

ORDINANCE NO. 39

Series 2013

AN ORDINANCE AMENDING SECTION 1-4-1 OF THE BRECKENRIDGE TOWN CODE CONCERNING THE GENERAL PENALTY TO BE IMPOSED FOR VIOLATIONS OF THE ORDINANCES OF THE TOWN OF BRECKENRIDGE

WHEREAS, HB13-1060, which became effective April 18, 2013, increased the maximum monetary fine that may be assessed by a municipal court of record (such as the Breckenridge Municipal Court) from One Thousand Dollars (\$1,000.00) to Two Thousand Six Hundred Fifty Dollars (\$2,650.00), and further provides for an annual cost of living adjustment to reflect inflation; and

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's "General Penalty Ordinance" to reflect the increase in the maximum monetary fine that may be assessed by a municipal court under HB13-1060.

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

Section 1. Section 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 ordinance 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 two thousand six hundred fifty dollars (\$2,650.00), or by imprisonment not to exceed 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. The maximum amount of the fine that may be imposed under this section shall automatically be increased annually as provided in Section 13-10-113(1)(b), C.R.S.

Section 2. Section 1 of this ordinance shall apply to municipal offenses committed on or after November 1, 2013. Any person convicted of violating a Town ordinance the date of violation of which was prior to November 1, 2013 shall be punished in accordance with the provisions of Section 1-4-1 of the Breckenridge Town Code as the same existed at the time of the commission of such offense.

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 the provisions of Section 13-10-113, C.R.S., and the powers possessed by home rule municipalities in Colorado.

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 10th day of September, 2013.

This ordinance was published in full on the Town of Breckenridge website on September 13, September 14, September 15, September 16 and September 17, 2013.

A public hearing on this ordinance was held on September 24, 2013.

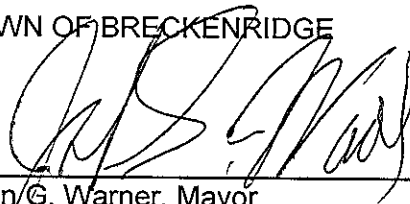
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 24th day of September, 2013. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

9/24/13

Date

This Ordinance was published on the Town of Breckenridge website on September 30, October 1, October 2, October 3 and October 4, 2013. This ordinance shall become effective on November 3, 2013.