



TOWN OF  
**BRECKENRIDGE**

**Town Council Regular Meeting**  
Tuesday, February 26, 2019, 7:00 PM  
Council Chambers  
150 Ski Hill Road  
Breckenridge, Colorado

**I. CALL TO ORDER, ROLL CALL**

**II. APPROVAL OF MINUTES**

A. TOWN COUNCIL MINUTES - FEBRUARY 12, 2019

**III. APPROVAL OF AGENDA**

**IV. COMMUNICATIONS TO COUNCIL**

A. CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)

**V. CONTINUED BUSINESS**

A. SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS

1. *COUNCIL BILL NO. 1, SERIES 2019 - AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING SIGNS ON PRIVATE PROPERTY; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE*
2. *COUNCIL BILL NO. 2, SERIES 2019 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADDING A NEW CHAPTER 17 ENTITLED "DOCKLESS BICYCLE SHARE LICENSING"*
3. *COUNCIL BILL NO. 3, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE OPERATION OF BICYCLES AND ELECTRICAL ASSISTED BICYCLES WITHIN THE TOWN OF BRECKENRIDGE*
4. *COUNCIL BILL NO. 4, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE REGULATION OF BICYCLES AND OTHER HUMAN-POWERED VEHICLES*

**VI. NEW BUSINESS**

A. FIRST READING OF COUNCIL BILLS, SERIES 2019

1. *COUNCIL BILL NO. 5, SERIES 2019 - AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY (Sawmill Station Square Commercial Building No. 1 Condominium)*

B. RESOLUTIONS, SERIES 2019

1. *RESOLUTION NO. 4, SERIES 2019 - A RESOLUTION MAKING SUPPLEMENTAL*

*APPROPRIATIONS TO THE 2018 TOWN BUDGET*

2. *RESOLUTION NO. 5, SERIES 2019 - A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2019 TOWN BUDGET*
  3. *RESOLUTION NO. 6, SERIES 2019 - A RESOLUTION FINDING A PETITION FOR ANNEXATION OF A PARCEL OF LAND TO BE IN SUBSTANTIAL COMPLIANCE WITH SECTION 31-12-107(1), C.R.S (Kenington Townhomes – 2.80 acres, more or less)*
  4. *RESOLUTION NO. 7, SERIES 2019 - A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ESTABLISH ADMINISTRATIVE POLICIES CONCERNING THE PUBLIC USE OF TOWN FACILITIES*
- C. OTHER

**VII. PLANNING MATTERS**

- A. PLANNING COMMISSION DECISIONS

**VIII. REPORT OF TOWN MANAGER AND STAFF**

**IX. REPORT OF MAYOR AND COUNCIL MEMBERS**

- A. CAST/MMC (MAYOR MAMULA)
- B. BRECKENRIDGE OPEN SPACE ADVISORY COMMITTEE (MR. BERGERON)
- C. BRECKENRIDGE TOURISM OFFICE (MS. WOLFE)
- D. BRECKENRIDGE HERITAGE ALLIANCE (MS. GIGLIELLO)
- E. BRECKENRIDGE CREATIVE ARTS
- F. BRECKENRIDGE EVENTS COMMITTEE (MS. GIGLIELLO)

**X. OTHER MATTERS**

**XI. SCHEDULED MEETINGS**

- A. SCHEDULED MEETINGS FOR FEBRUARY, MARCH AND APRIL

**XII. ADJOURNMENT**

**D) CALL TO ORDER, ROLL CALL**

Mayor Mamula called the meeting of February 12, 2019 to order at 7:00pm. The following members answered roll call: Mr. Bergeron, Mr. Carleton, Mr. Gallagher, Ms. Wolfe, Ms. Gigliello and Mayor Mamula.

**II) APPROVAL OF MINUTES**

**A) TOWN COUNCIL MINUTES - JANUARY 22, 2019**

With no changes or corrections to the meeting minutes of January 22, 2019, Mayor Mamula declared they would stand approved as submitted.

**III) APPROVAL OF AGENDA**

Mr. Holman stated there were no changes to the agenda. Mayor Mamula declared the agenda approved as presented.

**IV) COMMUNICATIONS TO COUNCIL**

**A) RECOGNITION OF COUNCILWOMAN ELISABETH LAWRENCE**

Mayor Mamula thanked Ms. Lawrence for her dedicated service to the Town as a member of Town Council. Ms. Lawrence thanked Council and stated she would miss working with them and the staff.

**B) CITIZEN'S COMMENT (NON-AGENDA ITEMS ONLY; 3-MINUTE TIME LIMIT PLEASE)**

Mayor Mamula opened Citizen's Comment.  
With no comments, Mayor Mamula closed Citizen's Comment

**C) BRECKENRIDGE TOURISM OFFICE UPDATE**

Ms. Lucy Kay, Director of the BTO, stated data through January shows a record month, with lodging up 3% year over year, and an estimate of 53,000 total room nights in January. She stated there was a high percentage of last-minute bookings, and we are up for the year in occupancy. Ms. Kay stated Presidents' weekend is looking slightly down overall, but February may be another record month. Ms. Kay stated March 15-22 will be the busiest week of spring break. She further stated the consumer confidence index is down, and CEO confidence markers are also down. Ms. Kay stated the BTO is expecting mostly day visitors for the extended ski resort season and she thinks it could be a good thing with destination visitors who might come during that time.

Ms. Kay stated that for the Snow Sculpture Championships, there is a meeting today about the footprint and communication plans of the event, and the BTO will be meeting with Town staff. She further stated they hope to come with some ideas for peak day management at the Council Special Meeting on Tuesday, February 19th.

**V) CONTINUED BUSINESS**

**A) SECOND READING OF COUNCIL BILLS, SERIES 2019 - PUBLIC HEARINGS**

**VI) NEW BUSINESS**

**A) FIRST READING OF COUNCIL BILLS, SERIES 2019**

**1) COUNCIL BILL NO. 1, SERIES 2019 - AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING SIGNS ON PRIVATE PROPERTY; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE**

Mayor Mamula read the title into the minutes. Mr. Tim Berry stated this ordinance would amend the sign code as a result of a Supreme Court decision about not regulating the content of signs. He further stated sign approvals would be done at the staff level, and not by permit at the Planning Commission.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 1, SERIES 2019 - AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE TOWN CODE CONCERNING SIGNS ON PRIVATE

PROPERTY; AND MAKING CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE. Mr. Gallagher seconded the motion.  
The motion passed 6-0.

- 2) COUNCIL BILL NO. 2, SERIES 2019 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADDING A NEW CHAPTER 17 ENTITLED "DOCKLESS BICYCLE SHARE LICENSING"

Mayor Mamula read the title into the minutes. Ms. Shannon Haynes stated this ordinance would address dockless bike sharing in the Town of Breckenridge, with specific license requirements of the managers, fees and types of bikes used. She further stated that if approved tonight, additional changes will be noted on second reading as a result of the work session discussion.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 2, SERIES 2019 - AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE BY ADDING A NEW CHAPTER 17 ENTITLED "DOCKLESS BICYCLE SHARE LICENSING". Ms. Gigliello seconded the motion.

The motion passed 6-0.

- 3) COUNCIL BILL NO. 3, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE OPERATION OF BICYCLES AND ELECTRICAL ASSISTED BICYCLES WITHIN THE TOWN OF BRECKENRIDGE

Mayor Mamula read the title into the minutes. Chief James Baird stated this ordinance would amend the local code to better match a recent state bill, and would require bicyclists to come to a complete stop at red stop lights before proceeding. He also noted this ordinance does not impact Town laws for bikes at stop signs.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 3, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE OPERATION OF BICYCLES AND ELECTRICAL ASSISTED BICYCLES WITHIN THE TOWN OF BRECKENRIDGE. Mr. Carleton seconded the motion.

The motion passed 6-0.

- 4) COUNCIL BILL NO. 4, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE REGULATION OF BICYCLES AND OTHER HUMAN-POWERED VEHICLES

Mayor Mamula read the title into the minutes. Ms. Haynes stated this ordinance updates the definition of an electric bike and puts parameters around the use of ebikes in Town.

Mayor Mamula opened the public hearing. There were no comments and the public hearing was closed.

Mr. Bergeron moved to approve COUNCIL BILL NO. 4, SERIES 2019 - AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010 EDITION, CONCERNING THE REGULATION OF BICYCLES AND OTHER HUMAN-POWERED VEHICLES. Ms. Wolfe seconded the motion.

The motion passed 6-0.

- B) RESOLUTIONS, SERIES 2019  
C) OTHER

Council determined the need to appoint a new Mayor Pro Tem as a result of Ms. Lawrence's recent resignation. With a unanimous affirmative vote, Ms. Gigliello was appointed Mayor Pro Tem until the next municipal election in April of 2020.

**VII) PLANNING MATTERS**

**A) PLANNING COMMISSION DECISIONS**

Mayor Mamula declared the Planning Commission Decisions would stand approved as presented.

**B) STEPHEN C. WEST ICE ARENA ADDITIONS & ALTERATIONS TOWN PROJECT**

Mr. Chapin LaChance introduced the Town Project: Stephen C. West Ice Arena Additions and Alterations. He stated this is a Town Project for an Ice Arena addition that includes lockers, offices, mechanical alterations and other items. Mr. Chapin further stated the Planning Commission recommends approval with a passing point analysis of 0 points.

Mayor Mamula stated the Council discussed the project this afternoon and would like have it brought back at a later meeting to hopefully re-evaluate the total cost.

Ms. Jackie Koetteritz, Director of the Summit Girls Hockey program, thanked the Council for taking this on and stated there is a need for this kind of renovation.

Mr. Gallagher moved to approve Town Project: Stephen C. West Ice Arena Additions and Alterations. Mr. Carleton seconded the motion. The motion passed 6-0.

**VIII) REPORT OF TOWN MANAGER AND STAFF**

The Report of the Town Manager and Staff - Looking to finalize the State of the Town date, in May, Council agreed on May 29th, 6pm.

Mr. Holman also asked Council to support Canon City in a social media push for city revitalization. Council agreed to support this initiative.

**IX) REPORT OF MAYOR AND COUNCIL MEMBERS**

**A) Cast/MMC**

Mayor Mamula stated there was no update.

**B) Breckenridge Open Space Advisory Committee**

Mr. Bergeron stated there will be 3 spaces open for BOSAC in April, and there is one incumbent.

**C) Breckenridge Tourism Office**

Ms. Wolfe stated there was no update.

**D) Breckenridge Heritage Alliance**

Ms. Gigliello stated there was no update.

**E) Breckenridge Creative Arts**

There was no representative present for an update.

**F) Breckenridge Events Committee**

Ms. Gigliello stated there was no update.

**X) OTHER MATTERS**

**XI) SCHEDULED MEETINGS**

**A) SCHEDULED MEETINGS FOR FEBRUARY AND MARCH**

**XII) ADJOURNMENT**

With no further business to discuss, the meeting adjourned at 7:35 pm. Submitted by Helen Cospolich, CMC, Town Clerk.

ATTEST:

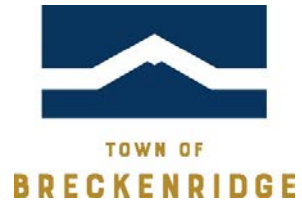
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Helen Cospolich, CMC, Town Clerk

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Eric S. Mamula, Mayor

DRAFT



# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 2/20/2019  
Subject: Council Bill No. 1 (New Sign Code Ordinance)

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The second reading of the new Sign Code Ordinance is scheduled for your meeting on February 26<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING – FEB. 26***

2  
3 ***NO CHANGE FROM FIRST READING***

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5 COUNCIL BILL NO. 1

6  
7 Series 2019

8  
9 AN ORDINANCE ADOPTING CHAPTER 15 OF TITLE 9 OF THE BRECKENRIDGE  
10 TOWN CODE CONCERNING SIGNS ON PRIVATE PROPERTY; AND MAKING  
11 CONFORMING AMENDMENTS TO THE BRECKENRIDGE TOWN CODE

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

15  
16 Section 1. Title 9 of the Breckenridge Town Code is amended by the addition of a new  
17 Chapter 15, which shall read as follows:

18  
19 **CHAPTER 15**

20  
21 **SIGNS ON PRIVATE PROPERTY**

22  
23 **SECTION:**

24  
25 **Part A – Introduction**

- 26  
27 9-15-1: Short Title  
28 9-15-2: Authority  
29 9-15-3: Legislative Findings and Purpose  
30 9-15-4: Regulatory Scope

31  
32 **Part B – Definitions and Interpretation**

- 33  
34 9-15-5: Definitions  
35 9-15-6: Interpretation

36  
37 **Part C – General Policies**

- 38  
39 9-15-7: General Policies for Sign Regulation  
40 9-15-8: Sign Permit Required - Generally  
41 9-15-9: Exempt Signs  
42 9-15-10: Actions That Do Not Require A Permit  
43 9-15-11: Prohibited Signs

2019 SIGN CODE ORDINANCE



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**Part D – Sign Permit Process**

- 9-15-12: Permit Process
- 9-15-13: Variances
- 9-15-14: Master Sign Plan

**Part E – Sign Size and Location Rules**

- 9-15-15: Signs on Commercial Properties
- 9-15-16: Signs on Industrial Properties
- 9-15-17: Additional Signage Allowed

**Part F – Sign Design Standards**

- 9-15-18: Sign Design Standards – Generally
- 9-15-19: Sign Maintenance
- 9-15-20: Standards for Specific Types of Signs
- 9-15-21: Nonconforming Signs
- 9-15-22: Abandoned Signs

**Part G – Enforcement**

- 9-15-23: Enforcement; Lien
- 9-15-24: Penalties and Remedies

**Part H – Miscellaneous**

- 9-15-25: Disclaimer of Liability
- 9-15-26: Rules and Regulations

**Part A – Introduction**

**9-15-1: SHORT TITLE:** This Chapter is to be known and may be cited as the “Town Of Breckenridge 2019 Sign Code,” or the “Breckenridge Sign Code.”

**9-15-2: AUTHORITY:** This Chapter is adopted by the Town Council pursuant to the following authority:

- A. Section 31-15-103, C.R.S. (concerning municipal police powers);
- B. Section 31-15-401, C.R.S. (concerning general municipal police powers);
- C. Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);

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2 D. The Local Government Land Use Control Enabling Act of 1974, Part 1 of Article 20  
3 of Title 29, C.R.S.;

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5 E. The authority granted to home rule municipalities by Article XX of the Colorado  
6 Constitution; and

7  
8 F. The powers contained in the Breckenridge Town Charter.  
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10 **9-15-3: LEGISLATIVE FINDINGS AND PURPOSE:**

11 A. The Town Council finds and determines as follows:

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14 1. The Town is widely known for its high mountain setting, its natural beauty, and its  
15 aesthetic charm.  
16  
17 2. The Town's economy is tourist-based, and it is essential to the continued economic  
18 vitality of the Town that the aesthetic appeal of the Town be preserved and enhanced.  
19  
20 3. If not properly regulated, signs can create a distraction for motorists and pedestrians,  
21 impede traffic circulation, and contribute to accidents.  
22

23 B. The primary purpose of this Chapter is to create a legal framework for a  
24 comprehensive and balanced system of signage in the Town. These regulations are  
25 intended to provide an easy and pleasant communication between people and their  
26 environment, and to avoid visual clutter that is potentially harmful to traffic and  
27 pedestrian safety, property values, business opportunities, and community appearance.  
28

29 C. This Chapter is adopted specifically to serve the public interest by:

- 30  
31 1. Encouraging signs that maintain and enhance the unique aesthetics, beauty, and charm  
32 of the Town.  
33  
34 2. Protecting and enhancing the economic viability of the Town's commercial areas by  
35 attempting to assure the Town's continued aesthetic appeal to the residents and the many  
36 tourists who annually visit the Town.  
37  
38 3. Promoting the use of aesthetically pleasing sign materials, colors, designs, and types.  
39  
40 4. Encouraging signs that are architecturally and cosmetically compatible with the  
41 surrounding area, and that are of a quality design and character that do not detract from  
42 the overall appearance of the Town.  
43  
44 5. Enhancing traffic and pedestrian safety by attempting to ensure that signage does not

1 distract motorists or pedestrians, or obstruct or otherwise impede traffic circulation.

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3 6. Protecting the Town’s Historic District, including that portion of the Town designated  
4 by the Secretary of the Interior as a National Historic District, by avoiding damage to  
5 the Town’s sense of history, and by reinforcing the character of the Town’s Historic  
6 District and its visual elements.

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8 7. Assisting in wayfinding, and promoting the efficient communication of messages.

9  
10 8. Enhancing the overall property values in the Town by discouraging signs that  
11 contribute to the visual clutter of the streetscape.

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13 9. Implementing the Town of Breckenridge Comprehensive Plan, one goal of which is to  
14 protect the unique and highly valuable aesthetic character of the Town, as well as  
15 protecting the public by encouraging traffic safety.

16  
17 10. Providing fair and consistent enforcement of this Chapter.

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19 D. In adopting this Chapter it is the intent of the Town to address problems caused by  
20 signs wholly apart from any message conveyed by signs, and to protect and promote the  
21 Town’s compelling governmental interests in a way that is unrelated to the topic  
22 discussed, the idea or message conveyed, the speaker’s viewpoint, or any other content of  
23 the message displayed on a sign. It is neither the purpose nor the intent of this Chapter to  
24 stymie any sign because of the Town’s disagreement with the message or idea it conveys.

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26 **9-15-4: REGULATORY SCOPE:**

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28 A. This Chapter applies to all signs and sign structures that are located on private  
29 property within the Town, except as otherwise provided in this Chapter.

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31 B. Signs and sign structures located on private property within the Town are subject to  
32 any safety and construction requirements of the Town’s building and technical codes.

33  
34 C. Signs located on Town-owned property are regulated by Title 11, Chapter 8 of this  
35 Code.

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37 **Part B – Definitions and Interpretation**

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39 **9-15-5: DEFINITIONS:**

40  
41 A. Words or phrases defined in the Town’s Development Code (Title 9, Chapter 1 of this  
42 Code) apply to this Chapter unless such definition conflicts with a definition in this  
43 Chapter.

1 B. Where terms are not defined, they shall have their ordinary accepted meanings within  
2 the context that they are used.

3  
4 C. As used in this Chapter, the following words have the following meanings:  
5

ACCENT: Twenty five percent or less of the area of a sign.

ADVERTISE: The nonpersonal communication of information usually paid for and usually persuasive in nature about products, services, or ideas by identified persons.

ATTENTION GETTING DEVICE: Any flag, streamer, spinner, pennant, costumed character, light, balloon, continuous string of pennants, flags or fringe or similar device or ornamentation used primarily for the purpose of attracting attention to a commercial use if visible by the general public. “Bistro lights” and “Decorative Lights” as defined in Section 9-12-7 of this Code are not an attention getting device.

BANNER SIGN: A strip of cloth or other flexible material on which a sign or message is placed.

BUILDING FRONTAGE: The length of a building facing a street or alley or, where a mall exists, building frontage means that portion of the mall that is parallel to the street. In the case of a corner lot, the building frontage may be either of the street frontages, but not both, at the option of the property owner. Where a property is tandem with another lot and has no frontage on a public street, the adjacent tandem property shall be disregarded, and the building frontage means the facade of the building nearest the public street. A depiction of building frontage is as follows:



BUILDING The Building Official of the Town, or such person’s designee acting

**OFFICIAL:** pursuant to Section 1-7-2 of this Code.

**BUILDING AND TECHNICAL CODES:** The Town’s building and technical codes adopted by Title 8, Chapter 1 of this Code.

**BUSINESS:** A commercial use of real property for which a valid business and occupational (BOLT) license has been issued under Title 4, Chapter 1 of this Code.

**COMMERCIAL MESSAGE SIGN:** A sign that contains primarily a commercial message.

**COMMERCIAL USE:** Has the meaning provided in Section 9-1-5 of this Code.

**CONSERVATION DISTRICT:** Has the meaning provided in Section 9-1-5 of this Code.

**COPY (MESSAGE OR CONTENT):** Any graphic, letter, numeral, symbol, insignia, text, sample, model, device, or combination thereof located on a sign.

**CORNER LOT:** A lot bounded on two sides by streets that intersect with each other.

**DAY:** A calendar day, unless a business day is specified. A “business day” is a day that the offices of the Town of Breckenridge are open for business.

