

ORDINANCE NO. 7

Series 2018

AN ORDINANCE AMENDING TITLE 12 OF THE BRECKENRIDGE TOWN CODE
CONCERNING THE PLANT INVESTMENT FEE FOR MAJOR AND MINOR RETAIL FOOD
AND BEVERAGE ESTABLISHMENTS

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

Section 1. The definition of "Restaurant" in Section 12-1-6 of the Breckenridge Town Code is repealed and replaced so as to read in its entirety as follows:

RETAIL FOOD
ESTABLISHMENT
(MAJOR/MINOR
CLASSIFICATION):

An establishment that stores, prepares, or packages food or drink for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. A retail food establishment may or may not hold a hotel and restaurant license under the Colorado Liquor Code. The term "food service establishment" includes, but is not limited to, restaurants, delicatessens, and snack bars.

"Retail Food Establishment" does not include:

- a. Any private home;
- b. Private boarding houses;
- c. Appropriately licensed hospital and health facility patient feeding operations;
- d. Appropriately licensed child care centers and other child care facilities;
- e. Hunting camps and other outdoor recreation locations where food is prepared in the field rather than at a fixed base of operation;
- f. Food or beverage wholesale manufacturing, processing, or packaging plants, or portions thereof, that are subject to regulatory controls under state or federal laws or regulations;
- g. Motor vehicles used only for the transport of food;
- h. Establishments that handle only non-potentially hazardous prepackaged food, and operations serving only commercially prepared, prepackaged foods requiring no preparation other than the heating of food within its original container or package;
- i. Farmers markets and roadside markets that offer only uncut fresh fruit and vegetables for sale;
- j. Automated food merchandising enterprises that supply only prepackaged non-potentially hazardous food or drink or food or drink in bottles, cans, or cartons only, and operations that dispense only chewing gum or salted nuts in their natural protective covering;
- k. The donation, preparation, sale, or service of food by a nonprofit or charitable organization in conjunction with an event or celebration.

Retail food establishments are classified as either a "minor retail food establishment" or a "major retail food establishment." A minor retail food establishment is a retail food establish that does not exceed a total of eight hundred (800) square feet in size, including, but not limited to, kitchen and interior storage. A "major retail food establishment" is any retail food establishment that is not a minor retail food establishment.

Section 2. The portion of Section 12-4-10A of the Breckenridge Town Code that concerns the "Water User Class" and "SFE" amount for "restaurants and lounges, per 1,000 square feet of building space" is amended to read as follows:

Water User Class

SFE

Major retail food establishments and lounges, per 1,000 square feet of building space 3.75

Minor retail food establishments and lounges, per 800 square feet of building space 1.6

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 it has the power to adopt this ordinance pursuant to the provisions of Section 31-35-402, C.R.S., and the powers possessed by home rule municipalities in Colorado.

Section 5. This ordinance shall be published as required by Section 5.9 of the Breckenridge Town Charter.

Section 6. This ordinance, except Section 3, shall become effective as provided in Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 6th day of February, 2018.

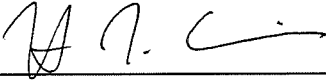
This ordinance was published in full on the Town of Breckenridge website on February 9, February 10, February 11, February 12 and February 13, 2018.

A public hearing on this ordinance was held on February 27, 2018.

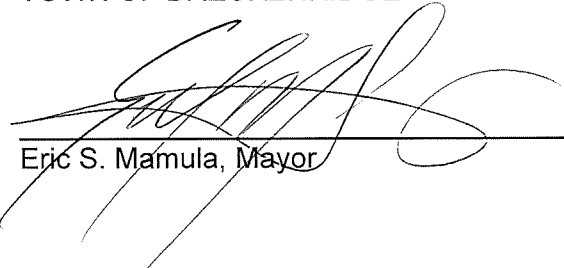
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 27th day of February, 2018. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE




Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

 2/27/18

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on March 5, March 6, March 7, March 8 and March 9, 2018. This ordinance shall become effective on April 8, 2018.