENTS:

A. As used in this section, the following terms have the following meanings:

COMMUNITY SERVICE OFFICER: Has the meaning described in Section 2-1-6 of this code.

ANIMAL: Has the meaning provided in Section 6-2-1 of this code.

PERMITTED AREA OF A SPECIAL EVENT: The geographic area within which the Town has authorized a special event to be conducted during a specified date and time as described in a special event permit issued by the Town pursuant to chapter 13 of article 4 of this code.
The term "permitted area of a special event" applies only to those date(s) and time(s) specified in the special event permit issued by the Town.

LEASH: Has the meaning provided in Section 6-2-1 of this code.

SPECIAL EVENT: An event or occurrence for which a special event permit has been issued by the Town pursuant to chapter 13 of article 4 of this code.

B. It shall be an infraction as defined in section 1-3-2 of this code for the owner of a animal, or a person in charge or control of a animal, to permit such animal to be within the permitted area of any special event that is held within the Town if either:

(1) a written notice has been posted at or near each main entrance to the special event stating that animals are prohibited at such event. Such notice shall be not less than 8 ½ inches in width and 11 inches in height; or

(2) the animal owner or person in charge or control of the animal has received actual notice from a police officer, community service officer, or representative of the special event that animals are prohibited at such event, and the animal owner or person in charge or control of the animal fails or refuses to promptly remove the animal from the permitted area of the special event or, having previously removed the animal from the permitted area of the special event at the direction of a police officer, community service officer, or representative of the special event, the animal owner or person in charge or control of the animal brings the animal back into the permitted area of the special event.

C. Neither physical confinement of the animal, nor having the animal on a leash, is a defense to prosecution under this section.

D. This section does not apply to service animals and police animals, or to animals authorized to be in the permitted area of a special event in the special event permit issued by the Town.

Section 2. Section 6-3-5 of the Breckenridge Town Code is amended by the addition of the following definition:

POLICE OFFICER (OR PEACE OFFICER):

Has the meaning provided in section 16-2.5-105, C.R.S.

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(1)(m)(I), C.R.S.(concerning municipal regulation of animals); (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 6. 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.

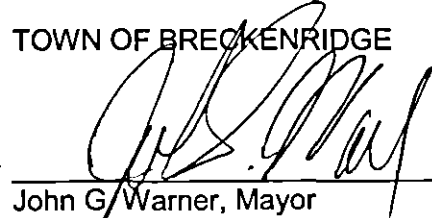
Section 7. This ordinance shall be published and become effective as provided by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 27th day of September, 2011. A Public Hearing shall be held at the regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 11th day of October, 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

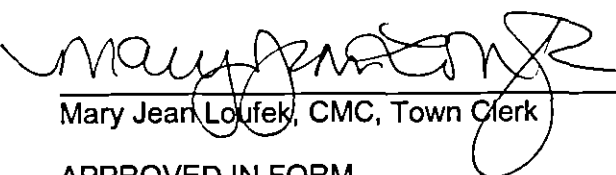
This Ordinance was published in full on the Town of Breckenridge website on September 29, September 30, October 1, October 2, and October 3, 2011.

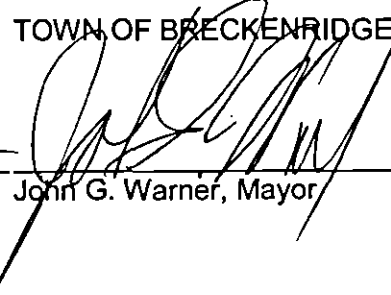
A public hearing on this ordinance was held on October 11, 2011.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL WITH AMENDMENTS ON THE TOWN'S WEBSITE this 11th day of October, 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

10/11/11
Date

This Ordinance was published on the Town of Breckenridge website on October 13, October 14, October 15, October 16, and October 17, 2011. This ordinance shall become effective on November 16, 2011.