**DIRECTORY SIGN:** A sign that serves as a common or collective identification of two (2) or more uses on the same property and which may contain a directory to the uses as an integral part thereof or may serve as a general identification for such developments as shopping centers, industrial parks, and similar uses. An example of a directory sign is as follows:



- DEPARTMENT:** The Town’s Department of Community Development.
- DIRECTOR:** The Town’s Director of Department of Community Development, or such person’s designee acting pursuant to Section 1-7-2 of this Code.
- DISPLAY BOX:** A freestanding or wall sign located immediately outside of or near the entrance to a restaurant, bar, or lounge.
- ELECTRONIC MESSAGE SIGN:** A sign that uses LEDs (light emitting diodes), CCDs (charge coupled devices), plasma, or functionally equivalent technologies to display a series of still images or full motion, usually remotely programmable and changeable. Also known as “electronic message centers,” “message centers,” and “electronic signs.”
- FLAG:** A sign containing a noncommercial message that is typically made of cloth and is displayed outdoor by being hung on a pole or hung from a building.
- FLASHING SIGN:** A sign that has lights or illumination that flashes, has a reflective surface, rotates, revolves, oscillates, blinks, flickers, varies in intensity of color, or uses intermittent electrical pulsations. An electronic message sign is not a flashing sign.
- FREESTANDING SIGN:** A permanent sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or which is erected on the ground, where no part of the sign is attached to any part of a building, structure, or other sign. The term includes a “pole sign,” “pedestal sign,” and “ground sign.” An example of a freestanding sign is as follows:



- GARDEN LEVEL:** The floor of a building located more than fifty percent below average grade with an exterior entry accessing such level as depicted below:



**GOVERNMENT SIGN:**

A sign that is the expression of the federal or any state or local governmental entity when erected and maintained according to law and includes, but is not limited to, traffic control devices that are erected and maintained to comply with the Manual of Uniform Traffic Control Devices adopted by the State of Colorado.

**GATEWAY ENTRANCE MONUMENT:**

Has the meaning provided in Section 9-1-5 of this Code.

**HISTORIC DISTRICT:**

Has the meaning provided in Section 9-1-5 of this Code.

**HISTORIC PLAQUE:**

A sign placed on the outside of a building or structure that has received designation as a landmark under the Town's Historic Preservation Ordinance (Title 9, Chapter 11 of this Code), or applicable federal law.

**INDUSTRIAL USE:**

Has the meaning provided in Section 9-1-5 of this Code.

**INTERNALLY LIT SIGN:**

An indirect source of light which illuminates a sign by shining through a translucent surface of a sign, lit from an internal light source or gas (e.g., neon, argon).

**LEANING SIGN:**

A one sided sandwich board sign support by another object such as a building or tree.

**LOT:**

A parcel of real property designated with a separate and distinct number or letter on a recorded plat filed with the Summit County Clerk and Recorder, or when not so platted, a parcel of real property occupied or intended to be occupied by a building and all allowed accessory structures, held in unified ownership in fee or co-tenancy, or under legal control tantamount to such ownership.

**MARQUEE SIGN:** A tall roof like projection above a theater entrance, usually containing the name of a currently featured play or film and its stars. An example of a marquee sign is as follows:



**MASTER SIGN PLAN:** A sign plan for an office or commercial building that contains three or more separate businesses, which plan includes the number, size, description, and location (but not the content) of all signs located, or to be located, in or upon such property.

**MOBILE SIGN:** A sign or signage placed on or wrapped onto a vehicle or by other mobile means of travel.

**MONUMENT SIGN:** A freestanding sign with a base, including any portion of the sign or supporting structure that exceeds two (2) square feet in ground area. An example of a monument sign is as follows:



**MOVING SIGN:** A sign that moves or simulates motion.

**MURAL:** Has the meaning provided in Section 9-1-5 of this Code.

**NONCOMMERCIAL** A sign that contains primarily a noncommercial message.



MESSAGE SIGN:

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NONCOMMERCIAL MESSAGE: Any message that is not a commercial message.

ON-PREMISES SIGN: A commercial message sign that advertises a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.

OFF-PREMISES SIGN: A commercial message sign that does not advertise a business, merchandise, product, service, or entertainment that is sold, produced, manufactured, furnished, or that is available on the property where the sign is located.

PERMANENT SIGN: A sign that is to be placed or erected for an indefinite period of time pursuant to a permit issued under this Chapter. Permanent signs are typically made of durable material such as wood or material that mimics wood such as high density urethane, glass, or metal.

PUBLIC AREA: Any outdoor place to which the public or a substantial number of the public has access, including, but not limited to, transportation facilities, schools, places of amusement, parks, playgrounds, and the outdoor common areas of public and private buildings and facilities.

PUBLIC ENTRANCE: An entrance into a business that is unlocked and available for use by the general public for access to and egress from the business during regular business hours. A “deliveries only” entrance is not a public entrance.

PUBLIC RIGHT OF WAY: A public street or alley.

REFLECTIVE SURFACE: Any material or device that has the effect of intensifying reflected light, including, but not limited to, Scotchlite, Day-Glo, glass beads, mirrors, highly reflective metals and luminous paint.

RESIDENTIAL USE: Has the meaning provided in Section 9-1-5 of this Code.

REVIEWING AUTHORITY: The Director with respect to all permit application submitted under this Chapter, except an application for a Master Sign Plan permit. The reviewing authority for a Master Sign Plan permit application shall be the Planning Commission.

**ROOF SIGN:** A sign painted on the roof of a building, or supported by poles, uprights, or braces extending from the roof of a building, or projecting above the roof of a building, but not including a sign projecting from or attached to a wall.

**SANDWICH BOARD SIGN:** A sign that is constructed with two pieces of nonreflective metal, blackboard, whiteboard, or wood or similar material, connected at the top, which pieces form a triangular shape and are self-supporting; also known as an “A-frame” sign. An example of a sandwich board sign is as follows:



**SEASONAL DECORATION:** Temporary, noncommercial decorations or displays erected or displayed only on a seasonal basis, when such are clearly incidental to the primary use of the building.

**SEPARATE FRONTAGE:** A second building frontage, parallel and adjacent to a public right of way and on the opposite side of a building’s primary frontage, that includes a public entrance.

**SIGN:** A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify, announce, direct, or inform, and includes the sign structure. Signs are either permanent or temporary, and may contain a noncommercial message or a commercial message. Clothing is not a sign. A mural painted on a structure is not a sign subject to this Chapter, but is regulated by the Development Code.

**SIGN AREA OR SURFACE AREA:** The surface area of a sign, as determined by the Director, including its facing, copy, insignia, background, and borders, that is described by a combination of plane geometric figures.

**SIGN ON PROPERTY UNDER** A sign erected in connection with the development of real

DEVELOPMENT:	property.
SIGN OWNER:	The permittee with respect to any sign for which a sign permit has been issued; or, with respect to a sign for which no sign permit is required, or for which no sign permit has been obtained, “sign owner” means the person entitled to possession of such sign, the owner, occupant, or agent of the property where the sign is located, and any person deriving a pecuniary benefit from the sign.
SIGN STRUCTURE:	All supports, uprights, braces, housings, mounting devices, and framework of a sign to the extent necessary to support the sign.
STATUARY SIGN:	Any sign which is a modeled or sculptured likeness of a living creature or inanimate object.
STREET:	The entire width of every dedicated public way owned or controlled by the Town.
STRUCTURE:	Anything that is built or constructed with a fixed location, but does not include utility poles, lines, cables or other transmission or distribution facilities of public utilities, or structures associated with a wireless communications facility as defined in the Town’s Development Code.
TEMPORARY SIGN:	A sign that is not a permanent sign.
TOWN-OWNED PROPERTY:	Has the meaning provided in Title 11, Chapter 8 of this Code.
TRAFFIC CONTROL DEVICE:	A sign, signal, marking, or other device used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street, highway, pedestrian facility, or shared-use path by authority of a public agency having jurisdiction.
WALKING SIGN:	Any sign that is carried by any person while walking on a public street or sidewalk that is visible from a public right of way, adjacent property, or a public area.
WALL SIGN:	Any sign attached to, or erected against the building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall.
WINDOW SIGN:	A sign that is painted on, applied, or attached to a window.

Merchandise that is a part of a window display is not a window sign.

**WINDOW SIGN  
WRAP:**

A sign that extends horizontally across a business window or series of business windows that is placed towards the top or bottom of the window so as not to detract from the inside display of merchandise. An example of an allowed window wrap sign is as follows:



**WOOD RELIEF  
SIGN:**

A carved sign constructed of wood and other similar materials that replicate wood with a three-dimensional (3-D) textured surface that is integral to its design, such as extensively carved, routed, or sandblasted signs. A wood sign with a simple raised or routed border, or simple raised or routed letters, shall not constitute a wood sign with relief.

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**9-15-6: INTERPRETATION:**

- A. If there is a conflict between the general provisions of this Chapter and a specific sign regulation contained in this Chapter, the specific sign regulation shall control.
- B. If there is a conflict between the sign regulations of this Chapter and any other provision of this Code, the provisions of this Chapter shall control.

**Part C – General Policies**

**9-15-7: GENERAL POLICIES FOR SIGN REGULATION:**

- A. **Enforcement.** The Director is authorized and directed to enforce this Chapter.
- B. **Review and Approval.** All decisions, approvals, orders, and appeals regarding signs within the regulatory scope of this Chapter, including, but, not limited to, decisions on sign permits, shall be made pursuant to the procedures stated in this Chapter.

1 **C. Regulatory Interpretations.** All regulatory and administrative interpretations of this  
2 Chapter are to be exercised in light of the Town’s message neutrality and message  
3 substitution policies. Where a particular type of sign is proposed in a permit  
4 application, and the type is neither expressly allowed nor prohibited by this Chapter,  
5 then the Director shall approve, conditionally approve, or disapprove the application  
6 based on the most similar sign type that is expressly regulated by this Chapter.  
7

8 **D. Message Neutrality.** It is the Town’s policy and intent to regulate signs in a manner  
9 that is not affected by the topic, idea, or message expressed on the sign; the subject  
10 matter of the sign; or the specific motivating ideology, viewpoint, opinion, or  
11 perspective of the speaker. This Chapter shall be administered and enforced in  
12 accordance with such policy and intent. The sign permitting and enforcement process  
13 requirements of this Chapter shall be limited to the non-communicative aspects of the  
14 sign, such as size, height, orientation, location, setback, illumination, spacing, scale,  
15 and mass of the sign structure.  
16

17 **E. Message Substitution.** Subject to the landowner’s consent, a noncommercial message  
18 of any type may be substituted for any duly permitted or allowed commercial message or  
19 any duly permitted or allowed noncommercial message; provided, that the sign structure  
20 or mounting device is legal without consideration of message content. Such substitution  
21 of message may be made without any additional approval or permitting, but is subject to  
22 any applicable size limitation applicable to a message containing a noncommercial  
23 message. This provision prevails over any more specific provision to the contrary within  
24 this Chapter. The purpose of this provision is to prevent any inadvertent favoring of  
25 commercial speech over noncommercial speech, or the favoring of any particular  
26 noncommercial message over any other noncommercial message. This provision does not  
27 create a right to increase the total amount of signage on a parcel, nor does it affect the  
28 requirement that a sign structure or mounting device be properly permitted.  
29

30 **F. On-Site/Off-Premises Distinction.** Within this Chapter, the distinction between an  
31 on-premises sign and an off-premises sign applies only to commercial messages.  
32

33 **G. Legal Nature of Sign Rights.** As to all signs attached to real property, the signage  
34 rights, duties, and obligations arising from this Chapter attach to and run with the land  
35 or other property on which a sign is mounted or displayed. This provision does not  
36 modify or affect the law of fixtures, sign-related provisions in private leases regarding  
37 signs (so long as they are not in conflict with this Chapter or other law), or the  
38 ownership of sign structures. This provision does not apply to handheld signs or other  
39 images that are aspects of personal appearance.  
40

41 **H. Owner’s Consent.** No sign may be placed on private property without the consent of  
42 the property owner or other person holding the present right of possession and control.  
43

44 **I. No Fee May Be Accepted.** A property owner shall not accept a fee for posting or

1 maintaining a sign allowed under this Chapter. Any sign that is posted or maintained in  
2 violation of this provision is not authorized and is in violation of this Chapter.

3  
4 **J. No Interference With Federally-Registered Trademark.** The Director shall not  
5 refuse to issue a permit under this Chapter for the reason that the colors of the proposed  
6 sign do not comply with the requirements of this Chapter if the colors reflect a  
7 federally-registered trademark.

8  
9 **K. Prospective Regulation.** This Chapter applies only to signs whose structure has not  
10 been permanently affixed to its intended premises on the date that the ordinance  
11 adopting this Chapter became effective.<sup>1</sup> Except as provided in Section 9-15-21, this  
12 Chapter does not affect signs that were legally installed and that existed as of the date  
13 this Chapter first takes effect.

14  
15 **L. Severability.** If any section, sentence, clause, phrase, word, portion, or provision of  
16 this Chapter is held invalid, unconstitutional, or unenforceable by any court of competent  
17 jurisdiction such holding shall not affect, impair, or invalidate any other section,  
18 sentence, clause, phrase, word, portion, or provision of this Chapter that can be given  
19 effect without the invalid portion. In adopting this Chapter, the Town Council  
20 affirmatively declares that it would have approved and adopted this Chapter even without  
21 any portion that may be held invalid or unenforceable.

22  
23 **9-15-8: SIGN PERMIT REQUIRED - GENERALLY:**

24  
25 A. Except as provided in Section 9-15-9, a sign permit shall be required for all permanent  
26 signs prior to the erection, relocation, alteration, or replacement of the sign.

27  
28 B. A sign permit shall not be required for those temporary signs that are allowed under  
29 this Chapter.

30  
31 **9-15-9: EXEMPT SIGNS:** The following signs do not require a sign permit and are exempt  
32 from the requirements of this Chapter:

33  
34 A. Government signs;

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36 B. Signs required by federal, state, or local law;

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38 C. Historic plaques on designated landmark properties;

39  
40 D. Cornerstones when carved into stone, concrete, bronze or other permanent material  
41 and made an integral part of a building or structure;

42  

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<sup>1</sup> The ordinance that adopted this Chapter became effective on [REDACTED], 2019.

- 1 E. Signs required by the Town’s building and technical codes;
- 2
- 3 F. Warning signs marking hazards on private property two (2) square feet or less in size;
- 4
- 5 G. Merchandise. These displays may be subject to the rules on outdoor display of
- 6 merchandise set forth in Title 9, Chapter 7 of this Code;
- 7
- 8 H. Bumper stickers or similar expressions that are affixed to a motor vehicle;
- 9
- 10 I. Seasonal decorations; provided that such decorations are maintained so as to not
- 11 constitute a fire hazard and are removed after the season associated with the decoration
- 12 has ended. Temporary winter holiday decorations must be removed by the
- 13 day after the third Monday in February (when President’s Day is celebrated);
- 14
- 15 J. Flags;
- 16
- 17 K. Signs on commercial vehicles, including trailers; provided that the vehicles/trailers are
- 18 not in violation of Section 9-15-18:F;
- 19
- 20 L. Walking signs; and
- 21
- 22 M. Any other sign for which a permit is specifically not required by this Chapter.
- 23
- 24 N. Scoreboards associated with an approved recreational field.

25  
26 **9-15-10: ACTIONS THAT DO NOT REQUIRE A PERMIT:** A sign permit is not required  
27 for:

- 28
- 29 A. A change of copy, text, or message that does not alter the material, size, location, or
- 30 illumination of a sign (see Section 9-15-7(E) [Message Substitution]);
- 31
- 32 B. The general maintenance of an existing and approved sign;
- 33
- 34 C. Window signs placed pursuant to Section 9-15-15(D);
- 35
- 36 D. Window wraps placed pursuant to Section 9-15-15(E); or
- 37
- 38 E. Signs erected pursuant to Section 9-15-17.

39  
40 **9-15-11: PROHIBITED SIGNS:** The following signs and types of signs are inconsistent with  
41 the purposes and standards of this Chapter and, as such, are prohibited within the Town without  
42 reference to their content:

- 43
- 44 A. Any sign for which a permit is required under this Chapter, but for which no valid

- 1 permit has been issued or exists, or which violates the terms, conditions, and  
2 restrictions of this Chapter or the sign permit that approved the sign;  
3  
4 B. Any sign that is specifically prohibited by the provisions of this Chapter;  
5  
6 C. Temporary signs, except as specifically authorized by this Chapter;  
7  
8 D. Attention-getting devices;  
9  
10 E. Flashing signs; moving signs; signs emitting audible sounds, smoke, fumes, odors, or  
11 visible matter; and signs that change copy electronically;  
12  
13 F. Beacons, lasers, or searchlights used for a commercial purpose;  
14  
15 G. Inflated signs, balloons, or inflatable party devices intended for short-term use;  
16  
17 H. Electronic message signs;  
18  
19 I. Internally lit signs placed on the exterior of a building, or within five feet (5') of a  
20 window of a building;  
21  
22 J. Roof signs;  
23  
24 K. Off-premises commercial message signs, except as provided in Section 9-1517(C);  
25  
26 L. Signs affixed to trees or utility poles;  
27  
28 M. Abandoned signs (see Section 9-15-22);  
29  
30 N. Signs erected or displayed by a person involved in the business of general advertising  
31 for hire;  
32  
33 O. Sandwich board signs;  
34  
35 P. Leaning signs;  
36  
37 Q. Marquee signs;  
38  
39 R. Monument signs within the Conservation District;  
40  
41 S. Gateway monuments signs within the Conservation District;  
42  
43 T. Banner signs (unless authorized by a permit issued pursuant to Title 4, Chapter 13 of  
44 this Code or as authorized pursuant to Section 11-8-7 of this Code); and



1  
2 U. Signs on private property that can reasonably be interpreted as attempting to regulate  
3 uses on public property including, but not limited to, parking and speed limits.  
4

5 **Part D – Sign Permit Process**  
6

7 **9-15-12: SIGN PERMIT PROCESS:**  
8

9 **A. Sign Permit Applications Reviewed Under Development Code:** All applications for  
10 permits submitted pursuant to this Chapter, except an application for a Master Sign  
11 Permit, shall be Class D Minor development permit applications under the Development  
12 Code. An application for a Master Sign Permit shall be a Class C development permit  
13 application under the Development Code. An application to amend a Master Sign Plan  
14 shall be a Class D Minor development permit application. Those relevant provisions of  
15 the Development Code that are not inconsistent with this Chapter shall apply to permit  
16 applications submitted under this Chapter. In the event of a conflict between the  
17 provisions of the Development Code and the provisions of this Chapter, the provisions of  
18 this Chapter shall control.  
19

20 **B. Reviewing Authority to Decide Applications.** The reviewing authority as defined in  
21 Section 9-15-5 shall review and decide all sign permit applications that are filed pursuant  
22 to this Chapter.  
23

24 **C. Submittal Requirements for Sign Permit:** An application for a sign permit under  
25 this Chapter, except for an application for a Master Sign Plan (see Section 9-15-14(B))  
26 shall contain the following:  
27

- 28 1. Application form and required application fee for the class of permit being applied for  
29 as established in the Development Code.  
30
- 31 2. Two drawings showing details of construction and foundation, if applicable, of the  
32 proposed sign.  
33
- 34 3. A scaled drawing showing the size, shape, design, colors, materials, and lighting, of  
35 the proposed sign.  
36
- 37 4. A site plan of the proposed site and sign location of any freestanding sign.  
38
- 39 5. Elevation, site plan or other depiction of the premises for which the sign is to be  
40 located upon with length of premise called out.  
41
- 42 6. An elevation or photo depicting the proposed location of the sign on a building or a  
43 wall or window sign.  
44

1 7. A colored rendering of the sign (excluding sign content).  
2

3 8. The Reviewing Authority may require such other information as the Reviewing  
4 Authority shall deem necessary to properly evaluate the application; provided the  
5 Reviewing Authority shall not require any information concerning the content of the sign.  
6 Any content information voluntarily provided by the applicant shall not be considered by  
7 the Reviewing Authority in deciding the application. Once filed with the Town, an  
8 application and any exhibits become the property of the Town.  
9

10 **D. Application Fee Not Refundable:** The application fee is nonrefundable.  
11

12 **E. Decision on Application:** The Reviewing Authority shall grant or conditionally grant  
13 an application if the application satisfies all of the requirements of this Chapter and any  
14 applicable provisions of the Development Code. The Reviewing Authority may impose  
15 such conditions on a permit as are required to protect the public health, safety, and  
16 welfare, and to obtain compliance with the requirements of this Chapter and other  
17 applicable law.  
18

19 **F. Provisions Deemed Inapplicable Or Irrelevant:** The Reviewing Authority may  
20 refuse to apply or require compliance with any provision of this Chapter or the  
21 Development Code that the Reviewing Authority determines to be inapplicable or  
22 irrelevant to an application for a sign permit.  
23

24 **G. When Permitted Sign Must Be Erected:** Signs for which permits have been issued  
25 shall be erected within one hundred eighty (180) days of the issuance of the permit.  
26 Failure to complete placement of the sign within such period shall require the sign owner  
27 to obtain a new permit before the sign can be erected. For good cause the Director may  
28 extend the deadline for erection of a permitted sign for up to an additional one hundred  
29 eighty (180) days.  
30

31 **H. Inspections For Permits:**  
32

33 1. All signs for which a building permit is required shall be subject to inspection by and  
34 approval of the Building Official. Inspections shall be conducted within seven  
35 business days of the request for an inspection.  
36

37 2. Footing inspections may be required for all signs having footings.  
38

39 3. All signs shall comply with the applicable provisions of the Town's building and  
40 technical codes. If a permit is required under a building or technical code, such permit  
41 must be obtained in addition to a sign permit.  
42

43 **9-15-13: VARIANCES:**  
44

1       **A. Variances Authorized; Standards:** The Director may grant a variance from any of  
2 the regulations contained in this Chapter, except the maximum allowed sign area.<sup>2</sup>

3  
4       **B. Approval Standards.** The Director may grant a variance authorized by this Section if  
5 the variance requested is required by special or unique hardship because of:

6  
7       1. Exceptional narrowness, shallowness, or shape of the premise on which a  
8 sign is to be located; or

9  
10       2. Exceptional topographic conditions or physical features uniquely affecting the  
11 premise on which the sign is to be located.

