

ORDINANCE NO. 27

Series 2017

AN ORDINANCE REPEALING CHAPTER 15 OF TITLE 4 OF THE BRECKENRIDGE TOWN CODE CONCERNING STREET USE PERMITS; AND AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, BY PROHIBITING THE OPERATION OF HORSEDRAWN CARRIAGES, PEDAL BUSES, AND PEDICABS ON THE STREETS AND HIGHWAYS OF THE TOWN UNLESS AUTHORIZED BY A SPECIAL EVENTS PERMIT

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

Section 1. Chapter 15 of Title 4 of the Breckenridge Town Code, entitled "Permits Required to Conduct Certain Business on Town Streets," is repealed.

Section 2. Section 6-3H-5(G) of the Breckenridge Town Code is amended to read as follows:

G. It is unlawful to operate a pedal bus or a pedicab on the Riverwalk unless authorized by a special event permit issued pursuant to Chapter 13 of Title 4 of this Code.

Section 3. In Section 7-1-2 of the Breckenridge Town Code, the list of additional definitions added to Appendix I (Definitions) of the Model Traffic Code for Colorado, 2010 edition, is amended by the addition of the following definition:

HORSEDRAWN CARRIAGE:                      A wheeled vehicle pulled by a horse and used to carry people.

Section 4. Section 7-1-2 of the Breckenridge Town Code is amended by the addition of the following additional amendment to the Model Traffic Code for Colorado, 2010 edition:

Section 109(8) of the adopted code is amended so as to read in its entirety as follows:

(8) Persons riding or leading animals on or along a highway shall ride or lead such animals on the left side of said highway, facing approaching traffic. This shall not apply to persons driving herds of animals along highways. No person shall drive a horsedrawn carriage on the streets or highways within the Town unless authorized by a special event permit issued pursuant to Chapter 13 of Title 4 of this Code.

Section 5. That portion of Section 7-1-2 of the Breckenridge Town Code that pertains to Section 1417 of the Model Traffic Code for Colorado, 2010 edition, is amended to read as follows:

The adopted code is amended by the addition of a new section 1417, to be entitled "Operation Of Pedicabs Prohibited," which shall read in its entirety as follows:

1417. Operation Of Pedicabs Prohibited. No person shall operate a pedicab on the streets and highways with the Town unless authorized by a special event permit issued pursuant to Chapter 13 of Title 4 of this Code.

Section 6. That portion of Section 7-1-2 of the Breckenridge Town Code that pertains to Section 1418 of the Model Traffic Code for Colorado, 2010 edition, is amended to read as follows:

The adopted code is amended by the addition of a new section 1418, to be entitled "Operation Of Pedal Buses Prohibited," which shall read in its entirety as follows:

1418. Operation Of Pedal Buses Prohibited. No person shall operate a pedal bus on the streets and highways with the Town unless authorized by a special event permit issued pursuant to Chapter 13 of Title 4 of this Code.

Section 7. The definitions of “pedal bus” and “pedicab” in Section 8-2-3 of the Breckenridge Town Code are deleted.

Section 8. Section 8-2-14-1 of the Breckenridge Town Code is repealed.

Section 9. 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 10. 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 11. The Town Council hereby finds, determines and declares that it has the power to adopt this ordinance pursuant to: (i) Section 42-4-110(1)(a), C.R.S.; (ii) Section 42-4-111, C.R.S.; (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) Section 31-15-702, C.R.S. (concerning the regulation of municipal streets and alleys); (vi) the authority granted to home rule municipalities by Article XX of the Colorado Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

Section 12. The Town Council of the Town of Breckenridge hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of public property, health, welfare, peace or safety in order to prevent the submission of an application for a street use permit pursuant to Chapter 15 of Title 4 of the Breckenridge Town Code before this ordinance would become effective if adopted as a non-emergency ordinance. The Town Council further determines that the adoption of this ordinance as an emergency ordinance is in the best interest of the citizens of the Town of Breckenridge.

Section 13. Pursuant to Section 5.11 of the Breckenridge Town Charter this ordinance shall take effect and be in full force upon adoption of this ordinance by the affirmative votes of at least five (5) members of the Town Council; provided, however, that Sections 3 through 6, inclusive, of this ordinance shall not become effective with respect to any state highway located within the corporate limits of the Town of Breckenridge until it has been approved by the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.

Section 14. This ordinance shall be published in full within ten (10) days after adoption, or as soon thereafter as possible, as required by Section 5.11 of the Breckenridge Town Charter.

ADOPTED AND APPROVED as an Emergency Ordinance this 8th day of August, 2017.

TOWN OF BRECKENRIDGE, a Colorado  
municipal corporation

By: \_\_\_\_\_/s/\_\_\_\_\_  
Eric S. Mamula, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Helen Cospolich, CMC,  
Town Clerk

APPROVED IN FORM

\_\_\_\_\_/s/\_\_\_\_\_  
Town Attorney