

ORDINANCE NO. 36

Series 2017

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE, KNOWN AS THE "BRECKENRIDGE DEVELOPMENT CODE," CONCERNING MURALS WITHIN THE CONSERVATION DISTRICT

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

Section 1. Section 4-3-11 of the Breckenridge Town Code is amended by the addition of a new Section E, which shall read as follows:

E. Notwithstanding Section 9-1-19-43A, Policy 43 (Absolute) Public Art, a permit issued under this chapter may authorize the permittee to display a mural in connection with the holding of the special event for which the permit is issued.

Section 2. Section 9-1-5 of the Breckenridge Town Code is amended by the addition of the following definition:

MURAL: A painting or other work of art applied directly on or attached to a wall.

Section 3. The definition of "Public Art" in Section 9-1-5 of the Breckenridge Town Code is amended to read as follows:

PUBLIC ART: A work of art located on public or private property which is accessible to the public. Public art includes, but is not limited to, painting, murals, sculpture, graphic arts, tile, mosaics, photography, earthworks, environmental installations and decorative arts.

Section 4. Section 9-1-19-43A, "Policy 43 (Absolute) Public Art," of the Breckenridge Town Code is amended to read as follows:

9-1-19-43A: POLICY 43 (ABSOLUTE) PUBLIC ART:

A. An application for a class C or class D minor development permit for the placement of public art shall be reviewed only for site function suitability, and not for content of the public art or aesthetics. The public art commission shall not review such applications unless specifically requested to do so by the planning commission.

B. Notwithstanding anything contained in this Code to the contrary, murals are prohibited within the Conservation District; provided, however, a mural may be displayed in the Conservation District pursuant to a permit issued under title 4, chapter 3 of this Code.

Section 5. Except as specifically amended by this ordinance, 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 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 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 28th day of November, 2017.

This ordinance was published in full on the Town of Breckenridge website on November 30, December 1, December 2, December 3 and December 4, 2017.

A public hearing on this ordinance was held on December 12, 2017.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 12th day of December, 2017. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

_____/s/_____
Helen Cospolich, CMC, Town Clerk

_____/s/_____
Eric S. Mamula, Mayor

APPROVED IN FORM

_____/s/_____
Town Attorney Date

This Ordinance was published on the Town of Breckenridge website on December 13, December 14, December 15, December 16 and December 17, 2017. This ordinance shall become effective on January 16, 2018.