12  
13       The Director may not grant a variance solely because the display of a sign would be more  
14 profitable or valuable if the variance were granted.

15  
16       **C. Additional Variance Standards:** The Director may grant a variance only if the  
17 Director determines that the variance is consistent with the Town’s master plan<sup>3</sup>, and  
18 there are no other reasonable alternatives for displaying a sign permitted by this Chapter.

19  
20       **D. Factors Not To Be Considered:** In considering a request for a variance the Director  
21 shall not consider the topic, idea, or message expressed on the sign; the subject matter  
22 of the sign; or the specific motivating ideology, viewpoint, opinion, or perspective of  
23 the speaker.

24  
25       **9-15-14: MASTER SIGN PLAN:**

26  
27       **A. Master Sign Plans Required; When:** All buildings containing three (3) or more  
28 separate businesses must obtain approval of a master sign plan from the Director prior to  
29 any signs being erected in or upon any structure. All signs erected or maintained within  
30 the structure must conform at all times to the approved master sign plan. Any deviations  
31 from an approved master sign plan is unlawful unless and until a revised master sign  
32 plan is approved by the Director.

33  
34       **B. Application For Master Sign Plan:** An application for a master sign plan must  
35 include at least the following information:

36  
37       1. Class C application form and fee;

38  
39       2. Site plan and elevations, if applicable;

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<sup>2</sup> But see Section 9-15-20(D)(3) which authorizes the Director to determine the maximum allowable sign area in a project that is subject to a master sign plan under certain circumstances and Section 9-15-20(K) (2) which authorizes the director to determine the maximum allowable sign area under certain circumstances for hotels and condominiums.

<sup>3</sup> See Title 9, Chapter 4 of this Code.

3. Lineal front footage of the structure;
4. The total amount of allowable sign area for the structure; and
5. The location, materials, lighting, and maximum area of each sign that an individual business will be allowed to display including freestanding or directional signage.
6. The Reviewing Authority may require such other information as the Reviewing Authority shall deem necessary to properly evaluate the application; provided the Reviewing Authority shall not require any information concerning the content of the sign. Any content information voluntarily provided by the applicant shall not be considered by the Reviewing Authority in deciding the application. Once filed with the Town, an application and any exhibits become the property of the Town.

**C. Individual Sign Permits Still Required:** Individual sign permits are required for signs contained within an approved master sign plan with a Class D minor development permit.

### **Part E – Sign Size and Location Rules**

#### **9-15-15: SIGNS ON COMMERCIAL PROPERTIES:**

**A. General:** Unless specifically excluded by this Chapter, all signs displayed shall be included in determining the total sign area for a building. The aggregate area of all signs, both temporary and permanent, displayed on a site shall not exceed the total allowable sign area established by this section. The total square footage of allowable sign area for any building shall be equal to sixty six percent (66%) of the building's frontage. Unless specifically excluded by this chapter, all signs displayed shall be included in determining the total sign area for a building.

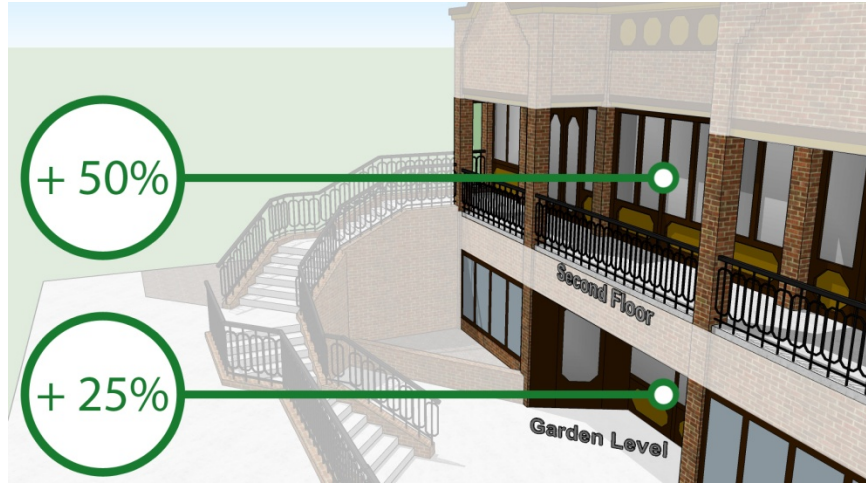
Example: (Linear feet of building frontage) x 0.66 = total square footage of allowable sign area.

In those instances where a building has two (2) separate frontages and all of the allowable sign area can legally be displayed on the primary frontage, the commission may increase the total allowable sign area by up to one hundred percent (100%) as may be reasonably necessary to provide additional sign area needed to identify the building and/or tenant(s) when viewed from the public way adjacent to the separate frontage.

**B. Sign Area Adjustments; Multiple Level Buildings:** Each multiple level building shall be permitted one hundred percent (100%) of the allowable sign area set forth above. In addition, the second floor, if any, shall be allowed an additional fifty percent (50%) of the allowable sign area and the garden level, if any, shall be allowed an additional twenty

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five percent (25%) of the allowable sign area. Additional signage will be allowed for the garden level and the second floor only if separate business is operating from each of these floors. Buildings that have no street level entrances and two (2) levels of commercial use are eligible for the garden level bonus only. These additional amounts of allowable sign area shall apply only to that portion of second floors and garden levels which are used as commercial space accessible to the public.



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**C. Other Adjustments To General Allowed Sign Area:**

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- 1. Only sixty six percent (66%) of the surface area of each face of a double faced sign is counted against allowed sign area.
- 2. Only eighty five percent (85%) of the surface area of a wood relief sign is counted against the allowable sign area.

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**D. Window Signs:** In addition to the signage allowed by Section B, each business in a commercial use property may display a maximum of four (4) window signs, whether such signs are temporary (not paper) or permanent. The total area of all allowed window signs, both temporary and permanent, shall not exceed five (5) square feet in area.

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**E. Window Wrap:** In addition to the window signage square foot allowance provided in Section C, each business is entitled to one window sign wrap that may extend across the width of the storefront windows. The window sign wrap may be a maximum of twelve inches (12") in height and must be composed of materials that are affixed to the window in a semi-permanent manner that is not easily changed (e.g., paper cannot be used). The window sign wrap must be placed within six inches (6") of either the top or bottom of the window, so as not to detract from the inside display of merchandise.

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**F. Separate Frontages:** In those instances where a building with a commercial use has

1 two (2) separate frontages and all of the allowable sign area can legally be displayed on  
2 the primary frontage, the Director may increase the total allowable sign area by a  
3 maximum square footage double the calculated allowed as may be reasonably necessary.  
4

5 **G. Limitations:**  
6

7 1. No more than twenty (20) square feet of signage per business on a commercial use  
8 property may be visible from any one location after any sign bonus calculations have  
9 been applied, if applicable.  
10

11 2. Except as specifically provided in this Chapter, the area of any one sign on a building  
12 with a commercial use shall not exceed twenty (20) square feet after any sign bonuses  
13 have been applied, if applicable.  
14

15 **H. Display Boxes:** Each restaurant, bar, or lounge may have one display box sign. If the  
16 size of the display box is two (2) square feet or less the display box shall not count  
17 against the allowable sign area. If the size of the display box exceeds two (2) square feet,  
18 the area of the display box in excess of two (2) square feet counts against the allowable  
19 sign area.  
20

21 **I. Gas Stations:** In addition to the signage otherwise allowed by this Chapter, gas station  
22 shall be allowed an extra twenty (20) square feet of signage located near the gas pumps.  
23

24 **9-15-16: SIGNS ON INDUSTRIAL PROPERTIES:** The signage rules for properties with an  
25 industrial use<sup>4</sup> are the same as the rules for properties with a commercial use.  
26

27 **9-15-17: ADDITIONAL SIGNAGE ALLOWED; WHEN:** In addition to the signage allowed  
28 by this Chapter, the owner or lawful occupant of any property may place the following  
29 temporary signs on the owner's or occupant's property without a sign permit but subject to the  
30 limitations of this Section:  
31

32 A. Signs not to exceed a total of twelve (12) square feet in size for a period of up to forty  
33 five (45) days prior to an election involving candidates for a federal, state, or local office,  
34 or ballot question. No one sign shall exceed four (4) square feet in size. The signs shall be  
35 removed within five days following the election. The signs must not be placed in the  
36 public right of way.  
37

38 B. One sign on the property not larger than four (4) square feet in size when the property  
39 is being offered for sale through a licensed real estate agent, property owner, or by the  
40 property management; through the internet; or through advertising in a local newspaper  
41 of general circulation. The sign authorized pursuant to this Section B must be removed

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<sup>4</sup> Storage, processing and shipping of agricultural or timber products; mineral extraction and production; storage, processing or shipping; fabrication; assembly, services, manufacturing; auto body repair shops; or storage of products. See definition of "industrial use" in Section 9-1-5 of this Code.

1 once the sale of the property has been concluded.

2  
3 C. At the time a sign is allowed to be displayed by a property owner pursuant to Section  
4 B a real estate agent representing the owner may temporarily place off-premises signs  
5 without a permit, subject to the following limitations:  
6

7 1. Location of Signs:  
8

9 a. No off-premises sign authorized by this Section C is allowed anywhere within the  
10 conservation and historic districts;  
11

12 b. No sign authorized by this Section C is allowed within the rights of way of Park  
13 Avenue and Main Street within the Town;  
14

15 c. No sign authorized by this Section C may be placed on the paved driving surface of  
16 any public right of way, or on any public sidewalk;  
17

18 d. No sign authorized by this Section C may obstruct any public street, alley,  
19 sidewalk, recreational path, or any public snow removal operations;  
20

21 e. No sign authorized by this Section C is allowed within any designated public  
22 pedestrian area;  
23

24 f. No sign authorized by this Section C may be located on private property without  
25 the consent of the property owner; and  
26

27 g. No sign authorized by this Section C may be placed so as to cause confusion by  
28 motorists observing the sign.  
29

30 2. Number of Signs: Not more than three (3) signs authorized by this Section C may be  
31 placed within any Town right of way or located at an off-premises private property;  
32

33 3. Maximum Sign Area: The maximum sign area of a sign authorized by this Section C  
34 is four (4) square feet;  
35

36 4. Height: The height of a sign authorized by this Section C may not exceed five feet (5')  
37 as measured from the top of the sign to the grade at the base of the sign;  
38

39 5. Display Duration:  
40

41 a. A sign authorized by this Section C may only be displayed beginning up to one  
42 hour before time when the owner's real property is open for viewing by potential  
43 buyers or renters with the realtor, broker, owner, or other similar agent present on

1 the real property, and must be removed no later than one hour after the conclusion  
2 of the viewing;

3  
4 b. A sign authorized by this Section C may only be displayed between 8:00 A.M. and  
5 8:00 P.M. of the same day; and

6  
7 c. A sign authorized by this Section C may not be displayed for more than three (3)  
8 consecutive days.

9  
10 6. Lighting: A sign authorized by this Section C may not be lit;

11  
12 7. No Attention Getting Devices: No attention getting device may be affixed to any sign  
13 authorized by this Section C; and

14  
15 8. Town Not liable: The Town is not liable for damage done to a temporary sign  
16 authorized by this Section C that is located within a public right of way.

17  
18 D. One sign on the property not larger than four (4) square feet in size when the property  
19 is being offered for rent or lease through a licensed real estate agent or by the property  
20 owner; through the internet; or through advertising in a local newspaper of general  
21 circulation. The sign authorized pursuant to this Section D must be removed once the  
22 property has been rented or leased.

23  
24 E. One sign not larger than four (4) square feet in size, subject to the terms of this  
25 Chapter and applicable law.

## 26 27 **Part F – Sign Design Standards**

28  
29 **9-15-18: SIGN DESIGN STANDARDS – GENERALLY:** All signs for which a permit is  
30 required under this Chapter shall be subject to the following general limitations:

31  
32 **A. Sign Design And Materials:** Unless otherwise expressly provided in this Chapter,  
33 signs must be constructed predominantly of natural materials, such as rough cedar,  
34 redwood, pine, or other types of solid wood. Wood or alternative materials that mimic  
35 wood grain (e.g. high density urethane) are encouraged. Metal may be used as an accent  
36 (maximum of 25% of sign area) on wood relief signs.

37  
38 **B. Architectural Compatibility:** A sign (including its supporting structure and  
39 components, if any) shall be architecturally compatible with any building to which the  
40 sign is to be attached and with the surrounding structures.

### 41 42 **C. Lighting Standards:**

43  
44 1. Shielded Lighting: Light bulbs or lighting tubes used for illuminating a sign shall not



1 be visible from the vehicular travel lanes of adjacent public rights of way. The use of  
2 adequate shielding, designed so that light from sign illuminating devices does not  
3 shine directly into the eyes of passing motorists without first being reflected off the  
4 sign or its background, is required whenever sign lighting is used.  
5

6 2. Subdued Lighting: The intensity of sign lighting shall not exceed that necessary to  
7 illuminate and make legible a sign from the adjacent travel way or closest municipal  
8 street; and the illumination of a sign shall not be noticeably brighter than other lighting in  
9 the vicinity and shall comply with Title 9, Chapter 12 this Code.  
10

11 3. Direction Of Lighting: All lighting fixtures shall be placed above the sign and shall  
12 shine downward toward the sign. Illumination of signs shall not be directed toward  
13 adjacent properties.  
14

15 4. Internally Lit Signs: No sign that is placed on the exterior of a building or on the  
16 interior of the building within five feet (5') of a window shall be internally lit.  
17

18 **D. Component Painting:** All light fixtures, conduit, and shielding shall be painted a  
19 flat, dark color, or shall be painted to match either the building or the supporting structure  
20 that serves as the background of the sign.  
21

22 **E. Confusing Or Dangerous Signs:** No sign or sign structure shall:  
23

24 1. Obstruct the view of, resemble, or purport to be a device to control the operation of  
25 motor vehicles or pedestrians in the right of way, or any other official sign.  
26

27 2. Create an unsafe distraction for motor vehicle operators.  
28

29 3. Obstruct the view of motor vehicle operators entering a public roadway from any  
30 parking area, service drive, private driveway, alley, or other thoroughfare.  
31

32 4. Obstruct free ingress to or egress from required door, window, fire escape, or other  
33 required exit or standpipe.  
34

35 **F. Parked Vehicles Not To Be Used As Signs:** Notwithstanding Section 9-15-9K, no  
36 parked vehicle, including, but not limited to, an automobile, truck, bus, semi-truck  
37 (attached or detached), trailer, mobile home, motor home, boat, van, or other motor  
38 vehicle, shall be used as a sign or sign structure. Delivery trucks parked during hours of  
39 operation are excluded.  
40

41 **G. Clearance:** Signs shall not be located with less than three feet (3') horizontal or eight  
42 feet (8') vertical clearance from overhead electric conductors. No sign shall obstruct any  
43 window to such an extent that any light or ventilation is reduced to a point below that  
44 required by any law or ordinance.

1  
2 **9-15-19: SIGN MAINTENANCE:** All signs must be structurally sound, maintained in good  
3 repair and may not constitute a hazard to safety, health or public welfare by reason of inadequate  
4 maintenance, dilapidation or electrical shock. The display surfaces of all signs shall be kept  
5 neatly painted or posted at all times. In addition to other remedies provided for in this Chapter,  
6 the Director shall have the authority to order the painting, repainting, repair, maintenance, or  
7 removal of any sign that has become dilapidated or a hazard to safety, health or public welfare. If  
8 such a condition is determined by the Director to exist, the Director shall give notice to the sign  
9 owner at the address shown on the sign permit by certified mail, return receipt requested. If,  
10 within fifteen (15) days from service of the notice, the Director's order is not complied with, the  
11 Director may remove the sign, or cause it to be removed, and the cost of removal shall be  
12 charged against the sign owner and the sign owner's property as provided in Section 9-15-23.  
13

14 **9-15-20: STANDARDS FOR SPECIFIC TYPES OF SIGNS:** The following regulations shall  
15 apply to the specific types of signs as indicated.  
16

17 **A. Awnings:**

- 18  
19 1. No awning shall block the view of other signs or extend over the public right of way  
20 without Town approval.  
21  
22 2. There shall be a minimum clearance of at least eight feet (8') between the bottom of the  
23 awning and the ground at grade.  
24  
25 3. All awning supports must be set back a minimum of one foot (1') from the Town right  
26 of way.  
27

28 **B. Cutout Letters/Painted Letters:** Cutout letters mounted on a building surface, and  
29 letters painted on a building, are wall signs and the aggregate area of such signs shall be  
30 counted against the allowable sign area established by this Chapter. Measurements for  
31 cutout letters shall begin at the top of the first letter or logo, and end at the end and  
32 bottom of the last letter or logo. Spacing between letters and words shall count toward  
33 the sign area.  
34

35 **C. Double Faced Signs:** The two (2) sides of a double faced sign must be parallel back  
36 to back, and no thicker than twelve inches (12").  
37

38 **D. Freestanding Signs:**

- 39  
40 1. There shall be no more than one freestanding sign for each lot or building, except as  
41 otherwise provided in this Chapter.  
42  
43 2. A landscaped area equal to two (2) square feet for each one square foot of each side of  
44 a freestanding sign shall be maintained by the permit holder. Such area shall be kept in a

1 neat and clean condition, free of trash, weeds, and rubbish.

2  
3 3. No freestanding sign outside the Conservation District shall exceed ten feet (10') in  
4 height. No freestanding sign within the Conservation District shall exceed eight feet  
5 (8') in height.

6  
7 4. No freestanding sign shall extend over or into a public right of way.

8  
9 5. A freestanding sign located in a project with an approved master sign plan containing  
10 three (3) or more buildings or development sites may exceed the twenty (20) square foot  
11 limit established by Section 9-15-15(G)(2). The maximum allowable size of any such  
12 sign shall be determined by the Director based upon the following criteria:

13  
14 a. the number of buildings or development sites within the project that is subject to the  
15 master sign plan;

16  
17 b. the distance of such sign from any major arterial providing primary access to the  
18 project; and

19  
20 c. the necessity of facilitating traffic circulation.

21  
22 **E. Projecting or Hanging Signs:**

23  
24 1. Projecting or hanging signs may not extend above the ceiling of the second floor of  
25 any building.

26  
27 2. Projecting signs shall not be located above the eave line or parapet wall of any building  
28 and shall be a minimum of eight feet (8') above grade when located adjacent to or  
29 projecting over a public right of way.

30  
31 3. No projecting sign shall extend more than four feet (4') from a building wall.

32  
33 4. The two sides of a projecting or hanging sign must be parallel back to back and shall  
34 not exceed twelve inches (12") in thickness.

35  
36 5. The allowable size of any projecting or hanging sign shall not include the sign  
37 structure portion necessary to support the sign.

38  
39 **F. Wall Signs:** Wall signs shall not be mounted higher than the eave line or parapet wall  
40 of the principal building and no portions of such wall sign, including cutout letters, shall  
41 project more than six inches (6") from the building.

