

ORDINANCE NO. 29

Series 2020

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING EXTERIOR LIGHTING

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

Section 1. Section 9-12-4B of the Breckenridge Town Code is amended to read as follows:

B. The required period for the eventual elimination of nonconforming lighting fixtures contained in this chapter, which is based upon the formula that is used by the United States internal revenue service to depreciate fixtures attached to real property over a fifteen (15) year period, is reasonable and provides a rational basis for the deadline for the elimination of nonconforming lighting fixtures established by this chapter.

Section 2. Section 9-12-6B of the Breckenridge Town Code is amended to read as follows

B. All commercial and residential outdoor lighting fixtures that were lawfully installed prior to July 1, 2007 but that do not comply with the requirements of this Chapter are declared to be legal nonconforming fixtures. All legal nonconforming fixtures may continue to be used and maintained after the adoption of this Chapter, but shall be brought into compliance with the requirements of this Chapter upon the first to occur of:

1. a determination by the Director that the legal nonconforming fixture constitutes a public hazard or nuisance;
2. the replacement of the legal nonconforming fixture; or
3. July 1, 2025.

Notwithstanding any other provision of this Chapter, all legal nonconforming fixtures shall be brought into compliance with the requirements of this Chapter not later than July 1, 2025.

Section 3. Section 9-12-6 of the Breckenridge Town Code is amended by the addition of a new Section B.5 which shall read as follows:

B.5 Prior to July 1, 2025 a legal nonconforming fixture described in Section 9-12-6B may be brought into compliance with the requirements of this Chapter by the approval of such fixture as a retrofit fixture as defined in Section 9-12-7. Once approved as a retrofit fixture by the Director pursuant to Section 9-12-6B the fixture shall be deemed to be in compliance with the requirements of this Chapter.

Section 4. Section 9-12-7 of the Breckenridge Town Code is amended by the addition of the following definition:

RETROFIT FIXTURE:	A legal non-conforming fixture as described in Section 9-12-6B that has a permanent opaque lining applied to it which extends to the lowest portion of the bulb, or other permanent modification to the fixture approved by the Director that brings such fixture into compliance with the requirements of this Section.
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Section 5. 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 6. 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 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. 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 11th day of August, 2020.

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

A public hearing on this ordinance was held on August 25, 2020.

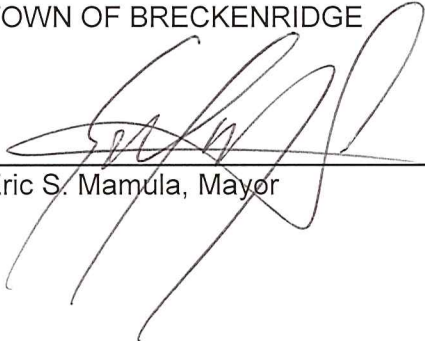
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 25th day of August, 2020. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE





Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM

Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on August 26, August 27, August 28, August 29 and August 30, 2020. This ordinance shall become effective on September 29, 2020.