

ORDINANCE NO. 21

Series 2020

AN ORDINANCE AMENDING CHAPTER 14 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING TOWN PROJECTS

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

Section 1. Section 9-14-2 of the Breckenridge Town Code is amended to read as follows:

9-14-2: TOWN COUNCIL AUTHORITY OVER TOWN PROJECTS:

The town council, in its sole discretion, shall determine whether a town project is necessary or advisable for the public good, and whether the project shall be undertaken. If a town project is to be undertaken, the town council, in its sole discretion, has the sole and final authority to determine all aspects of the town project, including, but not limited to, its location and design. Chapters 1, 3 and 12 of this title and the town of Breckenridge land use guidelines do not apply to town projects, but town projects shall be processed instead in accordance with the provisions of this chapter.

Section 2. Section 9-14-4B of the Breckenridge Town Code is amended to read as follows:

B. In connection with its review of a proposed town project, the planning commission shall schedule and hold one or more public hearings, notice of which shall be published on the town's website for at least five (5) days prior to the hearing. In addition to posting on the Town's website, notice of the planning commission's public hearing on a proposed town project shall be given in the same manner as is required for a final hearing on a Class A development permit application pursuant to chapter 1 of this title. Failure of a person to receive the notice described in this section shall not impair the validity of the planning commission's public hearing on a proposed town project, or the planning commission's recommendation to the town council with respect to such proposed town project. Because the process of reviewing and approving a town project is discretionary and administrative, and not quasi-judicial, any member of the town council may properly attend the planning commission's public hearing(s) and deliberations with respect to a proposed town project.

Section 3. Section 9-14-4E of the Breckenridge Town Code is amended to read as follows:

E. The final decision with respect to a proposed town project shall be made by the town council at a regular or special meeting. The date of the town council meeting shall be determined by the Town Manager. The proposed town project shall be listed on the town council's agenda that is posted in advance of the meeting on the town's website. In addition to posting on the Town's website, notice that the town council will consider a proposed town project at such meeting shall be given in the same manner as is required for a final hearing on a Class A development permit application pursuant to chapter 1 of this title. Failure of a person to receive the notice described in this section shall not impair the validity of any action taken by the town council on a proposed town project.

Section 4. Section 9-14-5A of the Breckenridge Town Code is amended by the addition of the following provision:

2.5. Grading and underground utility work associated with a town project.

Section 5. Section 9-14-5A of the Breckenridge Town Code is amended to read as follows:

9-14-5: TOWN PROJECTS NOT REQUIRING PLANNING COMMISSION REVIEW:

A. Notwithstanding section 9-14-4 of this chapter, the planning commission is not required to review and provide a recommendation with respect to the following categories of town projects:

1. Public road or alley improvements;
2. The installation or replacement of the town's public utilities and structures associated with the operation of the town's public utilities;
3. The erection or improvement of surface public parking facilities;
4. Minor repairs to any public facility;
5. Any work that would be classified as a class C, class D major, or class D minor development under the town's development code; or
6. Any other proposed town project that the town council determines need not be reviewed by the planning commission.

Approval of exempt projects under Section A3 and A5 shall be made by the Director. All other exempt projects shall not require approval of the Director.

B. All exempt projects may be undertaken by the town council without planning commission review, and without formal town council approval.

C. Nothing in this section limits the discretionary authority of the town council to have any of the exempted town projects reviewed by the planning commission if the council determines that such review would be beneficial.

Section 6. 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 7. 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 8. The town council 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 9. The town council 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 10. 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 12th day of May, 2020.

This ordinance was published in full on the Town of Breckenridge website on May 14, May 15, May 16, May 17 and May 18, 2020.

A public hearing on this ordinance was held on May 26, 2020.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 26th day of May, 2020. 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

5/26/20  
Date

This Ordinance was published on the Town of Breckenridge website on May 28, May 29, May 30, May 31 and June 1, 2020. This ordinance shall become effective on July 1, 2020.