42  
43 **G. Monument Signs:** Monument signs are permitted only outside of the Conservation  
44 District. The allowable shall not include the sign structure portion necessary to support

1 the sign.

2 **H. Directory Signs:** Directory signs may be wall mounted or freestanding. The aggregate  
3 area of directory signs does not count towards each business's allowable sign area. The  
4 individual signs of a directory sign shall be of a coordinated design, with each of the  
5 individual signs sharing at least two (2) of the following as design elements in common:  
6 size, shape, materials, letter style and colors. Each individual business sign in a directory  
7 sign shall not exceed three (3) square feet in size. In no case may the aggregate area of a  
8 directory sign exceed twenty (20) square feet in size. Where the number of businesses  
9 served would not fit onto the maximum size allowed for a directory sign, then additional  
10 directory signs may be allowed. Additional directory signs must be located at least  
11 twenty five feet (25') from other directory signs to avoid creating a cluttered appearance.  
12

13 **I. Statuary Signs:**

14 1. Statuary elements of any sign shall not exceed thirty five percent (35% ) of the area of  
15 the proposed sign. In no case shall the statuary element of any sign exceed five (5) square  
16 feet. Two-dimensional silhouettes shall not be considered statuary signs for the purpose  
17 of this Chapter.  
18

19 2. The area of the statuary sign shall be calculated using the two largest dimensions  
20 (width, depth or height) of a three-dimensional element (rather than calculating the  
21 volume in cubic feet). For example, if a statuary element of a sign is thirty five inches  
22 (35") tall, thirty inches (30") wide, and ten inches (10") deep, the area of the sign shall be  
23 calculated using only the height and width of the statuary element.  
24

25 **J. Gateway Entrance Monuments:** Gateway entrance monuments are permitted only  
26 outside of the Conservation District. An application for a gateway entrance monument  
27 shall be evaluated based upon the requirements of Section 9-1-19-47A, "Policy 47  
28 (Absolute) Fences, Gates and Gateway Entrance Monuments" of this Code.  
29

30 **K. Hotel and Condominium Signs:**

31  
32 1. Signage not to exceed twenty (20) square feet shall be permitted for each hotel or  
33 condominium project.  
34

35 2. Such sign may exceed twenty (20) square feet if the Director determines that all of the  
36 following exist:  
37

38 a. the proposed sign is a single wall sign;  
39

40 b. a sign larger than twenty (20) square feet is necessary to fit proportionately within a  
41 large expanse of wall area not interrupted by windows or other architectural  
42 features, and to serve as an architecturally compatible building feature breaking

- up a large wall area that would otherwise be unbroken;
- c. the proposed sign is set back at least thirty (30) feet from the property line;
- d. the proposed sign is no larger than is reasonably necessary;
- e. the colors and design of the sign are compatible with those of the building; and
- f. the proposed wall sign is used in lieu of any other signage for the project.

3. Where a hotel or condominium project has linear frontage of one hundred (100) feet or more and multiple vehicular accesses all of which accesses are not visible from a single location, one sign may be permitted at each point of vehicular access to the project.

**L. Sign On Property Under Development:** One sign not to exceed twenty (20) square feet in sign area may be erected when a valid development permit for the development of real property has been issued by the Director. Such sign must be removed at or prior to the issuance of the last certificate of occupancy, or when construction of the project is abandoned, whichever shall first occur.

**9-15-21: NONCONFORMING SIGNS:** Signs that were legally installed prior to the effective date of the ordinance adopting this Chapter, but are inconsistent with the requirements of this Chapter, are considered legal nonconforming uses, and are “grandfathered” by this Chapter. As such, they may continue to exist; provided, that they shall not be altered, modified, or changed in any way that would increase their nonconformity. When such modification, alteration, or change occurs or is proposed the sign shall be brought into compliance with this Chapter.

**9-15-22: ABANDONED SIGNS:**

**A. Signs Must Be Removed; When:** A commercial message sign shall be removed within fourteen (14) days after the activity, product, business, service or other use that is being advertised has ceased or vacated the premises.

Exceptions: The requirements of Section A shall not apply to: (i) permanent signs for businesses that are open only on a seasonal basis if there is clear intent to continue operation of the business, or (ii) noncommercial message signs.

**B. Signs May Be Removed By Director; When:** After fourteen (14) days and notice to the permit holder, a sign that has not been removed as required by this Section may be removed by the Director and the costs of such action may be collected as provided in Section 9-15-23(F).

**C. Date of Accrual of Abandonment:** As of the effective date of the ordinance adopting this Chapter, no legally established signs shall be considered abandoned. For

1 regulatory purposes, any factors indicating abandonment shall not begin accruing until  
2 ninety days after the effective date of the ordinance adopting this Chapter.

3  
4 **Part G – Enforcement**

5  
6 **9-15-23: ENFORCEMENT; LIEN:**

7  
8 A. Right Of Entry: Whenever necessary to make an inspection to enforce any of the  
9 provisions of this Chapter, or whenever the Director has reasonable cause to believe that  
10 there exists in any building or upon any premises any condition or violation which makes  
11 such building or premises unsafe, dangerous or hazardous, the Director may enter such  
12 building or premises at all reasonable times to inspect the same or to perform any duty  
13 imposed upon the Director by this Chapter; provided, that if such building or premises is  
14 occupied, the Director shall first present proper credentials and request entry; and if such  
15 building or premises is unoccupied, the Director shall first make a reasonable effort to  
16 locate the owner or other persons having charge or control of the building or premises  
17 and request entry. If such entry is refused, the Director shall have recourse to every  
18 remedy provided by law to secure entry, including, but not limited to, requesting that an  
19 inspection warrant be issued by the municipal court judge pursuant to Rule 241 of the  
20 Colorado Municipal Court Rules of Procedure. The municipal court judge may issue an  
21 inspection warrant authorizing the inspection of a structure in accordance with Rule  
22 241(b) of the Colorado Municipal Court Rules of Procedure. Any inspection warrant  
23 issued pursuant to this section shall fully comply with the applicable provisions of Rule  
24 241 of the Colorado Municipal Court Rules of Procedure. The municipal judge may  
25 impose such conditions on an inspection warrant as may be necessary in the judge's  
26 opinion to protect the private property rights of the landowner of the property to be  
27 inspected, or to otherwise make the warrant comply with applicable law. When the  
28 Director shall have first obtained a proper inspection warrant or other remedy provided  
29 by law to secure entry, no owner or occupant or any other persons having charge, care, or  
30 control of any building or premises shall fail or neglect, after proper request is made as  
31 herein provided, to promptly permit entry therein by the Director for the purpose of  
32 inspection and examination pursuant to this Chapter.

33  
34 B. **Authority to Issue Penalty Assessment Notices:** If permitted to do so by the  
35 Director, any employee of the Department is authorized, as part of his or her duties, to act  
36 as a Code enforcement officer of the Town for the limited purpose of issuing a penalty  
37 assessment notice for any alleged violation of this Chapter if the alleged offense is listed  
38 on the Municipal Judge's list of designated violations the penalties for which may be paid  
39 at the office of the Municipal Court Clerk as described in Rule 210(b)(5) of the Colorado  
40 Rules of Municipal Court Procedure. Any penalty assessment notice issued pursuant to  
41 the authority granted by this Section B shall comply with the requirements of Section 1-  
42 8-12(K) of the Code.

43  
44 C. **Lien; Collection:** Any amount that the Town is authorized to collect pursuant to this

Chapter, except a permit application fee, may be collected by the Town using the procedures set forth in Subsections C and D of this Section. The Town Clerk shall notify the person owed the Town money pursuant to this Chapter of the total amount alleged to be due, and if such person fails within thirty (30) days after the date of notification to pay such amount in full, or to make arrangements acceptable to the Director to pay such amount, then such amount due to the Town shall become a lien against and run with the property where the sign is located or such other property that gives rise to the amount owed to the Town. The Town Clerk shall certify such amount to the Summit County treasurer for collection in the same matter as delinquent charges, assessments or taxes are collected pursuant to Section 31-20-105, C.R.S.

**D. Amount Of Lien:** The amount certified by the Town Clerk to the Summit County treasurer for collection shall include the actual amount alleged to be due, plus twenty five percent (25%) to cover administrative costs, penalties, collection costs, and interest.

**E. Additional Remedies:** The enforcement procedures established in this Section are not the exclusive method of enforcement of the provisions of this Chapter, but may be exercised concurrently with, or in addition to, the imposition of the penalties pursuant to Section 9-15-24, or other civil remedies available to the Town pursuant to law.

**F. Authority To Remove Signs From Right Of Way or Other Town Property:** Notwithstanding anything contained in this Chapter to the contrary, any employee of the Department, the Police Department, or the Department or the Public Works may remove and destroy any sign that is illegally placed within a Town right of way or other Town-owned property in violation of the provisions of this Chapter.

**9-15-24: PENALTIES AND REMEDIES:**

**A. General:** It is an infraction as defined in Section 1-3-2 of this Code for any person to violate any of the provisions of this Chapter. Each such person shall be liable for a separate offense for each and every day during any portion of which any violation of any of the provisions of this Chapter is committed, continued, or permitted, and shall be punished accordingly.

**B. Fine Schedule:** Any person found to have violated any provision of this Chapter, or against whom a default judgment has been entered for any violation of this Chapter shall be punished by a fine as follows:

Offense No.	Fine Amount
First Offense	\$100
Second Offense	\$250
Third Offense and Each Subsequent Offense	As Determined By the Municipal Judge subject to the limits in Section 1-4-1-1

1  
2 **C. When Penalty Assessment Procedure May Be Used; When Mandatory Court**  
3 **Appearance Required:** A defendant's first two (2) alleged violations of this Chapter  
4 may be written as penalty assessments. A defendant's third and each subsequent alleged  
5 violation of this Chapter shall require a mandatory court appearance.  
6

7 **D. Injunctive Relief:** In addition to other remedies available to the Town, the Town may  
8 commence an action pursuant to Section 1-8-10 of this Code or other applicable law to  
9 enjoin the alleged violation of any provision of this Chapter, or to authorize and compel  
10 the removal, termination, or abatement of such violation.  
11

12 **E. Additional Remedies:** Any remedies provided for in this Chapter shall be cumulative  
13 and not exclusive, and shall be in addition to any other remedies provided by law.  
14

## 15 **Part H – Miscellaneous**

### 16 **9-15-25: DISCLAIMER OF LIABILITY:**

17  
18 **A. Sign Owner Liability:** The provisions of this Chapter do not relieve, diminish, or  
19 modify the liability of any person for any damages arising from the ownership,  
20 maintenance, use, construction, or placement of a sign.  
21  
22

23 **B. Town Liability:** The adoption of this Chapter does not create any duty to any person  
24 with regard to the enforcement or nonenforcement of this Chapter. No person shall have  
25 any civil remedy against the Town, or its officers, employees, or agents, for any damage  
26 arising out of or in any way connected with the adoption, enforcement, or  
27 nonenforcement of this Chapter. Nothing in this Chapter creates any liability on the part  
28 of the Town, or its officers, employees, or agents. Nothing in this Chapter waives any of  
29 the immunities, limitations on liability, or other provisions of the Colorado Governmental  
30 Immunity Act, Section 24-10-101 et seq., C.R.S., or any other immunity or limitation on  
31 liability otherwise available to the Town, or its officers, employees, or agents.  
32

33 **9-15-26: RULES AND REGULATIONS:** The Director may from time to time adopt, amend,  
34 alter, and repeal administrative rules and regulations as may be necessary for the proper  
35 administration of this Chapter. Such regulations shall be adopted in accordance with the  
36 procedures established by Title 1, Chapter 18 of this Code. A violation of such regulations may  
37 be enforced in the Town's Municipal Court.  
38

39 Section 2. Footnote 3 in Section 1-8-2 of the Breckenridge Town Code is amended to  
40 read as follows:  
41

42 <sup>3</sup>See title 89, chapter 215 of this Code  
43

44 Section 3. Section 4-14-23 of the Breckenridge Town Code is amended to read as



1 follows:

2  
3 4-14-23: SIGNAGE:

4  
5 All signage for a licensed premises shall comply with the requirements of title ~~89~~,  
6 chapter ~~215~~ of this code. In addition, no licensee shall display a sign for a licensed  
7 premises that contains the word "marijuana" or a graphic/image of any portion of  
8 a marijuana plant.  
9

10 Section 4. Section 5-12-10 of the Breckenridge Town Code is amended to read as  
11 follows:

12  
13 5-12-10: REQUIRED SIGNAGE:

14  
15 Every retail store required to collect the disposable bag fee shall display a sign in  
16 a location outside or inside of the store, viewable by customers, alerting  
17 customers to the town of Breckenridge's disposable bag fee. **The signage**  
18 **required by this section shall be deemed to be the speech of the Town.**  
19

20 Section 5. Title 8, Chapter 2 of the Breckenridge Town Code, entitled "Sign Code," is  
21 repealed.  
22

23 Section 6. The second unnumbered paragraph of Section 9-1-18-1(C)(2)(b)(1) of the  
24 Breckenridge Town Code is amended to read follows:  
25

26 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one  
27 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall  
28 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict  
29 the property corners and all permanent survey monuments. The site plan shall further  
30 include the title under which the proposed plan is to be filed; the date of drawing  
31 preparation and any revisions; a north arrow; the scale of drawing; the legal description  
32 for the property; signature blocks; phasing lines; a data block (to include tabulation in  
33 square feet of building mass and density, broken down by uses if more than 1 use is  
34 proposed, and accompanied by a statement of density used by this plan and any density  
35 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~  
36 ~~site, the sign area previously used, the sign area used by this application and the sign area~~  
37 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;  
38 common area; open space area, lot coverage and impervious surface area to be expressed  
39 in square feet and percent of the site; parking, both required and provided; the land use  
40 district; name of master plan, if applicable; the number and type of fireplaces; and the  
41 number of dwelling units and bedrooms. **The site plan shall not contain any**  
42 **information regarding signage.**  
43

44 Section 7. The second unnumbered paragraph of Section 9-1-18-1(D)(1)(c)(1) of the

1 Breckenridge Town Code is amended to read as follows:  
2

3 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20'), or one  
4 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall  
5 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict  
6 the property corners and all permanent survey monuments. The site plan shall further  
7 include the title under which the proposed plan is to be filed; the date of drawing  
8 preparation and any revisions; a north arrow; the scale of drawing; the legal description  
9 for the property; signature blocks; phasing lines; a data block (to include tabulation in  
10 square feet of building mass and density, broken down by uses if more than 1 use is  
11 proposed, and accompanied by a statement of density used by this plan and any density  
12 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~  
13 ~~site, the sign area previously used, the sign area used by this application and the sign area~~  
14 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;  
15 common area; open space area, lot coverage and impervious surface area to be expressed  
16 in square feet and percent of the site; parking, both required and provided; the land use  
17 district; name of master plan, if applicable; the number and type of fireplaces; and the  
18 number of dwelling units and bedrooms. **The site plan shall not contain any**  
19 **information regarding signage.**  
20

21 Section 8. The second unnumbered paragraph of Section 9-1-18-2(D)(1)(d)(3) of the  
22 Breckenridge Town Code is amended to read as follows:  
23

24 The site plan shall be drawn at a scale of one inch equals twenty feet (1" = 20') or one  
25 inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less; shall  
26 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict  
27 the property corners and all permanent survey monuments. The site plan shall further  
28 include the title under which the proposed plan is to be filed; the date of drawing  
29 preparation and any revisions; a north arrow; the scale of drawing; the legal description  
30 for the property; signature blocks; phasing lines; a data block (to include tabulation in  
31 square feet of building mass and density, broken down by uses if more than 1 use is  
32 proposed, and accompanied by a statement of density used by this plan and any density  
33 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~  
34 ~~site, the sign area previously used, the sign area used by this application and the sign area~~  
35 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;  
36 common area; open space area, lot coverage, total site disturbance area and impervious  
37 surface area to be expressed in square feet and percent of site; snow stack area; parking,  
38 both required and provided; the land use district; name of master plan, if applicable; the  
39 number and type of fireplaces, and the number of dwelling units and bedrooms. **The site**  
40 **plan shall not contain any information regarding signage.**  
41

42 Section 9. Section 9-1-18-2(C)(3)(a)(1) of the Breckenridge Town Code is amended so  
43 as to read as follows:  
44

1 (1) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20') or one  
2 inch equals ten feet (1"= 10') for sites of ten thousand (10,000) square feet or less; shall  
3 be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall depict  
4 the property corners and all permanent survey monuments. It shall further include the title  
5 under which the proposed plan is to be filed; the date of drawing preparation and any  
6 revisions; a north arrow; the scale of drawing; the legal description for the property;  
7 signature blocks; phasing lines; a data block to include: tabulation in square feet of  
8 building mass and density (broken down by uses if more than 1 use is proposed, and  
9 accompanied by a statement of density used by this plan, and any density remaining for  
10 this site); ~~a tabulation in square feet of the total sign area allowed on the site, the sign~~  
11 ~~area previously used, the sign area used by this application and the sign area remaining~~  
12 ~~following the approval of this permit;~~ the land area of site; dwelling area; common area;  
13 open space area, lot coverage, total site disturbance area, and impervious surface area to  
14 be expressed in square feet and percent of site; snow stack area; parking, both required  
15 and provided; the land use district; name of master plan, if applicable; the number of  
16 dwelling units and bedrooms; and the number and type of fireplaces. **The site plan shall**  
17 **not contain any information regarding signage.**  
18

19 Section 10. Section 9-1-18-2(D)(1)(d)(3) of the Breckenridge Town Code is amended so  
20 as to read as follows:  
21

22 (3) The site plan shall be drawn at a scale of one inch equals twenty feet (1"= 20'), or  
23 one inch equals ten feet (1" = 10') for sites of ten thousand (10,000) square feet or less;  
24 shall be drawn on twenty four inch by thirty six inch (24" x 36") size paper; and shall  
25 depict the property corners and all permanent survey monuments. The site plan shall  
26 further include the title under which the proposed plan is to be filed; the date of drawing  
27 preparation and any revisions; a north arrow; the scale of drawing; the legal description  
28 for the property; signature blocks; phasing lines; a data block to include: tabulation in  
29 square feet of building mass and density (broken down by uses if more than one use is  
30 proposed, and accompanied by a statement of density used by this plan and any density  
31 remaining for this site); ~~a tabulation in square feet of the total sign area allowed on the~~  
32 ~~site, the sign area previously used, the sign area used by this application and the sign area~~  
33 ~~remaining following the approval of this permit;~~ the land area of site; dwelling area;  
34 common area; open space area, lot coverage, total site disturbance area, and impervious  
35 surface area to be expressed in square feet and percent of site; parking, both required and  
36 provided; snow stack area; the land use district; name of master plan, if applicable; the  
37 number and type of fireplaces, the number of dwelling units and bedrooms. **The site plan**  
38 **shall not contain any information regarding signage.**  
39

40 Section 11. Section 9-1-19-12A "Policy 12 (Absolute)(Signs)" of the Breckenridge Town  
41 Code is amended to read as follows:  
42

43 9-1-19-12A: POLICY 12 (ABSOLUTE) SIGNS:  
44

1 All signs shall be in compliance with the provisions of the Breckenridge Sign  
2 Ordinance Code<sup>1</sup>.

3  
4 <sup>1</sup>See Title ~~82~~, Chapter ~~215~~ of this Code.

5  
6 Section 12. Section (A)(9) of Section 9-1-19-38A “Policy 38 (Absolute) (Home  
7 Occupations,” of the Breckenridge Town Code is deleted, and the subsequent subsections of  
8 Section A are renumbered accordingly.

9  
10 Section 13. Section (E)(4) of Section 9-1-19-40A “Policy 40 (Absolute) (Chalet  
11 Houses)” of the Breckenridge Town Code is deleted, and the subsequent subsections of Section  
12 E are renumbered accordingly.

13  
14 Section 14. Section (B)(3)(a)(11) of Section 9-1-19-49A “Policy 49 (Absolute) (Vendor  
15 Carts)” of the Breckenridge Town Code is amended to read as follows:

16  
17 11. All signs for a large vendor cart shall be subject to the Breckenridge Sign  
18 Code<sup>1</sup> ~~One permanent freestanding sign is allowed for a large vendor cart, unless~~  
19 ~~otherwise prohibited by the Breckenridge Sign Code.~~

20  
21 <sup>1</sup>See Title ~~82~~, Chapter ~~215~~ of this Code.

