

ORDINANCE NO. 29

Series 2018

AN ORDINANCE AMENDING THE BRECKENRIDGE TOWN CODE BY ADOPTING THE MUNICIPAL OFFENSE OF MISUSE OF TRASH RECEPTACLE

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

Section 1. Chapter 2 of Title 5 of the Breckenridge Town Code is amended by the addition of a new Section 5-2-7-1, which shall read as follows”

5-2-7-1: MISUSE OF PUBLIC TRASH RECEPTACLE:

A. Any person who deposits, throws, or leaves any household trash or business trash in a public trash receptacle commits the offense of misuse of public trash receptacle.

B. As used in this section:

“Household trash” means garbage and rubbish as defined in Section 5-2-1 that originates from a property devoted to a residential use as defined in Section 9-1-5 of this Code, or an accommodation unit as defined in Section 4-1-2, regardless of whether located within or outside the corporate limits of the Town.

“Business trash” means garbage and rubbish as defined in Section 5-2-1 that originates from a commercial enterprise or activity of any kind, regardless of whether located within or outside the corporate limits of the Town.

“Personally Identifying Information” means any information that may be used, alone or in conjunction with any other information, to identify a specific individual, including, but not limited to, name, street address, date of birth, or social security number.

“Public Trash Receptacles” means an outdoor container owned and maintained by the Town, regardless of where located, that is designed and intended to be used for the accumulation of garbage generated by the public while walking.

C. If a person’s personally identifying information is found on any household trash or business trash found in a public trash receptacle, there is a rebuttable presumption that such person committed a violation of this section.

D. Misuse of public trash receptacle is an infraction punishable by a mandatory fine of not less than twenty dollars (\$20.00) nor more than five hundred dollars (\$500.00) upon a first conviction; by a mandatory fine of not less than fifty dollars (\$50.00) nor more than one thousand dollars (\$1,000.00) upon a second conviction; and by a mandatory fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) upon a third or subsequent conviction.

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 23rd day of October, 2018.

This ordinance was published in full on the Town of Breckenridge website on October 26, October 27, October 28, October 29 and October 30, 2018.

A public hearing on this ordinance was held on November 13, 2018.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of November, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

11/13/18

Date

This Ordinance was published on the Town of Breckenridge website on November 15, November 16, November 17, November 18 and November 19, 2018. This ordinance shall become effective on December 19, 2018.