

ORDINANCE NO. 37

Series 2022

AN ORDINANCE AMENDING CHAPTER 13 PERTAINING TO THE PROCESS FOR BRECKENRIDGE SPECIAL EVENTS AND THE BRECKENRIDGE EVENTS COMMITTEE.

WHEREAS, by adoption of Resolution No. 14, Series 2018, the Town of Breckenridge Town Council established a temporary committee known as the "Town of Breckenridge Events Committee" and in connection therewith set forth the duties, composition and authority of the committee;

WHEREAS, by adoption of Resolution No. 8, Series 2022, the Town Council made amendments to the Town of Breckenridge Events Committee;

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety and welfare of the Town to more permanently established the Breckenridge Events Committee by creating the committee by ordinance and superseding the 2018 and 2022 resolutions;

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

Section 1. That section 4-13-4, entitled "Definitions" be amended by deleting the following language:

BRECKENRIDGE EVENTS COMMITTEE (or EVENTS COMMITTEE): The town of Breckenridge Events Committee created by Resolution No. 14, Series 2018, as amended from time to time.

Section 2. That section 4-13-8 shall be replaced with the below language creating a special events committee and that the remaining sections of title 4, chapter 13 be renumbered accordingly:

BRECKENRIDGE EVENTS COMMITTEE

A. Membership on the Committee.

1. The Committee shall consist of up to fourteen members approved from time to time by the Town Council. A member may be an individual, or either a for profit or nonprofit business entity. Membership on the Committee shall be based upon a member's relevance, interest, and involvement with events within the Town, and/or the impact of events within the community. Membership of the Committee will be based on the needs of the Committee as determined by the Town Council, and may change over time.

2. Composition. The Committee shall be comprised of entities that have a business office located within the corporate limits of the Town of Breckenridge, that may act through one or more individuals to act as the member's representative on the Committee. A member representative shall have full authority to act for such member with respect to all decisions and other actions of the Committee.

3. Appointment and Removal of Member Entities. The Member entities shall be appointed by and serve at the pleasure of Town Council. A member may change its representative at any time in its sole and absolute discretion.

B. Duties and Responsibilities. The Committee shall have the following duties and responsibilities:

1. To effectively function as the single, primary point of contact for evaluation of potential events, as defined in Section 4-13-4 of the Breckenridge Town Code, against agreed upon event strategies including, but not limited to attract destination visitation; branding/media; animation/community goodwill; sustainable visitation; and quality of life for primary residents;

2. To identify potential impacts on Town and citizens requiring extra vetting; street and parking closures, parking capacity, gridlock, trail use, noise, multiday events; and

3. To perform such other functions and duties regarding events as may, from time to time, be delegated by the Town Council, or which are provided for by Town ordinance or resolution.

C. Members of the Committee shall serve without compensation. Nothing herein shall limit a member entity from compensating its designated representative for its service on the Committee in the member's sole and absolute discretion.

Section 3. That section 4-13-18 entitled "APPEAL OF DENIAL OR CONDITIONAL APPROVAL OF PERMIT" is hereby repealed and replaced with the following language underlined to read as follows:

4-13-18: ADMINISTRATIVE REVIEW AND COURT PROCEEDINGS.

(a) An applicant for a special event permit who disputes any determination made by or on behalf of the Town pursuant to the authority of the manager, which determination adversely affects such person, may petition the manager for a hearing concerning such determination no later than thirty (30) days after having been notified of any such determination. Compliance with the provisions of this subsection shall be a jurisdictional prerequisite to any action brought under the provisions of this section, and failure of compliance shall forever bar any such action.

(b) The manager may hold such hearing themselves or they have the sole discretion to designate a hearing officer to hold such hearing or such hearings

(c) Such petition shall be in writing, and the facts and figures submitted shall be submitted under oath or affirmation either in writing or orally at a hearing scheduled by the manager or the hearing officer. The hearing, if any, shall take place at Town Hall, and notice thereof and the proceedings shall otherwise be in accordance with rules and regulations issued by the manager.

(d) The burden of proof shall be on the proponent of a claim or issue to prove such claim or issue by a preponderance of the evidence, and on the party raising any affirmative defense or matter of mitigation to prove such affirmative defense or matter of mitigation by a preponderance of the evidence. "Preponderance of the evidence" means to prove that something is more probably true than not.

(e) Thereupon, the manager shall make a final determination. Such final determination shall be considered a final order of the manager and may be reviewed under Rule 106(a)(4) of the state rules of civil procedure by the petitioner or by the town.

(f) The district court of the fifth judicial district of the State of Colorado shall have original jurisdiction in proceedings to review all questions of law and fact determined by the manager by order or writ under Rule 106(a)(4) of the state rules of civil procedure.

Section 4. 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 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 22nd day of November, 2022.

This ordinance was published in full on the Town of Breckenridge website on November 23, November 24, November 25, November 26 and November 27, 2022.

A public hearing on this ordinance was held on December 13, 2022.

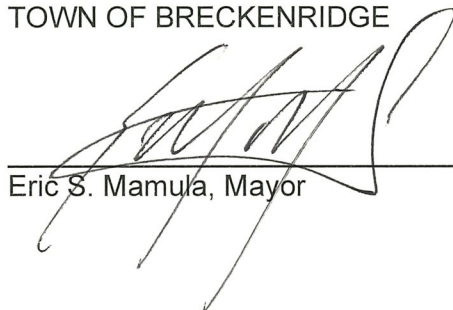
READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 13th day of December, 2022. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE



Helen Cospolich, CMC, Town Clerk



Eric S. Mamula, Mayor

APPROVED IN FORM



Town Attorney

1.19.23
Date

This Ordinance was published on the Town of Breckenridge website on December 15, December 16, December 17, December 18 and December 19, 2022. This ordinance shall become effective on January 18, 2023.