22  
23 Section 15. Section (B)(3)(b)(14) of Section 9-1-19-49A “Policy 47 (Absolute) (Vendor  
24 Carts)” of the Breckenridge Town Code is amended to read as follows:

25  
26 14. All signs for a small vendor cart shall be subject to the Breckenridge Sign  
27 Code. ~~The maximum sign area for a small vendor cart is sixty six percent (66%)~~  
28 ~~of the linear frontage of the cart.~~

29  
30 Section 16. Footnote 8 of Title 9, Chapter 1 of the Breckenridge Town Code is amended  
31 to read as follows:

32  
33 <sup>8</sup>See Title ~~82~~, Chapter ~~215~~ of this Code.

34  
35 Section 17. Section 9-2-3-5(C)(11) of the Breckenridge Town Code is amended to read  
36 as follows:

37  
38 11. Final lighting and signage plans without reference to the content of the  
39 signs.

40  
41 Section 18. Section 9-3-9(L) of the Breckenridge Town Code is amended to read as  
42 follows:

43  
44 L. Signs: ~~The placement of~~ Appropriate signage directing traffic shall be placed in

1 any off street parking facility pursuant to the Breckenridge Sign Code<sup>1</sup> ~~Parking~~  
2 ~~lot and circulation directional signs must be approved pursuant to the Town's sign~~  
3 ~~ordinance. All signs relating to off street parking facilities shall be reviewed~~  
4 ~~according to the development code.~~

5  
6 <sup>1</sup> See Title ~~89~~, Chapter ~~215~~ of this Code.

7  
8 Section 19. Footnote 5 of Title 9, Chapter 3 of the Breckenridge Town Code is amended  
9 to read as follows:

10  
11 <sup>5</sup>See Title ~~89~~, Chapter ~~215~~ of this Code.

12  
13 Section 20. Section 9-12-8(H) of the Breckenridge Town Code is amended to read as  
14 follows:

15  
16 H. Sign Lighting: The lighting of a sign when done in accordance with the  
17 requirements of title ~~89~~, chapter ~~215~~ of this code.

18  
19 Section 21. Section 9-12-12(A)(6) of the Breckenridge Town Code is amended to read as  
20 follows:

21  
22 6. Signage Illumination: All signage in LZ-1, LZ-2 and LZ-3 shall comply with of  
23 title ~~89~~, chapter ~~215~~ this code. Signage utilizing lighting shall have fixtures  
24 mounted to the top of the sign structure aimed downward onto the sign from  
25 above. Fixtures shall be fully shielded so that light is directed only onto the sign  
26 facade and not aimed at the sky, adjacent streets, roads or properties.

27  
28 Section 22. Section E of the definition of “Commercial Handbill” in Section 11-5-2 of the  
29 Breckenridge Town Code is amended to read as follows:

30  
31 E. Which is not covered by the definition of a sign in section ~~8-2-39-15-5~~ of this  
32 Code..

33  
34 Section 23. Section 11-8-3 of the Breckenridge Town Code is amended to read as  
35 follows:

36  
37 11-8-3: Regulatory Scope: This Chapter primarily regulates signs and other  
38 forms of government speech conveyed by the Town and other governmental  
39 entities. Signs that may lawfully be placed on Town-owned property by the Town  
40 or other governmental entities pursuant to this Chapter do not require a sign  
41 permit issued pursuant to Title ~~89~~, Chapter ~~215~~ of this Code, or other formal  
42 approval by the Town. Signage on property other than Town-owned property is  
43 regulated by Title ~~89~~, Chapter ~~215~~ of this Code.

1           Section 24. The definition of “Subdivision Entrance Sign” in Section 11-8-4 of the  
2 Breckenridge Town Code is repealed.

3  
4           Section 25. Section 11-8-4 of the Breckenridge Town Code is amended by the addition of  
5 the following definition:  
6

**GATEWAY**                   **Has the meaning provided in Section 9-1-5 of this Code.**  
**ENTRANCE**  
**MONUMENT:**

7  
8           Section 26. Section 11-8-5 of the Breckenridge Town Code is amended to read as  
9 follows:  
10

11           11-8-5 PRIVATE SIGNS PROHIBITED ON TOWN-OWNED PROPERTY;  
12 EXCEPTIONS:  
13

- 14           A.     Except as specifically authorized in this Section, it is unlawful for any person to  
15 place a private sign on any Town-owned property.
- 16           B.     The following private signs may lawfully be placed on Town-owned property:
- 17                   1.     Private signs when authorized by a special events permit issued by the  
18 Town pursuant to Title 4, Chapter 13 of this Code.
- 19                   2.     Private ~~subdivision entrance signs~~ **gateway entrance monuments** when  
20 authorized by the Director under the following conditions:
- 21                           (a)     The ~~sign~~**monument** owner shall demonstrate that it is not feasible  
22 to place the sign on private property due to site constraints, poor  
23 topography, or other similar conditions.
- 24                           (b)     The ~~sign~~**monument** owner shall enter into an encroachment  
25 license agreement, or similar contractual agreement, with the  
26 Town, which agreement shall contain provisions concerning  
27 insurance and indemnification so as to adequately protect the  
28 Town from liability in the event of a claim or loss arising from the  
29 placement of the ~~sign~~**monument** on such Town-owned property.
- 30                           (c)     The ~~sign~~**monument** shall be maintained as required by the terms  
31 of the encroachment license agreement and this Chapter. If the  
32 ~~sign~~**monument** is not so maintained the Town may order the  
33 ~~sign~~**monument** removed from the Town-owned property, and if  
34 the ~~sign~~**monument** owner refuses to remove the sign, the Town  
35 may remove the ~~sign~~**monument** and may recover the costs thereof  
36 from the ~~sign~~**monument** owner.

- 1 (d) The sign monument shall not be placed so as to substantially  
 2 interfere with the Town’s use of the Town-owned property, or  
 3 create an unsafe or hazardous condition. Without limiting the  
 4 generality of the foregoing, the sign monument shall not obstruct  
 5 the sight triangle, impede drainage or interfere with utilities,  
 6 pedestrian ways, snow stack areas, or snowplowing.
- 7 (e) The Director shall review and approve as to form and content any  
 8 request to place a private ~~subdivision entrance signs~~ gateway  
 9 entrance monuments on Town-owned property pursuant to this  
 10 Section before the sign monument is placed. The Director may  
 11 impose any reasonable conditions of approval on the placement of  
 12 any private ~~subdivision entrance signs~~ gateway entrance  
 13 monuments on Town-owned property .

14 3. Private signs placed by a real estate agent on Town-owned property as  
 15 authorized by Title 89, Chapter 215 of this Code.

16 4. When approved by the Director, signs, including but not limited to  
 17 sandwich board signs as defined in Section 9-15-5 of this Code,  
 18 providing information about events, activities, or museums which are  
 19 open to the general public, regardless of whether a fee is required to  
 20 gain admission, if such event, activity or museum is conducted,  
 21 sponsored, or provided by a Colorado non-profit corporation.

22 Section 27. Except as specifically amended hereby, the Breckenridge Town Code, and  
 23 the various secondary Codes adopted by reference therein, continue in full force and effect.

24  
 25 Section 28. This ordinance shall be published and become effective as provided by  
 26 Section 5.9 of the Breckenridge Town Charter.

27  
 28  
 29 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
 30 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2019. A Public Hearing shall be held at the  
 31 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the 26th day of  
 32 February, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
 33 Town.

34  
 35 TOWN OF BRECKENRIDGE, a Colorado  
 36 municipal corporation

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 40 By: \_\_\_\_\_  
 41 Eric S. Mamula, Mayor

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ATTEST:

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Helen Cospolich, CMC,  
Town Clerk

Brk 500-29-1\2019 Sign Ordinance (02-20-19)(Second Reading)





# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 2/20/2019  
Subject: Council Bill No. 2 (Dockless Bike Share Licensing Ordinance)

---

The second reading of the ordinance establishing a new Dockless Bicycle Share Licensing program is scheduled for your meeting on February 26<sup>th</sup>.

The following changes are proposed to the version of the ordinance that was approved on first reading:

1. On page 8, lines 18-20, language has been added that a shared bicycle may be deployed pursuant to a Town ordinance only between April 15<sup>th</sup> and October 31<sup>st</sup> of any calendar year.
2. On page 10, lines 26-27, language has been added requiring a licensee to include on its mobile app information that the shared bicycle is rented only for use within the Town.
3. On page 11, line 12, the language has been changed to provide that a licensee may only initially deploy a maximum of 25 (not 50) shared bicycles,
4. On page 11, line 25, language has been added requiring that each shared bicycle shall be a class 1 electric assisted bike.
5. On page 12, lines 2-5, language has been added concerning the limited information that can be displayed on a shared bicycle.

Shannon Haynes and I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – FEB. 26**

2  
3 Additions To The Ordinance As Approved on First Reading Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 COUNCIL BILL NO. 2

7  
8 Series 2019

9  
10 AN ORDINANCE AMENDING TITLE 4 OF THE BRECKENRIDGE TOWN CODE  
11 BY ADDING A NEW CHAPTER 17 ENTITLED  
12 “DOCKLESS BICYCLE SHARE LICENSING”

13  
14 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
15 COLORADO:

16  
17 Section 1. Title 4 of the Breckenridge Town Code is amended by the addition of a new  
18 chapter 17, to be entitled “Dockless Bicycle Share Licensing”, which shall read in its entirety as  
19 follows:

20  
21 CHAPTER 17

22  
23 DOCKLESS BICYCLE SHARE LICENSING

24  
25 SECTION:

- 26 4-17-1: Short title
- 27 4-17-2: Authority
- 28 4-17-3: Legislative Intent
- 29 4-17-4: Definitions
- 30 4-17-5: License Required
- 31 4-17-6: Application For License
- 32 4-17-7: Application Fee
- 33 4-17-8: Town Manager’s Review of Application
- 34 4-17-9: Decision By Town Manager
- 35 4-17-10: Authority To Impose Conditions on License
- 36 4-17-11: Contents of License
- 37 4-17-12: License Not Transferable
- 38 4-17-13: Duration of License
- 39 4-17-14: Renewal of License
- 40 4-17-15: Insurance and Indemnification
- 41 4-17-16: Licensee’s Specific Duties and Obligations
- 42 4-17-17: Dockless Shared Bicycle Standards

- 1 4-17-18: Suspension Or Revocation of License
- 2 4-17-19: Town Manager’s Decision Is Final
- 3 4-17-20: Signage
- 4 4-17-21: Parking Shared Bicycles
- 5 4-17-22: Penalties; Injunctive Relief
- 6 4-17-23: No Town Liability
- 7 4-17-24: Rules and Regulations

8  
 9 4-17-1: SHORT TITLE: This chapter shall be known and may be cited as the “Town Of  
 10 Breckenridge Dockless Bicycle Share Licensing Ordinance.”

11  
 12 4-17-2: AUTHORITY: The town council finds, determines, and declares that it has the power  
 13 to adopt this chapter pursuant to:

- 14
- 15 A. Section 31-17-702, C.R.S. (concerning municipal regulation of streets and alleys);
- 16 B. Section 31-17-103, C.R.S. (concerning municipal police powers);
- 17 C. Section 31-17-401, C.R.S.(concerning general municipal police powers);
- 18 D. The authority granted to home rule municipalities by Article XX of the Colorado  
 19 Constitution; and
- 20 E. The powers contained in the Breckenridge Town Charter.

21 4-17-3: LEGISLATIVE INTENT: The intent and purpose of this chapter is to protect the public  
 22 health, safety, and welfare to prevent or mitigate against any adverse impact that dockless shared  
 23 bicycles may have to public or private property by licensing all persons who make available  
 24 dockless shared bicycles in the town.

25  
 26 4-17-4: DEFINITIONS: As used in this chapter the following words have the following  
 27 meanings:

- 28
- APPLICANT: A person who has submitted an application for license pursuant to this chapter.
- APPLICATION: An application for license submitted pursuant to this chapter.
- DAY: A calendar day, unless otherwise indicated.
- DOCKLESS: Not having a docking station in a fixed location from which users must lock and unlock their rented bicycles.

DOCKLESS BICYCLE SHARE:	A transportation system providing users the ability to access bicycles via mobile technology and that does not need to be attended by the licensee, allowing the user to pick up a bicycle from one location and leave it at another within a system's service area.
DOCKLESS SHARED BICYCLE (OR SHARED BICYCLE):	A bicycle offered or operating in a system through which members of the public are offered for consideration the use of bicycles without the use of fixed docking facilities.
ELECTRICAL ASSISTED BICYCLE:	Has the meaning provided in the town's model traffic code adopted in title 7, chapter 1 of this code.
GOOD CAUSE (for the purpose of refusing or denying a license renewal under this chapter):	<p>Means:</p> <ul style="list-style-type: none"> <li>A. The licensee has violated, does not meet, or has failed to comply with: (i) any of the terms, conditions, or provisions of this chapter; or (ii) any rule and regulation promulgated by the town manager pursuant to this chapter; or</li> <li>B. The licensee has failed to comply with (i) any of the terms and conditions of its license including, but not limited to, any special terms or conditions that were placed on its license at the time the license was issued or were subsequently modified by the town manager pursuant to Section 4-17-10B, or (ii) any special conditions that were placed on its license in prior disciplinary proceedings or that arose in the context of potential disciplinary proceedings.</li> </ul>
MOBILE APPLICATION:	The software installed on a user's mobile device that allows the user to access dockless shared bicycles.

LICENSEE:	The person to whom a license has been issued pursuant to this chapter.
PERSON:	Has the meaning provided in Section 1-3-2 of this code.
POLICE CHIEF:	The police chief of the town, or the police chief designee authorized to act pursuant to Section 1-7-2 of this code.
REBALANCING:	Redistributing bicycles throughout the town to ensure all areas are served by dockless bicycle share.
TOWN:	Has the meaning provided in Section 1-3-2 of this code.
TOWN MANAGER:	The town manager of the town, or the town manager's designee authorized to act pursuant to Section 1-7-2 of this code.
USER:	The operator of a shared bicycle rented from a licensee.

- 1  
2 4-17-5: LICENSE REQUIRED: No person shall conduct or carry on the business of offering  
3 shared bicycles that are not deployed from a fixed docking station without first obtaining a  
4 license from the town manager under this chapter.  
5  
6 4-17-6: APPLICATION FOR LICENSE:  
7  
8 A. A person seeking to obtain a license pursuant to this chapter shall file an  
9 application with the town manager. The form of the application shall be provided  
10 by the town manager.  
11  
12 B. The applicant shall provide a financial guaranty upon which the town may draw,  
13 in the amount of \$80 per bicycle, with a cap of \$8,000, to secure performance of  
14 the terms of the applicant's license following issuance. The financial guaranty  
15 shall be cash, a letter of credit from a surety or financial institution located in the  
16 state of Colorado and in a form acceptable to the town manager, payable to the  
17 town as beneficiary, or another form of financial guaranty approved by the town  
18 manager. If a permitted licensee increases the size of its fleet as permitted by this  
19 chapter, the financial guaranty shall be adjusted appropriately before deploying  
additional bicycles. The financial guaranty will be used to pay town expenses

1 related to the enforcement of this chapter including, without limitation, the  
2 following:

- 3 1. Public property repair and maintenance costs caused by the licensee's  
4 equipment;
- 5 2. Any cost for removing or storing a licensee's bicycles that are improperly  
6 parked; and
- 7 3. Any cost to the town to remove a licensee's bicycles if its license expires  
8 or is otherwise terminated.

9 If the financial guaranty is exhausted prior to the term of the license, the  
10 licensee shall restore the financial guaranty to \$8,000, or such other  
11 amount as may be required by the town manager. A licensee's failure to  
12 restore the financial guarantee shall be a violation of the terms and  
13 conditions of the license. If an applicant's license is not granted, the  
14 financial guaranty shall be returned to the applicant without interest. Upon  
15 the expiration or termination of a license the remaining balance of the  
16 financial guarantee shall be refunded to the licensee without interest.

17  
18 C. An applicant for a license shall submit, along with the application, a management  
19 plan that addresses accessibility of the applicant's proposed dockless bicycle  
20 share system, and how the applicant will prevent or mitigate adverse impacts that  
21 its dockless shared bicycles may have to public or private property. The town  
22 manager shall not approve a management plan unless it adequately addresses such  
23 impacts. The management plan shall include the following components:

- 24 1. A description of how the applicant will develop and implement assistance  
25 programs to enhance equitable access to potential dockless bicycle share  
26 users who do not have access to smart phones or credit cards;
- 27 2. A proposed service plan to achieve equitable distribution of shared  
28 bicycles and electric assisted bicycles, including deployment of dockless  
29 shared bicycles at transit facilities, high demand areas of the town, and  
30 areas of the town that are not currently served by shared bicycle stations;
- 31 3. A description of how the applicant will respond to complaints of  
32 improperly parked or abandoned shared bicycles;
- 33 4. A description of how the applicant will respond when notified of safety or  
34 operational concerns of a shared bicycle in the system;
- 35 5. A maintenance plan for shared bicycles; and



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- A. The town manager shall conditionally approve or deny an application within thirty days of the receipt of a completed application unless, by written notice to the applicant, the decision period is extended for an additional ten days if necessary for the town manager to complete the town manager’s review of the application.
  
- B. The town manager shall issue a license under this chapter when, from a consideration of the application, and such other information as may otherwise be obtained, the town manager determines that:
  - 1. The application (including any required attachments and submissions) is complete and signed by the applicant, and the applicant has provided any additional information concerning the application requested by either the town manager pursuant to section 4-17-8C;
  - 2. The applicant has paid the application fee and any other fees required by section 4-17-7 and made the deposit of the financial guaranty required by 4-17-6B;
  - 3. The application does not contain a material falsehood or misrepresentation; and
  - 4. The granting of the application will not endanger public health or safety.
  
- C. The town manager shall deny an application for a license under this chapter if the town manager determines that:
  - 1. Information contained in the application, or supplemental information requested from the applicant, is found to be false in any material respect;
  - 2. The applicant has had a license issued under this chapter revoked within the two years immediately preceding the filing of the application, or the applicant owned a fifty percent or greater interest in any business entity that has had a license issued under this chapter revoked within the two years immediately preceding the filing of the application;
  - 3. The applicant is currently indebted to the town for any lawfully assessed tax or fee; or
  - 4. The granting of the application will endanger public health or safety.
  
- D. If the application is denied, the town manager shall clearly set forth in writing the grounds for denial.



1 E. If the application is conditionally approved, the town manager shall clearly set  
2 forth in writing the conditions of approval.

3 F. If an application is denied the application fee shall not be refunded.

4 4-17-10: AUTHORITY TO IMPOSE CONDITIONS ON LICENSE:  
5

6 A. The town manager shall have the authority to impose such reasonable terms and  
7 conditions on a license as may be necessary to protect the public health, safety,  
8 and welfare, and to obtain compliance with the requirements of this chapter and  
9 applicable law.

10 B. For good cause shown, the town manager may administratively modify or  
11 eliminate or add any license condition during the term of the license.

12 4-17-11: CONTENTS OF LICENSE: A license shall contain the following information:  
13

14 A. The name of the licensee;

15 B. The date of the issuance of the license;

16 C. The address at which the licensee is authorized to operate the business; and

17 D. The date of the expiration of the license.

18 **E. Notice that the shared bicycles authorized by the license may only be**  
19 **deployed by the licensee between April 15<sup>th</sup> and October 31<sup>st</sup> of a calendar**  
20 **year.**

21 A license must be signed by both the licensee and the town manager to be valid.  
22

23 4-17-12: LICENSE NOT TRANSFERABLE: A license is non-transferable and non-assignable.  
24 Any attempt to transfer or assign a license shall void the license.  
25

26 4-17-13: DURATION OF LICENSE: Each license issued pursuant to this chapter shall be valid  
27 for one year from the date of issuance, unless the town manager specifies a shorter term for the  
28 license.  
29

30 4-17-14: RENEWAL OF LICENSE:  
31

32 A. A licensee does not have a vested right or a property right in the renewal of a  
33 license issued pursuant to this chapter.

34 B. Each license issued pursuant to this chapter may be renewed as provided in this  
35 section.

- 1 C. An application for the renewal of an existing license shall be made to the town  
2 manager not less than forty-five days prior to the date of expiration. No  
3 application for renewal shall be accepted by the town manager after the date of  
4 expiration. The town manager may waive the forty-five days' time requirement  
5 set forth in this subsection if the applicant demonstrates an adequate reason.
- 6 D. At the time of the filing of an application for the renewal of an existing license the  
7 applicant shall pay a renewal fee in an amount fixed by the town council as part of  
8 its annual budget process.
- 9 E. The timely filing of a renewal application shall extend the current license until a  
10 final decision is made on the renewal application by the town manager.
- 11 F. A license may be renewed by the town manager. At the time of the renewal of a  
12 license the town manager may impose any condition on the license that the town  
13 manager could lawfully impose pursuant to this chapter.
- 14 G. The town manager may refuse to renew a license for good cause.

