

ORDINANCE NO. 5

Series 2015

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE 8 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE SIGN ORDINANCE," AND CHAPTER 7 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "OUTDOOR DISPLAY OF MERCHANDISE ORDINANCE," CONCERNING THE ENFORCEMENT OF SUCH ORDINANCES AND THE PENALTIES FOR VIOLATIONS OF SUCH ORDINANCES

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

Section 1. Section 8-2-16 of the Breckenridge Town Code is amended to read as follows:

8-2-16: ENFORCEMENT; LIEN:

A. Authority: The Director is authorized and directed to enforce all of the provisions of this Chapter.

B. Right Of Entry: Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Director has reasonable cause to believe that there exists in any building or upon any premises any condition or violation which makes such building or premises unsafe, dangerous or hazardous, the Director may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Director by this Chapter; provided, that if such building or premises is occupied, the Director shall first present proper credentials and request entry; and if such building or premises is unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry. When the Director shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Director for the purpose of inspection and examination pursuant to this Chapter.

C. Authority to Issue Penalty Assessment Notices: If permitted to do so by the Director, any employee of the Town's Department of Community is authorized, as part of his or her duties, to act as a Code enforcement officer of the Town for the limited purpose of issuing a penalty assessment notice for any alleged violation of this Chapter if the alleged offense is listed on the Municipal Judge's list of designated violations the penalties for which may be paid at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to the authority granted by this Subsection C shall comply with the requirements of Section 1-8-12(K) of the Breckenridge Town Code.

D. Lien; Collection: The Town Clerk shall notify the sign owner of the total expenses incurred in the alteration or removal of the sign, and if such person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such expenses shall become a lien against and run with the property where the sign is located, and the Town Clerk shall certify the same to the Summit County treasurer for collection in the same matter as delinquent charges, assessments or taxes are collected pursuant to Section 31-20-105, CRS.

E. Amount Of Lien: The amount certified by the Town Clerk to the Summit County treasurer for collection shall include the actual cost of repair, alteration or removal of the sign, plus twenty five percent (25%) to cover administrative costs, penalties, collection costs and interest.

F. Additional Remedies: The enforcement procedures established in this Section are not the exclusive method of enforcement of the provisions of this Chapter, but may be exercised concurrently with, or in addition to, the imposition of the

penalties pursuant to Section 8-2-17 of this Chapter, or other civil remedies available to the Town pursuant to law.

G. Authority To Remove Signs From Right Of Way: In lieu of the other enforcement procedures of this Section, either the Director, the Police Chief, or the Public Works Department may remove and destroy any sign that is illegally placed within a Town right of way in violation of the provisions of this Chapter.

Section 2. Section 8-2-17 of the Breckenridge Town Code is amended to read as follows:

8-2-17: PENALTIES AND REMEDIES:

A. General: It is an "infraction", as defined in Section 1-3-2 of this Code, for any person to violate any of the provisions of this Chapter. Each such person shall be liable for a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and he shall be punished accordingly.

B. Fine Schedule: Any person convicted of having violated any provision of this Chapter shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250
Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge

C. A defendant's first two alleged violations of this Chapter may be written as penalty assessments. A defendant's third and each subsequent alleged violation of this Chapter shall require a mandatory court appearance.

D. Injunctive Relief: In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 of this Code to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

E. Additional Remedies: Any remedies provided for in this Chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

Section 3. Section 9-7-4 of the Breckenridge Town Code is amended by the inclusion of the following definition:

DIRECTOR:	The Director of the Department of Community Development, or his or her designee.
-----------	--

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

9-7-7: VIOLATIONS AND PENALTIES

A. It is an "infraction", as defined in Section 1-3-2 of this Code, for any person to violate any of the provisions of this Chapter. Each such person shall be liable for a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued or permitted by such person, and he shall be punished accordingly.

B. The Director is authorized and directed to enforce all of the provisions of this Chapter.

C. If permitted to do so by the Director, any employee of the Town's Department of Community is authorized, as part of his or her duties, to act as a Code enforcement officer of the Town for the limited purpose of issuing a penalty assessment notice for any alleged violation of this Chapter if the alleged offense is listed on the Municipal Judge's list of designated violations the penalties for

which may be paid at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to the authority granted by this Subsection C shall comply with the requirements of Section 1-8-12(K) of the Breckenridge Town Code.

D. Any person convicted of having violated any provision of this Chapter shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250
Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge

E. A defendant's first two alleged violations of this Chapter may be written as penalty assessments. A defendant's third and each subsequent alleged violation of this Chapter shall require a mandatory court appearance.

F. In addition to other remedies available to the Town, the Town may commence an action pursuant to Section 1-8-10 of this Code to enjoin the alleged violation of any provision of this Chapter, or to authorize and compel the removal, termination or abatement of such violation.

G. Any remedies provided for in this Chapter shall be cumulative and not exclusive, and shall be in addition to any other remedies provided by law.

Section 5. Except as specifically amended by this ordinance, 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 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: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S.(concerning municipal police powers); (v) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vi) the powers contained in the Breckenridge Town Charter.

Section 8. 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 9. 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 February, 2015.

This ordinance was published in full on the Town of Breckenridge website on February 12, February 13, February 14, February 15 and February 16, 2015.

A public hearing on this ordinance was held on February 24, 2015.

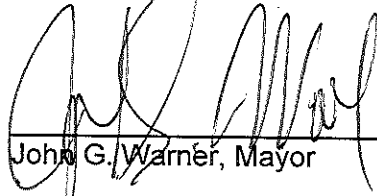
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 24th day of February, 2015. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

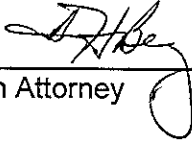


Helen Cospolich, Town Clerk



John G. Warner, Mayor

APPROVED IN FORM



Town Attorney

2/24/15

Date

This Ordinance was published on the Town of Breckenridge website on February 25, February 26, February 27, February 28 and March 1, 2015. This ordinance shall become effective on April 1, 2015.