15 4-17-15: INSURANCE AND INDEMNIFICATION: Each license issued under this chapter  
16 shall contain the following requirements:  
17

- 18 A. The licensee shall procure and continuously maintain throughout the term of the  
19 license a policy of comprehensive commercial general liability insurance with  
20 limits of liability not less than Two Million Dollars (\$2,000,000) per claim, Two  
21 Million Dollars (\$2,000,000) aggregate, and Fifty Thousand Dollars (\$50,000) for  
22 property damage. The town shall be named as an additional insured under such  
23 insurance policy. An ACORD Form 27, or other certificate of insurance  
24 acceptable to town clerk, shall be completed by the licensee's insurance agent and  
25 provided to the town clerk as evidence that policies providing the required  
26 coverages, conditions, and minimum limits are in full force and effect and shall be  
27 reviewed and approved by town prior to commencement of the operations of the  
28 business pursuant to the license, and on each renewal or replacement of the policy  
29 during the term of the license.
- 30 B. The licensee shall indemnify and defend the town, its officers, employees,  
31 insurers, and self-insurance pool (with counsel acceptable to the town), from and  
32 against all liability, claims, and demands, on account of injury, loss, or damage,  
33 including without limitation, claims arising from bodily injury, personal injury,  
34 sickness, disease, death, property loss or damage, or any other loss of any kind  
35 whatsoever, arising out of in any manner connected with the operation of the  
36 business for which the license was issued. The licensee shall investigate, handle,  
37 respond to, and to provide defense for and defend against, any such liability,  
38 claims, or demands at the sole expense of the licensee, and bear all other costs and  
39 expenses related thereto, including court costs and attorney fees. The indemnity

1 obligation of this subsection shall survive the expiration or revocation of the  
2 license.

3 4-17-16: LICENSEE SPECIFIC DUTIES AND OBLIGATIONS: In addition to the other  
4 requirements of this chapter, it is the duty and obligation of each licensee to:

5  
6 A. Comply with the following:

7 1. All of the terms and conditions of the license, including, without  
8 limitation, any special condition imposed by the town manager pursuant to  
9 section 4-17-10;

10 2. The licensee's approved management plan;

11 3. All of the requirements of this chapter; and

12 4. All other town ordinances that are applicable to the licensee' business.

13 B. Provide, on its mobile application, a link for customers to notify the licensee if  
14 there is a safety or maintenance issue with the bicycle; conspicuously post the  
15 licensee's privacy policy on the rental agreement between the licensee and the  
16 user; and comply with such policy.

17 C. Include, in its mobile application, prominently displayed notification to users that:

18 1. Helmet use is encouraged while riding a bicycle;

19 2. Bicyclists are required to yield to pedestrians on sidewalks;

20 3. When riding on-street, users must comply with all traffic regulations, as  
21 drivers would in a motor vehicle; and

22 4. Shared bicycles may only be parked in bicycle racks, designated bicycle  
23 parking areas or on private property with the consent of the property  
24 owner, or in designated areas on town property that have been approved  
25 by the town.

26 **5. The shared bicycle is rented only for use within the Town of**  
27 **Breckenridge.**

28 D. Provide users with a 24-hour customer service telephone number to report safety  
29 concerns, complaints, or ask questions.

30 E. Understand and educate users regarding the laws applicable to riding and  
31 operating a bicycle or electric assisted bicycle in the town, and within Summit  
32 County.

- 1 F. Provide the town manager with current contact information for the licensee or the  
2 licensee’s staff who are capable of rebalancing shared bicycles or picking up  
3 abandoned or damaged shared bicycles as required by subsection H of this  
4 section.
- 5 G. Relocate or rebalance shared bicycles within two hours of receiving a request  
6 from the town.
- 7 H. Remove or maintain any inoperable shared bicycle or shared bicycle that is not  
8 safe to operate, within twenty-four hours of notice by any means to the licensee  
9 by any individual or entity.
- 10 I. Comply with the record keeping, ridership data, and reporting requirements  
11 established by the town manager under this chapter.
- 12 J. Refrain from initially deploying more than ~~50~~25 shared bicycles. During the term  
13 of a license the town manager is authorized to modify the number of shared  
14 bicycles each licensee may deploy based on the licensee’s ability to meet key  
15 performance indicators established by the manager.

16 4-17-17: DOCKLESS SHARED BICYCLE STANDARDS:  
17

- 18 A. No person shall offer a dockless shared bicycle for use that does not meet each of  
19 the standards set forth in this section.
- 20 B. The shared bicycle shall meet the standards outlined in the Code of Federal  
21 Regulations (C.F.R.) under title 16, chapter II, Subchapter C, Part 1512 –  
22 Requirements for Bicycles. Additionally, the shared bicycle shall meet the safety  
23 standards outlined in International Organization for Standardization (I.S.O.)  
24 43.150 – Cycles, subsection 4210.
- 25 C. Each electric assisted shared bicycle shall meet the definition of a class 1 electric  
26 assisted bicycles in the town’s model traffic code adopted by reference in title 7,  
27 chapter 1 of this code.
- 28 D. The shared bicycle shall be equipped with a locking mechanism that enables the  
29 bicycle to be locked to a fixed structure.
- 30 E. The shared bicycle shall be equipped with technology to track ridership data  
31 required by the license.
- 32 F. The shared bicycle shall have affixed, in a prominent location, identifying  
33 information that includes:
  - 34 1. The name, address, electronic mail address, and 24-hour customer service  
35 telephone number of the licensee; and

1                   2.       A unique identifier number or series of numbers for each shared bicycle.

2                   **G.   No sign or other form of advertising shall be placed on the shared bicycle;**  
3                   **provided, however, the licensee's name, contact information, and other**  
4                   **technical information concerning the shared bicycle itself may be placed on**  
5                   **the bicycle or on a placard not larger than four inches by six inches (4" x 6").**

6 4-17-18: SUSPENSION OR REVOCATION OF LICENSE:  
7

8                   A.       A license issued pursuant to this chapter may be suspended or revoked by the  
9                   town manager after a hearing for any of the following reasons:

10                   1.       Fraud, misrepresentation, or a false statement of material fact contained in  
11                   the license application.

12                   2.       A violation of any town, state, or federal law or regulation pertaining to  
13                   the operation of the business for which the license was issued.

14                   3.       A violation of this chapter.

15                   4.       A violation of any of the terms and conditions of the license, including,  
16                   without limitation, any special condition imposed upon the license by the  
17                   town manager pursuant to section 4-17-10.

18                   5.       Licensees operations at its licensed location have ceased for more than six  
19                   months for any reason.

20                   6.       Ownership of the licensee business has been transferred without the new  
21                   owner obtaining a license pursuant to this chapter.

22                   B.       In connection with the suspension of a license, the town manager may impose  
23                   reasonable conditions.

24                   C.       Any hearing held pursuant to this section shall be processed in accordance with  
25                   chapter 19 of title 1 of this code.

26                   D.       For the purpose of disciplinary action imposed pursuant to this section, a licensee  
27                   is responsible and accountable for the conduct of the licensee's employees,  
28                   agents, and contractors occurring in connection with the operation of the business  
29                   for which the license has been issued.

30                   E.       In deciding whether a license should be suspended or revoked, and in deciding  
31                   what conditions to impose in the event of a suspension, if any, the town manager  
32                   shall consider all of the following:

33                   1.       The nature and seriousness of the violation.

- 1           2.     Corrective action, if any, taken by the licensee.
- 2           3.     Prior violation(s), if any, by the licensee.
- 3           4.     The likelihood of recurrence.
- 4           5.     All circumstances surrounding the violation.
- 5           6.     Whether the violation was willful.
- 6           7.     The number of previous violations by the licensee.
- 7           8.     Previous sanctions, if any, imposed against the licensee.

8           **F.**    No fee previously paid by a licensee in connection with the application shall be  
9           refunded if such license is suspended or revoked.

10 4-17-19: TOWN MANAGER’S DECISION IS FINAL: Any decision made by the town  
11 manager pursuant to this chapter shall be a final decision of the town and may be appealed to the  
12 district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The  
13 applicant’s or licensee’s (as applicable) failure to timely appeal the decision is a waiver the  
14 applicant’s or licensee’s right to contest the denial or conditional approval of the application.  
15

16 4-17-20: SIGNAGE: All signage for a business for which a license has been issued shall  
17 comply with the requirements of title 9, chapter 15 of this code.  
18

19 4-17-21: PARKING DOCKLESS SHARED BICYCLES:  
20

21           A.    No user of a dockless shared bicycle shall park a shared bicycle in any location  
22           except where authorized by this chapter or pursuant to rules issued by the town  
23           manager under this chapter. Both the licensee and user are jointly and severally  
24           liable for any parking in violation of this chapter or the town manager rules issued  
25           under this chapter.

26           B.    The police chief is authorized to impound any shared bicycle left in a location that  
27           is not authorized for the parking of a shared bicycle pursuant to rules issued by  
28           the town manager, to dispose of any abandoned or improperly parked shared  
29           bicycle, and to collect the cost of such impoundment or disposal from the licensee  
30           either through the financial guaranty required by this chapter or directly from the  
31           licensee if the financial guaranty is insufficient to cover the cost.

32 4-17-22: PENALTIES; INJUNCTIVE RELIEF:  
33

1 A. It is a misdemeanor offense for any person to violate any provision of this  
2 chapter. Any person convicted of having violated any provision of this chapter  
3 shall be punished as set forth in chapter 4 of title 1 of this code.

4 B. If a person is required to have a license issued pursuant to this chapter the  
5 operation of such person's business without a valid license issued pursuant to this  
6 chapter may be enjoined by the town in an action brought in the municipal court  
7 pursuant to section 1-8-10 of this code, or in any other court of competent  
8 jurisdiction. In any case in which the town prevails in a civil action initiated  
9 pursuant to this section, the town may recover its reasonable attorney fees plus  
10 costs of the proceeding.

11 C. The remedies provided in this section are in addition to any other remedy  
12 provided by applicable law.

13 4-17-23: NO TOWN LIABILITY: The adoption of this chapter and the issuance of licenses  
14 pursuant to this chapter shall not create any duty to any person. No person shall have any civil  
15 liability remedy against the town, or its officers, employees or agents, for any damage or loss of  
16 any kind arising out of or in any way connected with the issuance of any license pursuant to this  
17 chapter. Nothing in this chapter shall be construed to create any liability or to waive any of the  
18 immunities, limitations on liability, or other provisions of the Colorado Governmental Immunity  
19 Act, section 24-10-101, et seq., C.R.S., or to waive any immunities or limitations on liability  
20 otherwise available to the town, or its officers, employees or agents.

21  
22 4-17-24: RULES AND REGULATIONS: The town manager shall have the authority from time  
23 to time to adopt, amend, alter, and repeal administrative rules and regulations as may be  
24 necessary for the proper administration of this chapter. Such regulations shall be adopted in  
25 accordance with the procedures established by title 1, chapter 18 of this code. A violation of  
26 such regulations may be enforced in the Town's Municipal Court.

27  
28 Section 2. Except as specifically amended hereby, the Breckenridge Town Code, and the  
29 various secondary Codes adopted by reference therein, shall continue in full force and effect.

30  
31 Section 3. The Town Council hereby finds, determines, and declares that this ordinance  
32 is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
33 improve the order, comfort, and convenience of the Town of Breckenridge and the inhabitants  
34 thereof.

35  
36 Section 4. This ordinance shall be published and become effective as provided by Section  
37 5.9 of the Breckenridge Town Charter.

38  
39 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
40 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2019. A Public Hearing shall be held at the  
41 regular meeting of the town manager of the Town of Breckenridge, Colorado on the \_\_\_\_ day of

1 \_\_\_\_\_, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
2 Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation  
6

7  
8  
9 By \_\_\_\_\_  
10 Eric S. Mamula, Mayor

11  
12 ATTEST:

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16 \_\_\_\_\_  
17 Helen Cospolich, CMC, Town Clerk

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900-205\Dockless Bicycle Share Licensing Ordinance (02-20-19)(Second Reading)





# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 2/20/2019  
Subject: Council Bill No. 3 (Revised Bicycle Rules Ordinance)

---

The second reading of the ordinance amending the bicycle rules in the Town's Model Traffic Code is scheduled for your meeting on February 26<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 ***FOR WORKSESSION/SECOND READING***  
2 ***February 26***

3  
4 ***NO CHANGE FROM FIRST READING***

5  
6 Additions To The Current Breckenridge Model Traffic Code Are  
7 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

8  
9 COUNCIL BILL NO. 3

10  
11 Series 2019

12  
13 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010  
14 EDITION, CONCERNING THE OPERATION OF BICYCLES AND ELECTRICAL  
15 ASSISTED BICYCLES WITHIN THE TOWN OF BRECKENRIDGE  
16

17 WHEREAS, Section 42-4-110(1)(b), C.R.S., authorizes local authorities to adopt by  
18 reference a model traffic code embodying the rules of the road and vehicle requirements set forth  
19 in Article 4 of Title 42, C.R.S., and such additional local regulations as are provided for in  
20 Section 42-4-111, C.R.S.; and  
21

22 WHEREAS, the Town of Breckenridge has adopted (and amended) the Model Traffic  
23 Code For Colorado, 2010 edition, as the Traffic Code for the Town; and  
24

25 WHEREAS, Section 42-4-111(1)(h), C.R.S., provides that nothing in Article 4 of Title  
26 42, C.R.S., prevents local authorities, with respect to streets and highways under their  
27 jurisdiction and within the reasonable exercise of the police power (except streets and highways  
28 that are part of the state highway system), from regulating the operation of bicycles or electrical  
29 assisted bicycles consistent with the provision of Article 4 of Title 42, C.R.S.; and  
30

31 WHEREAS, the Colorado legislature recently adopted, and the Governor signed into law,  
32 SB18-144 dealing with the regulation of bicycles approaching intersections; and  
33

34 WHEREAS, SB18-144 authorizes municipalities to adopt local regulations of bicycles  
35 approaching intersections; and  
36

37 WHEREAS, the Town Council finds, determines, and declares that the Model Traffic  
38 Code For Colorado, 2010 edition, should be amended to incorporate the provisions of SB18-144.  
39

40 NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
41 BRECKENRIDGE, COLORADO:  
42

1           Section 1. That portion of Section 7-1-2 of the Breckenridge Town Code  
2 pertaining to Section 1412(1) of the Model Traffic Code For Colorado, 2010 edition, is  
3 amended so as to read as follows:  
4

5           (1) ~~Every~~ A person riding a bicycle or electrical assisted bicycle ~~shall have~~ has all  
6 of the rights and duties applicable to the driver of any other vehicle under this  
7 article Model Traffic Code, as amended, except as to special regulations in this  
8 article Model Traffic Code, as amended, ~~and except as provided in Section~~  
9 1412(12), and as to those provisions which by their nature can have no  
10 application. Said riders shall comply with the rules set forth in this section and  
11 section 221, ~~and, when using streets and highways within incorporated cities and~~  
12 ~~towns, subject to local ordinances regulating the operation of bicycles and~~  
13 ~~electrical-assisted bicycles as provided in section 111.~~  
14

15           Section 2. That portion of Section 7-1-2 of the Breckenridge Town Code  
16 pertaining to Section 1412(12) of the Model Traffic Code For Colorado, 2010 edition, is  
17 amended so as to read as follows:  
18

19           (12) (a) ~~A person operating a bicycle or electrical assisted bicycle approaching a~~  
20 ~~stop sign shall slow down and, if required for safety, stop before entering the~~  
21 ~~intersection. After slowing to a reasonable speed or stopping, the person shall~~  
22 ~~yield the right of way to any vehicle in the intersection or approaching on another~~  
23 ~~roadway so closely as to constitute an immediate hazard during the time the~~  
24 ~~person is moving across or within the intersection, except that a person after~~  
25 ~~slowing to a reasonable speed and yielding the right of way if required, may~~  
26 ~~cautiously make a turn or proceed through the intersection without stopping.~~  
27

28           (b) ~~A person operating a bicycle or electrical assisted bicycle approaching a~~  
29 ~~steady red traffic control signal shall stop before entering the intersection, except~~  
30 ~~that a person after slowing to a reasonable speed and yielding the right of way if~~  
31 ~~required, may cautiously make a right hand turn without stopping or may~~  
32 ~~cautiously make a left hand turn onto a one-way roadway without stopping.~~  
33

34           (c) ~~The provisions of this subsection 12 shall control over any conflicting portion~~  
35 ~~of this code or any Town ordinance.~~  
36

37           (a) A person riding a bicycle or electrical assisted bicycle and approaching an  
38 intersection of a roadway with a stop sign shall slow down and, if required  
39 for safety, stop before entering the intersection. If a stop is not required for  
40 safety, the person shall slow to a reasonable speed and yield the right-of-way  
41 to any traffic or pedestrian in or approaching the intersection. After the  
42 person has slowed to a reasonable speed and yielded the right-of-way if  
43 required, the person may cautiously make a turn or proceed through the  
44 intersection without stopping.  
45

1 (b) For purposes of subsection (a) of this section, a reasonable speed is fifteen  
2 miles per hour or less.

3  
4 (c) A person riding a bicycle or electrical assisted bicycle and approaching an  
5 intersection of a roadway with an illuminated red traffic control signal shall  
6 stop before entering the intersection and shall yield to all other traffic and  
7 pedestrians. Once the person has yielded, the person may cautiously proceed  
8 in the same direction through the intersection or make a right-hand turn.  
9 When a red traffic control signal is illuminated, a person shall not proceed  
10 through the intersection or turn right if an oncoming vehicle is turning or  
11 preparing to turn left in front of the person.

12  
13 (d) A person riding a bicycle or electrical assisted bicycle approaching an  
14 intersection of a roadway with an illuminated red traffic control signal may  
15 make a left-hand turn only if turning onto a one-way street and only after  
16 stopping and yielding to other traffic and pedestrians. However, a person  
17 shall not turn left if a vehicle is traveling in the same direction as the person  
18 and the vehicle is turning or preparing to turn left. If the person is not  
19 turning left onto a one-way street, the person shall not make a left-hand turn  
20 at an intersection while a red traffic control signal is illuminated.

21  
22 Section 3. Except as specifically amended hereby, the Breckenridge Town Code,  
23 and the various secondary codes adopted by reference therein, shall continue in full force  
24 and effect.

25  
26 Section 4. The Town Council hereby finds, determines and declares that this ordinance is  
27 necessary and proper to provide for the safety, preserve the health, promote the prosperity, and  
28 improve the order, comfort and convenience of the Town of Breckenridge and the inhabitants  
29 thereof.

30  
31 Section 5. The Town Council hereby finds, determines and declares that it has the power  
32 to adopt this ordinance pursuant to: (i); Section 42-4-111(1)(h), C.R.S.; (ii) Section 42-4-  
33 110(1)(a), C.R.S.; (iii) Section 42-4-1412.5, C.R.S.; (iv) Section 31-15-103, C.R.S. (concerning  
34 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);  
35 (vi) the authority granted to home rule municipalities by Article XX of the Colorado  
36 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

37  
38 Section 6. This ordinance shall be published and become effective as provided by  
39 Section 5.9 of the Breckenridge Town Charter; provided, however, that this ordinance shall not  
40 become effective with respect to any state highway located within the corporate limits of the  
41 Town of Breckenridge until it has been approved by the Colorado Department of Transportation  
42 pursuant to Sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S.

43  
44 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
45 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2019. A Public Hearing shall be held at the  
46 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of

1 \_\_\_\_\_, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
2 Town.

3  
4 TOWN OF BRECKENRIDGE, a Colorado  
5 municipal corporation

6  
7 By \_\_\_\_\_  
8 Eric S. Mamula, Mayor

9  
10 ATTEST:

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12 \_\_\_\_\_  
13 Helen Cospolich, CMC,  
14 Town Clerk

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500-284\Bicycle Rules Ordinance (02-20-19)(Second Reading)



# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 2/20/2019  
Subject: Council Bill No. 4 (Concerning Electrical Assisted Bicycles)

---

The second reading of the ordinance amending the Town's Model Traffic Code with respect to electrical assisted bicycles (EABs) is scheduled for your meeting on February 26<sup>th</sup>. There are no changes proposed to ordinance from first reading.

I will be happy to discuss this matter with you on Tuesday.

1 **FOR WORKSESSION/SECOND READING – FEB. 26**

2  
3 Additions To The Current Breckenridge Town Code Are  
4 Indicated By **Bold + Double Underline**; Deletions By ~~Strikeout~~

5  
6 **NO CHANGE FROM FIRST READING**

7  
8 COUNCIL BILL NO. 4

9  
10 Series 2019

11  
12 AN ORDINANCE AMENDING THE MODEL TRAFFIC CODE FOR COLORADO, 2010  
13 EDITION, CONCERNING THE REGULATION OF BICYCLES AND OTHER HUMAN-  
14 POWERED VEHICLES

15  
16 BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
17 COLORADO:

18  
19 Section 1. In Section 7-1-2 of the Breckenridge Town Code the definition of “Electrical  
20 Assisted Bicycle” in Appendix I (Definitions) is amended to read as follows:

21  
22 (28.3) “Electrical assisted bicycle” means a vehicle having two ~~tandem wheels~~ or  
23 ~~two parallel~~ **three** wheels, ~~and one forward wheel~~; fully operable pedals, **and** an  
24 electric motor not exceeding seven hundred fifty watts of power. ~~and a top motor-~~  
25 ~~powered speed of twenty miles per hour~~; **Electrical assisted bicycles are**  
26 **further required to conform to one of three classes as follows:**

27  
28 **(a) “class 1 electrical assisted bicycle” means an electrical assisted bicycle**  
29 **equipped with a motor that provides assistance only when the rider is**  
30 **pedaling and that ceases to provide assistance when the bicycle reaches a**  
31 **speed of twenty miles per hour.**

32  
33 **(b) “class 2 electrical assisted bicycle” means an electrical assisted bicycle**  
34 **equipped with a motor that provides assistance regardless of whether the**  
35 **rider is pedaling but ceases to provide assistance when the bicycle reaches a**  
36 **speed of twenty miles per hour.**

37  
38 **(c) “class 3 electrical assisted bicycle” means an electrical assisted bicycle**  
39 **equipped with a motor that provides assistance only when the rider is**  
40 **pedaling and that ceases to provide assistance when the bicycle reaches a**  
41 **speed of twenty-eight miles per hour.**  
42

1 **Unless otherwise clearly indicated in this code, the term “electrical assisted**  
2 **bicycle” means either a class 1, class 2, or a class 3 electrical assisted bicycle.**  
3

4 Section 2. In Section 7-1-2 of the Breckenridge Town Code the definition of “Motor  
5 Vehicle” in Appendix I (Definitions) is amended to read as follows:  
6

7 (59) ”Motor Vehicle” means any self-propelled vehicle that is designed primarily  
8 for travel on the public highways and that is generally and commonly used to  
9 transport persons and property over the public highways or a low-speed electric  
10 vehicle. The term does not include **electrical assisted bicycles**, low-power  
11 scooters, wheelchairs ~~as defined by subsection (122) of this section~~, or vehicles  
12 moved solely by human power. For the purposes of the offense described in  
13 section 1401 for farm tractors and off-highway vehicles, as defined in section 33-  
14 14.5-101(3), C.R.S., operated on streets and highways, “motor vehicle” includes a  
15 farm tractor or an off-highway vehicle that is not otherwise classified as a motor  
16 vehicle.  
17

18 Section 3. That portion of the Section 7-1-2 of the Breckenridge Town Code pertaining to  
19 Section 1412 of the Town’s Traffic Code is amended to read as follows:  
20

21 Section 1412 of the adopted code is amended so as to read in its entirety as  
22 follows:  
23

24 1412. Operation Of Bicycles And Other Human-Powered Vehicles.  
25

26 (1) Every person riding a bicycle or electrical assisted bicycle shall have all of the  
27 rights and duties applicable to the driver of any other vehicle under this ~~article~~  
28 **code**, except as to special regulations in this ~~article~~ **code** and except as to those  
29 provisions which by their nature can have no application. Said riders shall comply  
30 with the rules set forth in this section and section 221, and, when using streets and  
31 highways within ~~incorporated cities and towns~~ **the town**, shall be subject to local  
32 ordinances regulating the operation of bicycles and electrical assisted bicycles as  
33 provided in section 111.  
34

35 (2) [Deleted].

36 (3) No bicycle or electrical assisted bicycle shall be used to carry more persons at  
37 one time than the number for which it is designed or equipped.

38 (4) No person riding upon any bicycle or electrical assisted bicycle shall attach  
39 the same or himself or herself to any motor vehicle upon a roadway.

40 (5) (a) Any person operating a bicycle or an electrical assisted bicycle upon a  
41 roadway at less than the normal speed of traffic shall ride in the right-hand lane,  
42 subject to the following conditions:

43 (I) If the right-hand lane then available for traffic is wide enough to be safely  
shared with overtaking vehicles, a bicyclist shall ride far enough to the right as



1 judged safe by the bicyclist to facilitate the movement of such overtaking vehicles  
2 unless other conditions make it unsafe to do so.

3 **(II) A bicyclist may use a lane other than the right-hand lane when:**

4 **(A) Preparing for a left turn at an intersection or into a private roadway or**  
5 **driveway;**

6 **(B) Overtaking a slower vehicle; or**

7 **(C) Taking reasonably necessary precautions to avoid hazards or road conditions.**

8 **(III) Upon approaching an intersection where right turns are permitted and there is**  
9 **a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the**  
10 **dedicated right-turn lane even if the bicyclist does not intend to turn right.**

11 **(b) A bicyclist shall not be expected or required to:**

12 **(I) Ride over or through hazards at the edge of a roadway, including but not limited**  
13 **to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians,**  
14 **animals, surface hazards, or narrow lanes; or**

15 **(II) Ride without a reasonable safety margin on the right-hand side of the roadway.**

16 **(c) A person operating a bicycle or an electrical assisted bicycle upon a one-way**  
17 **roadway with two or more marked traffic lanes may ride as near to the left-hand**  
18 **curb or edge of such roadway as judged safe by the bicyclist, subject to the following**  
19 **conditions:**

20 **(I) If the left-hand lane then available for traffic is wide enough to be safely shared**  
21 **with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe**  
22 **by the bicyclist to facilitate the movement of such overtaking vehicles unless other**  
23 **conditions make it unsafe to do so.**

24 **(II) A bicyclist shall not be expected or required to:**

25 **(A) Ride over or through hazards at the edge of a roadway, including but not**  
26 **limited to fixed or moving objects, parked or moving vehicles, bicycles, pedestrians,**  
27 **animals, surface hazards, or narrow lanes; or**

28 **(B) Ride without a reasonable safety margin on the left-hand side of the roadway.**

29 (H) A bicyclist shall not be expected or required to:

30 (A) Ride over or through hazards at the edge of a roadway, including but not  
31 limited to fixed or moving objects, parked or moving vehicles, bicycles,  
32 pedestrians, animals, surface hazards, or narrow lanes; or

33 (B) Ride without a reasonable safety margin on the left hand side of the roadway.

34 (6)(a) Persons riding bicycles or electrical assisted bicycles upon a roadway shall  
35 not ride more than two abreast except on paths or parts of roadways set aside for  
36 the exclusive use of bicycles.

37 (b) Persons riding bicycles or electrical assisted bicycles two abreast shall not  
38 impede the normal and reasonable movement of traffic and, on a laned roadway,  
39 shall ride within a single lane.

40 (7) A person operating a bicycle or electrical assisted bicycle shall keep at least  
41 one hand on the handlebars at all times.

42 (8)(a) A person riding a bicycle or electrical assisted bicycle intending to turn left  
43 shall follow a course described in sections 901(1), 903, and 1007 or may make a  
44 left turn in the manner prescribed in paragraph (b) of this subsection (8).

1 (b) A person riding a bicycle or electrical assisted bicycle intending to turn left  
2 shall approach the turn as closely as practicable to the right-hand curb or edge of  
3 the roadway. After proceeding across the intersecting roadway to the far corner of  
4 the curb or intersection of the roadway edges, the bicyclist shall stop, as much as  
5 practicable, out of the way of traffic. After stopping, the bicyclist shall yield to  
6 any traffic proceeding in either direction along the roadway that the bicyclist had  
7 been using. After yielding and complying with any official traffic control device  
8 or police officer regulating traffic on the highway along which the bicyclist  
9 intends to proceed, the bicyclist may proceed in the new direction.

10 (c) Notwithstanding the provisions of paragraphs (a) and (b) of this subsection  
11 (8), **any authorized employee of** ~~the transportation commission and local~~  
12 ~~authorities in their respective jurisdictions~~ **town** may cause official traffic control  
13 devices to be placed on roadways and thereby require and direct that a specific  
14 course be traveled.

15 (9)(a) Except as otherwise provided in this subsection (9), every person riding a  
16 bicycle or electrical assisted bicycle shall signal the intention to turn or stop in  
17 accordance with section 903; except that a person riding a bicycle or electrical  
18 assisted bicycle may signal a right turn with the right arm extended horizontally.

19 (b) A signal of intention to turn right or left when required shall be given  
20 continuously during not less than the last one hundred feet traveled by the bicycle  
21 or electrical assisted bicycle before turning and shall be given while the bicycle or  
22 electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm  
23 need not be given continuously if the hand is needed in the control or operation of  
24 the bicycle or electrical assisted bicycle.

25 (10)(a) A person riding a bicycle or electrical assisted bicycle upon and along a  
26 sidewalk or pathway or across a roadway upon and along a crosswalk shall yield  
27 the right-of-way to any pedestrian and shall give an audible signal before  
28 overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk  
29 shall do so in a manner that is safe for pedestrians.

30 (b) A person shall not ride a bicycle or electrical assisted bicycle upon and along a  
31 sidewalk or pathway or across a roadway upon and along a crosswalk where such  
32 use of bicycles or electrical assisted bicycles is prohibited by official traffic  
33 control devices or local ordinances. A person riding a bicycle or electrical assisted  
34 bicycle shall dismount before entering any crosswalk where required by official  
35 traffic control devices or local ordinances.

36 (c) A person riding or walking a bicycle or electrical assisted bicycle upon and  
37 along a sidewalk or pathway or across a roadway upon and along a crosswalk  
38 shall have all the rights and duties applicable to a pedestrian under the same  
39 circumstances, including, but not limited to, the rights and duties granted and  
40 required by section 802.

41 (11)(a) A person may park a bicycle or electrical assisted bicycle on a sidewalk  
42 unless prohibited or restricted by an official traffic control device or local  
43 ordinance.

1 (b) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede  
2 the normal and reasonable movement of pedestrian or other traffic.

3 (c) A bicycle or electrical assisted bicycle may be parked on the road at any angle  
4 to the curb or edge of the road at any location where parking is allowed.

5 (d) A bicycle or electrical assisted bicycle may be parked on the road abreast of  
6 another such bicycle or bicycles near the side of the road or any location where  
7 parking is allowed in such a manner as does not impede the normal and  
8 reasonable movement of traffic.

9 (e) In all other respects, bicycles or electrical assisted bicycles parked anywhere  
10 on a highway shall conform to the provisions of part 12 of this ~~article~~ code  
11 regulating the parking of vehicles.

12 (12)(a) A person operating a bicycle or electrical assisted bicycle approaching a  
13 stop sign shall slow down and, if required for safety, stop before entering the  
14 intersection. After slowing to a reasonable speed or stopping, the person shall  
15 yield the right-of-way to any vehicle in the intersection or approaching on another  
16 roadway so closely as to constitute an immediate hazard during the time the  
17 person is moving across or within the intersection, except that a person after  
18 slowing to a reasonable speed and yielding the right-of-way if required, may  
19 cautiously make a turn or proceed through the intersection without stopping.

20 (b) A person operating a bicycle or electrical assisted bicycle approaching a  
21 steady red traffic control signal shall stop before entering the intersection, except  
22 that a person after slowing to a reasonable speed and yielding the right of way if  
23 required, may cautiously make a right hand turn without stopping or may  
24 cautiously make a left hand turn onto a one-way roadway without stopping.

25 (c) The provisions of this subsection 12 shall control over any conflicting portion  
26 of this code or any town ordinance.

27 (13)(a) Any person who violates any provision of this section commits a  
28 misdemeanor traffic offense; except that section 42-2-127, C.R.S. shall not apply.

29 (b) Any person riding a bicycle or electrical assisted bicycle who violates any  
30 provision of this code other than this section which is applicable to such a vehicle  
31 and for which a penalty is specified shall be subject to the same specified penalty  
32 as any other vehicle; except that section 42-2-127, C.R.S. shall not apply.

33 (14) Upon request, the ~~law enforcement agency having jurisdiction~~ town's police  
34 department shall complete a report concerning an injury or death incident that  
35 involves a bicycle or electrical assisted bicycle on the roadways of the ~~state~~ town,  
36 even if such accident does not involve a motor vehicle.

37 (15) ~~It is an infraction for a~~ A person ~~shall not~~ shall not to operate an electrical assisted  
38 bicycle on any town-owned recreational pathway within the corporate limits of  
39 the town.

40 (16) (a) A person under sixteen years of age shall not operate a class 3  
41 electrical assisted bicycle upon any street, highway, or any town-owned  
42 recreational path within a street or highway within the corporate limits of  
43 the town; except that a person under sixteen years of age may ride as a

1 passenger on a class 3 electrical assisted bicycle that is designed to  
2 accommodate passengers.

3 (b) A person shall not operate or ride as a passenger on a class 3 electrical  
4 assisted bicycle unless:

5 (i) each person under eighteen years of age is wearing a protective helmet of  
6 a type and design manufactured for use by operators of bicycles;

7 (ii) the protective helmet conforms to the design and specifications set forth  
8 by the united states consumer product safety commission or the american  
9 society for testing and materials; and

10 (iii) the protective helmet is secured properly on the person's head with a  
11 chin strap while the class 3 electrical assisted bicycle is in motion.

12 (c) a violation of subsection (16)(b) of this section does not constitute  
13 negligence or negligence per se in the context of any civil personal injury  
14 claim or lawsuit seeking damages.

15 (17) Any violation of this Section 1412 shall be a traffic infraction, and shall  
16 be punished as provided in Section 7-1-6 of this code.

17  
18 As used in this subsection ~~(15)~~ Section 1412:

19  
20 (A) "Town-owned recreational pathway" includes both the approximately 3.6  
21 miles of the recreational pathway commonly known as the "Blue River ~~bike path~~  
22 Recpath" lying within the corporate limits of the town, as well as all other town-  
23 owned and maintained recreational ~~paths~~ pathways; and

24  
25 (B) "Recreational pathway" means a trail owned and maintained by the town that  
26 is used for such recreational purposes as may be authorized by the town,  
27 including, without limitation, bicycling, hiking, running, snowshoeing, cross-  
28 country skiing, and other similar recreational activities. A public street is not a  
29 recreational path.

30  
31 This section does not apply to the use of an electrical assisted bicycle on a town-  
32 owned recreational pathway by a person with a disability, if such use is  
33 authorized by applicable state or federal law.

34  
35 Section 4. Except as specifically amended hereby, the Breckenridge Town Code, and the  
36 various secondary codes adopted by reference therein, shall continue in full force and effect.

37  
38 Section 5. The Town Council hereby finds, determines and declares that this ordinance  
39 is necessary and proper to provide for the safety, preserve the health, promote the prosperity,  
40 and improve the order, comfort and convenience of the Town of Breckenridge and the  
41 inhabitants thereof.

42  
43 Section 6. The Town Council hereby finds, determines and declares that it has the power  
44 to adopt this ordinance pursuant to: (i) Section 42-4-110(1)(a), C.R.S.; (ii) Section 42-4-

1 111(1)(dd), C.R.S.; (iii) Section 42-4-1412, C.R.S.; (iv) Section 31-15-103, C.R.S. (concerning  
2 municipal police powers); (v) Section 31-15-401, C.R.S.(concerning municipal police powers);  
3 (vi) the authority granted to home rule municipalities by Article XX of the Colorado  
4 Constitution; and (vii) the powers contained in the Breckenridge Town Charter.

5  
6 Section 7. This ordinance shall be published as provided by Section 5.9 of the  
7 Breckenridge Town Charter.

8  
9 Section 8. The ordinance shall not become effective with respect to any state highway  
10 located within the corporate limits of the Town of Breckenridge until it has been approved by  
11 the Colorado Department of Transportation pursuant to Sections 42-4-110(1)(e) and 43-2-  
12 135(1)(g), C.R.S.

13  
14 INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED  
15 PUBLISHED IN FULL this \_\_\_\_ day of \_\_\_\_\_, 2019. A Public Hearing shall be held at the  
16 regular meeting of the Town Council of the Town of Breckenridge, Colorado on the \_\_\_\_ day of  
17 \_\_\_\_\_, 2019, at 7:00 P.M., or as soon thereafter as possible in the Municipal Building of the  
18 Town.

19  
20 TOWN OF BRECKENRIDGE, a Colorado  
21 municipal corporation

22  
23  
24  
25 By: \_\_\_\_\_  
26 Eric S. Mamula, Mayor

27  
28  
29 ATTEST:  
30  
31  
32  
33 \_\_\_\_\_  
34 Helen Cospolich, CMC,  
35 Town Clerk



# Memo

To: Breckenridge Town Council Members  
From: Town Attorney  
Date: 2/20/2019  
Subject: Ordinance Declaring Intent to Acquire Breckenridge Professional Building

---

Enclosed is an ordinance formally declaring the Town's intent to acquire the Breckenridge Professional Building located next to Town Hall at 130 Ski Hill Road.

The Town has been attempting to negotiate a voluntary purchase and sale of the property, and we are hopeful that we can do that.

However, it may ultimately be necessary for the Town to acquire the property by eminent domain, and the adoption of the enclosed ordinance is the first step in such a process. However, as the ordinance clearly provides, the Town will continue to work with the owners of the Breckenridge Professional Building in the hope that this acquisition can be done on an amicable basis and without the need of eminent domain.

I will be happy to discuss this matter with you on Tuesday.

1                   ***FOR WORKSESSION/FIRST READING – FEB. 26***

2  
3                   COUNCIL BILL NO. \_\_\_\_

4  
5                   Series 2019

6  
7                   AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY  
8                   (Sawmill Station Square Commercial Building No. 1 Condominium)

9  
10                  WHEREAS, the Town of Breckenridge is a home rule municipality organized and  
11 existing pursuant to Article 20, Section 6 of the Colorado Constitution; and

12  
13                  WHEREAS, the Breckenridge Town Hall is located immediately adjacent to the real  
14 property described below and the Town Council finds, determines, and declares that the future  
15 expansion of Town Hall offices, meeting rooms, and other municipal facilities into the building  
16 located upon such real property would serve a public use and purpose; and

17  
18                  WHEREAS, the Town intends to construct a large parking structure on real property  
19 located immediately to the north of and adjacent to the real property described below, and the  
20 Town Council further finds, determines, and declares that the use of the real property described  
21 below in connection with the construction, use, and operation of the parking structure would  
22 serve a public use and purpose; and

23  
24                  WHEREAS, the Town is vested with the power of eminent domain pursuant to the  
25 Breckenridge Town Charter, the Constitution of the State of Colorado, and the statutes of the  
26 State of Colorado.

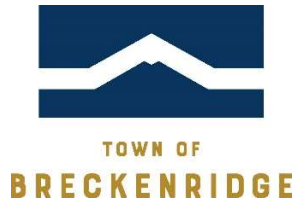
27  
28                  NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF  
29 BRECKENRIDGE, COLORADO:

30  
31                  Section 1. The Town Council hereby declares its intent to acquire fee simple title in and  
32 to the following described real property situate in the Town of Breckenridge, County of Summit,  
33 and State of Colorado:

34  
35                  All of the Sawmill Station Square Commercial Building No. 1 condominium as  
36 shown on the plat thereof recorded January 7, 1980 under Reception No. 201810  
37 and the Condominium Declaration recorded January 7, 1980 at Reception No.  
38 201809 and Amendment recorded September 14, 9084 at Reception No. 284378,  
39 all in the records of the Clerk and Recorder of Summit County, Colorado,  
40 including, but not limited to, condominium units 1-12, inclusive; all general and  
41 limited common areas of the Sawmill Station Square Commercial Building No. 1  
42 condominium; and all easements and reciprocal easements owned by or  
43 appurtenant to the Sawmill Station Square Commercial Building No. 1  
44 condominium.







Memo

To: Breckenridge Town Council Members  
 From: Brian Waldes, Finance Director  
 Date: 2/18/19  
 Subject: 2018-19 Budget Rollovers and Appropriations

The purpose of this memo is to list for Council’s review changes made to the 2018 budget plan, as well as items to be rolled from the 2018 budget to the 2019 budget. Attached for approval are resolutions adopting those changes.

**Background**

The Town Council approves a budget each year. From time to time, it is necessary to make changes to the budget as circumstances necessitate. These changes must be adopted by Council resolution. Below is a list of those changes and attached are the official resolutions submitted for approval.

**2018 Rollovers to 2019 Budget**

Below is a list of items that were approved in the 2018 budget, but not expended. Staff is requesting to rollover these funds to the 2019 budget so the projects can be completed.

**Expense**

- |  |            |
|--|------------|
| 1. Engineering Code Revision (General Fund)      | \$ 140,000 |
| 2. Property Purchase (Open Space Fund)           | \$ 238,685 |
| 3. Transit Master Plan (Parking and Trans. Fund) | \$ 50,000  |
| 4. AMS BCA Study                                 | \$ 30,000  |

**Supplemental Appropriations to the 2018 Budget**

Below is a list of changes to the 2018 budget. Each of these changes was discussed at Council meetings, and then added to our appropriations list.

**General Fund Revenue**

- |                         |           |
|-------------------------|-----------|
| 1. Broadband DOLA Grant | \$ 23,000 |
|-------------------------|-----------|

**General Fund Expense**

- |  |           |
|--|-----------|
| 1. Broadband Feasibility Study         | \$ 59,000 |
| 2. Median Banners                      | \$ 42,000 |
| 3. Summit County Fire Prevention Prog. | \$ 25,000 |
| 4. Sustainability Coordinator Position | \$ 54,000 |
| 5. Adams Ave. School Zone Signs        | \$ 11,171 |
| 6. Grocery Store Market Study          | \$ 11,000 |

7. Snow Dragon Demo	\$ 2,250
8. Solar PPA Maintenance	\$ 6,000
9. Fieldhouse Study	\$ 6,563
10. Review of Historic Design Standards	\$ 10,000
11. Broadband Consulting	\$ 21,868
12. AMS BCA Study	\$ 50,000

#### **Utility Fund Expense**

1. Blue Lake Res. Study	\$ 50,000
-------------------------	-----------

#### **Capital Fund Revenue**

1. Ski Hill Wall Constr. Transfer from Excise	\$ 325,000
2. Blue River Rec. Transfer from Open Space	\$ 172,500
3. Rick Crushing Rev. Transfer from Housing	\$ 100,000
4. Broadband Project Transfer from Excise	\$ 8,000,000

#### **Capital Fund Expense**

1. Ski Hill Wall Constr.	\$ 325,000
2. Swan River Rest. To Open Space	\$ 143,000
3. Broadband Project Transfer from Excise	\$ 8,000,000

#### **Marketing Fund Expenses**

1. Breck Epic	\$ 40,000
---------------	-----------

#### **Golf Fund Expenses**

1. Snow Gun	\$ 25,955
2. Clubhouse remodel	\$ 390,000

#### **Excise Fund Expenses**

1. Transfer to Capital (Broadband)	\$ 8,000,000
2. Transfer to Capital (Ski Hill Road)	\$ 325,000

#### **Affordable Housing Fund Expenses**

1. Transfer to Capital (Rock Crushing Revenue)	\$ 100,000
2. DNR Kennels Purchase	\$ 889,066

#### **Open Space Fund Revenue**

1. Swan River Rest. Transfer from Capital	\$ 143,000
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#### **Open Space Fund Expenses**

1. DNR Kennels Purchase	\$ 437,898
2. Swan River Rest. Transfer from Capital	\$ 172,500

#### **Garage Fund Expenses**

1. Rubber Cat Tracks	\$ 25,850
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2. Repairs and Maint.	\$ 90,000
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**Childcare Fund Expenses**

1. APA Study	\$ 30,000
2. Scholarships	\$ 130,000

**Parking and Transit (P&T) Revenue**

1. Parking Management revenue over Budget	\$ 495,000
---	------------

**Parking and Transit (P&T) Fund Expense**

1. Der Stiermark Parking	\$ 63,072
2. South Gondola Lot Management	\$ 50,000
3. Wayfinding	\$ 300,000
4. Tiger Dredge Lot Design	\$ 975,000
5. Additional Parking Management	\$ 140,000

A RESOLUTION

SERIES 2019

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2018 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2018 budget by making supplemental appropriations in the amount of \$9,370,500 in revenue and \$20,889,193 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2018 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriations; and

WHEREAS, a public hearing on the proposed supplemental appropriations was held on February 26, 2019, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that the 2018 budget is amended, and supplemental appropriations for the amended 2018 Town budget are made as follows:

**General Fund Revenue (001):**

1. Broadband DOLA Grant \$ 23,000

**Total General Fund Expenditure Increase: \$ 23,000**

**General Fund Expense (001):**

1. Broadband Feasibility Study \$ 59,000  
2. Median Banners \$ 42,000  
3. Summit County Fire Prevention Prog. \$ 25,000  
4. Sustainability Coordinator Position \$ 54,000  
5. Adams Ave. School Zone Signs \$ 11,171  
6. Grocery Store Market Study \$ 11,000  
7. Snow Dragon Demo \$ 2,250  
8. Solar PPA Maintenance \$ 6,000  
9. Fieldhouse Study \$ 6,563  
10. Review of Historic Design Standards \$ 10,000  
11. Broadband Consulting \$ 21,868  
12. AMS BCA Study \$ 50,000

**Total General Fund Expenditure Increase: \$ 298,852**

**Utility Fund Expense (002)**

1. Blue Lake Res. Study \$ 50,000

**Capital Fund Revenue (003)**

1. Ski Hill Wall Construction transfer from Excise	\$ 325,000
2. Blue River Rec. transfer from Open Space	\$ 172,500
3. Rock Crushing Revenue transfer from Housing	\$ 100,000
4. Broadband Project Transfer from Excise	\$ 8,000,000

**Total Capital Fund Revenue** **\$ 8,597,500**

**Capital Fund Expenses (003)**

1. Ski Hill Wall Construction transfer from Excise	\$ 325,000
2. Swan River Rest. To Open Space	\$ 143,000
3. Broadband Project Transfer from Excise	\$ 8,000,000

**Total Capital Fund Expenses** **\$ 8,468,000**

**Marketing Fund Expenses**

1. Breck Epic	\$ 40,000
---------------	-----------

**Golf Fund Expenses (005)**

1. Power Installation/Snow Gun	\$ 25,955
2. Clubhouse remodel	\$ 390,000

**Total Golf Fund Expenses** **\$ 415,955**

**Excise Fund (006)**

1. Transfer to Capital (Broadband)	\$ 8,000,000
2. Transfer to Capital (Ski Hill Road Wall)	\$ 325,000

**Total Excise Fund Expenses** **\$ 8,325,000**

**Affordable Housing Fund (007):**

1. Transfer to Capital (Rock Crushing Revenue)	\$ 100,000
2. DNR Kennels Purchase	\$ 889,066

**Total Affordable Housing Fund Expenses** **\$ 989,066**

**Open Space Fund Revenue (008)**

1. Swan River Rest. Transfer from Capital	\$ 143,000
---	------------

**Open Space Fund Expenses (008)**

1. DNR Kennels Purchase	\$ 437,898
2. Swan River Rest. Transfer from Capital	\$ 172,500
<b>Total Open Space Expenses</b>	<b>\$ 610,398</b>

**Garage Fund**

1. Rubber Cat Tracks	\$ 25,850
2. Repairs and Maint Costs	\$ 90,000
<b>Total Garage Fund Expenses</b>	<b>\$ 115,850</b>

**Parking and Transit (P&T) Fund Revenue**

1. Parking Management revenue	\$ 495,000
-------------------------------	------------

**Childcare Fund Expenses**

1. APA Study	\$ 30,000
2. Scholarships	\$ 130,000
<b>Total Child Care Expenses</b>	<b>\$ 160,000</b>

**Parking and Transit (P&T) Fund Expenses**

1. Der Stiermark Parking	\$ 63,072
2. South Gondola Lot Management	\$ 50,000
3. Wayfinding	\$ 300,000
4. Tiger Lot Design	\$ 975,000
<b>Total Parking and Transit (P&amp;T) Fund</b>	<b>\$ 1,438,072</b>

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 26th DAY OF FEBRUARY 2019.

ATTEST

TOWN OF BRECKENRIDGE

\_\_\_\_\_  
Helen Cospolich, Town Clerk

By \_\_\_\_\_  
Eric Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      Date

A RESOLUTION

SERIES 2019

A RESOLUTION MAKING SUPPLEMENTAL APPROPRIATIONS TO THE 2019 TOWN BUDGET

WHEREAS, the Town Council of the Town of Breckenridge desires to amend the Town's 2019 budget by making supplemental appropriations in the amount of \$428,685 in expenditures; and

WHEREAS, pursuant to Section 10.12(a) of the Breckenridge Town Charter, the Finance Department, on behalf of the Town Manager, has certified that there are available for appropriation revenues in excess of those estimated in the Town's 2019 budget or revenues not previously appropriated in an amount sufficient for the proposed supplemental appropriations; and

WHEREAS, a public hearing on the proposed supplemental appropriations was held on February 26, 2019, in accordance with the requirements of Section 10.12(a) of the Breckenridge Town Charter.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE, COLORADO that the 2019 budget is amended, and supplemental appropriations for the amended 2019 Town budget are made as follows:

**General Fund Expense (001):**

1. Engineering Code Revision	\$	140,000
2. AMS BCA Study		<u>30,000</u>
<b>Total General Fund Expenditure Increase:</b>	<b>\$</b>	<b>140,000</b>

**Open Space Fund (008)**

1. Property Purchase	\$	<u>238,685</u>
<b>Total Open Space Fund Expenditure Increase:</b>	<b>\$</b>	<b>238,685</b>

**Parking and Transit (P&T) Fund**

1. Transit Master Plan	\$	<u>50,000</u>
<b>Total P&amp;T Fund Expenditure Increase:</b>	<b>\$</b>	<b>50,000</b>

This Resolution shall become effective upon its adoption.

RESOLUTION APPROVED AND ADOPTED THIS 26th DAY OF FEBRUARY 2019.

ATTEST

TOWN OF BRECKENRIDGE



\_\_\_\_\_  
Helen Cospolich, Town Clerk

By \_\_\_\_\_  
Eric Mamula, Mayor

APPROVED IN FORM

\_\_\_\_\_  
Town Attorney                      Date



# Memo

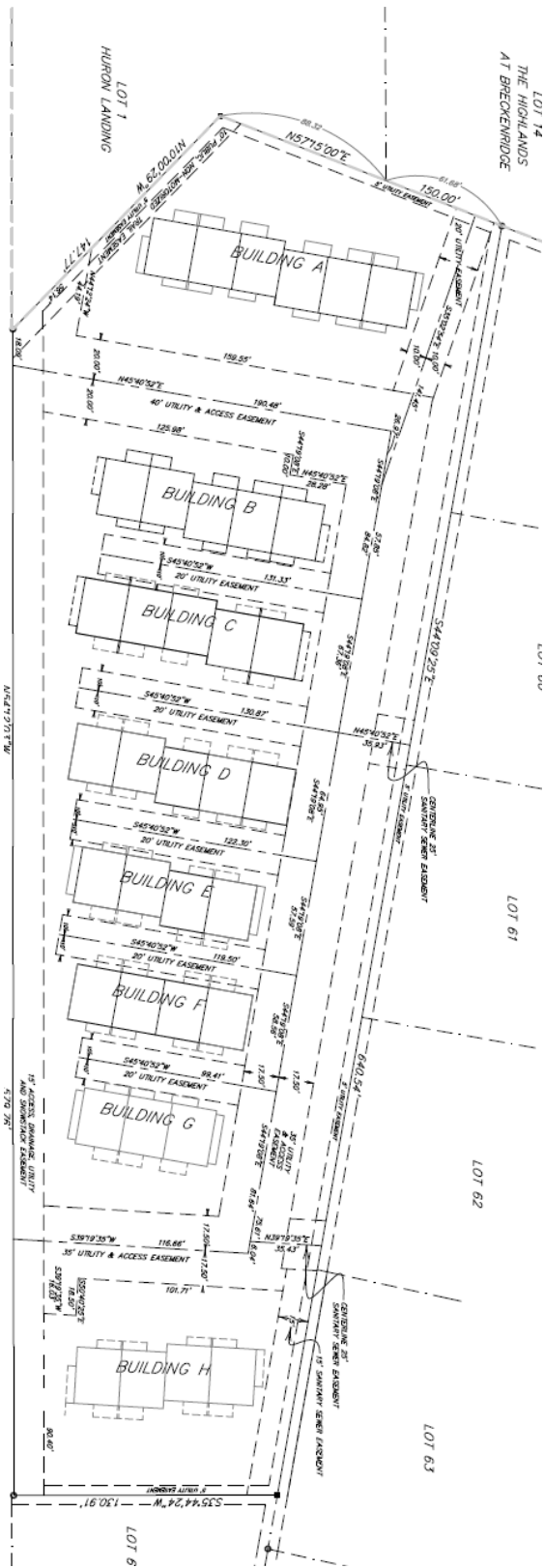
**To:** Breckenridge Town Council Members  
**From:** Nichole Rex  
**Date:** 2/20/2019 (for February 26<sup>th</sup> meeting)  
**Subject:** Petition for Annexation – Kenington Townhomes

---

Kenington Townhomes is a 36 unit townhome project located east-adjacent to Huron Landing in unincorporated Summit County. These townhomes have received town water since they were developed in 1995 and they are deed restricted for long-term occupancy only. This was a condition of the project developer entering into a "Water Service Agreement." The Agreement was signed by the project developer and the Town on February 22, 1995. The Water Service Agreement was recorded in the real estate records of the Summit County Clerk and Recorder on April 19, 1995 under Reception No. 513376. Pursuant to Section 22 of the Water Service Agreement the owners of the Kenington Townhomes shall join in a valid annexation petition when directed to do so by the Town.

When the Huron Landing property was annexed into the Town of Breckenridge in 2015, Kenington Townhomes became eligible for annexation because of the contiguity to the Town boundary (Exhibit A). In summer of 2018, the Town requested that Kenington Townhome Owners join in a valid annexation petition. The Town Clerk has received a petition seeking annexation of the Kenington Townhomes to the Town. Attached is a memo from the Town Attorney and proposed form of sufficiency resolution to begin the annexation process.

Staff looks forward to discussing this with you and answering your questions during the February 26<sup>th</sup> worksession.



NORTH  
 →



# Memo

**To:** Breckenridge Town Council Members  
**From:** Town Attorney  
**Date:** 2/18/2019 (for February 26<sup>th</sup> meeting)  
**Subject:** Petition for Annexation – Kenington Townhomes

---

The Town Clerk has received a Petition seeking annexation of the Kenington Townhomes to the Town.

Staff has determined that the signers of this Petition comprise more than fifty per cent (50%) of the landowners in the area proposed to be annexed and owning more than fifty per cent (50%) of the area proposed to be annexed, excluding public streets and alleys and, land, if any, owned by the Town.

Under the state Municipal Annexation Act the Clerk is required to refer the Petition to the Town Council. The Council must then, without undue delay, determine if the Petition is substantially in compliance with the requirements of the law. If the Council finds substantial compliance, a public hearing is scheduled to determine the property's eligibility for annexation. If substantial compliance is not found, no further action on the proposed annexation is taken.

I have reviewed the Annexation Petition which has been submitted in this matter, and it appears to me to be in substantial compliance with the requirements of the statute.

Attached is a proposed form of resolution finding the Annexation Petition to be in substantial compliance with the requirements of the Municipal Annexation Act. In addition to finding substantial compliance, the resolution sets a hearing on the proposed annexation for the Town Council meeting on April 23rd. Notice of this public hearing is given by newspaper publication, as well as by a special mailing to the County, the School District and any special districts which might be affected by the annexation.

I will be happy to discuss this matter with you next Tuesday.



1  
2 is determined to be in substantial compliance with Section 31-12-107(1), C.R.S.  
3

4 Section 2. The Town Council shall hold a public hearing on the proposed annexation on  
5 April 23, 2019 at 7:00 P.M., or as soon thereafter as possible, at Breckenridge Town Hall, 150  
6 Ski Hill Road, Breckenridge, Colorado, to determine if the proposed annexation complies with  
7 Section 30 of Article II of the Colorado Constitution and Sections 31-12-104 and 31-12-105,  
8 C.R.S., or such parts thereof as may be required to establish eligibility for annexation.  
9

10 Section 3. The Town Clerk shall publish a Notice of Public Hearing once a week for four  
11 successive weeks in a newspaper of general circulation in the area proposed to be annexed, with  
12 the first publication of such notice to be at least thirty days prior to the date of the hearing. The  
13 Town Clerk shall further provide notice to the Clerk of the Board of County Commissioners of  
14 Summit County, the Summit County Attorney, and to any special district or school district  
15 having territory within the area proposed to be annexed, in the manner and within the time  
16 provided in Section 31-12-108(2), C.R.S.  
17

18 Section 4. This resolution is effective upon its adoption.  
19

20 RESOLUTION APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.  
21

22 TOWN OF BRECKENRIDGE  
23

24  
25  
26 By: \_\_\_\_\_  
27 Eric Ss. Mamula, Mayor  
28

29 ATTEST:  
30

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32  
33 \_\_\_\_\_  
34 Helen Cospolich, CMC, Town Clerk  
35

36 APPROVED IN FORM  
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40 \_\_\_\_\_  
41 Town Attorney Date  
42



# Memo

To: Breckenridge Mayor and Town Council Members  
From: Helen Cospolich, Town Clerk and Scott Reid, Director of Recreation  
CC: Tim Berry, Town Attorney  
Date: 2/20/2019  
Subject: Resolution No. 6 (Municipal Facility Reservations)

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Staff recently identified the need to establish uniform rules and regulations for the rental or reserved use of municipal building space by the general public. With this resolution, staff seeks to take the first step to authorize the Town Manager (or his designee) to create these administrative rules on behalf of the Town.

As noted in the resolution, the Town facilities specifically targeted by these rules would include Town Hall, the Recreation Center, the Stephen C. West Ice Arena, the Police Department building, and certain Town parks that allow reservations.

Staff has determined that increased use of all Town facilities, and requests for reservations in the locations identified here, has created the need for more uniform rental and reservation standards, including length of rentals, number or rental days per entity allowed per year, safety regulations and cost per room or facility use, among others.

If this resolution is approved, the Town Manager will work with staff to create draft Administrative Rules and Regulations that he will bring back to Council for review at a later date.

Staff will be available at this meeting to answer questions as needed.

1 **FOR WORKSESSION/ADOPTION – FEB. 26**

2  
3 RESOLUTION NO. \_\_\_\_

4  
5 Series 2019

6  
7 A RESOLUTION AUTHORIZING THE TOWN MANAGER TO ESTABLISH  
8 ADMINISTRATIVE POLICIES CONCERNING THE PUBLIC USE OF TOWN FACILITIES

9  
10 BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF BRECKENRIDGE,  
11 COLORADO:

12  
13 Section 1. The Town Manager is authorized from time to time to establish, amend, and  
14 repeal administrative policies governing the public use of Town facilities. As used in this  
15 resolution “Town facilities” means any building, space, or land (or any portion thereof) owned,  
16 operated, or controlled by the Town that is made available for rental or temporary exclusive use  
17 by the public, including, but not limited to: (i) Town Hall; (ii) Recreation Center; (iii) Stephen C.  
18 West Ice Arena; (iv) Carter Park; (v) recreation fields; and (vi) Police Department building.

19  
20 Section 2. The Town Manager may designate a person to perform any act authorized by  
21 this resolution, and any act performed by the Town Manager’s designee pursuant to this Section  
22 2 shall be deemed to be the act of the Town Manager for purposes of this resolution.

23  
24 Section 3. The administrative policies adopted by the Town Manager pursuant to this  
25 resolution shall not be subject to the requirements of title 1, chapter 18 of the Breckenridge  
26 Town Code.

27  
28 Section 4. This resolution is effective upon adoption.

29  
30 RESOLUTION APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_, 2019.

31  
32 TOWN OF BRECKENRIDGE

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36 By: \_\_\_\_\_  
37 Eric S. Mamula, Mayor

38  
39 ATTEST:

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43 \_\_\_\_\_  
44 Helen Cospolich, CMC,  
45 Town Clerk



1 APPROVED IN FORM

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Town Attorney                      Date

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# Memo

To: Breckenridge Town Council Members  
From: Peter Grosshuesch, Director of Community Development  
Date: February 20, 2019  
Subject: Planning Commission Decisions of the February 19, 2019 Meeting

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***DECISIONS FROM THE PLANNING COMMISSION MEETING, February 19, 2019:***

**CLASS A APPLICATIONS:** None.

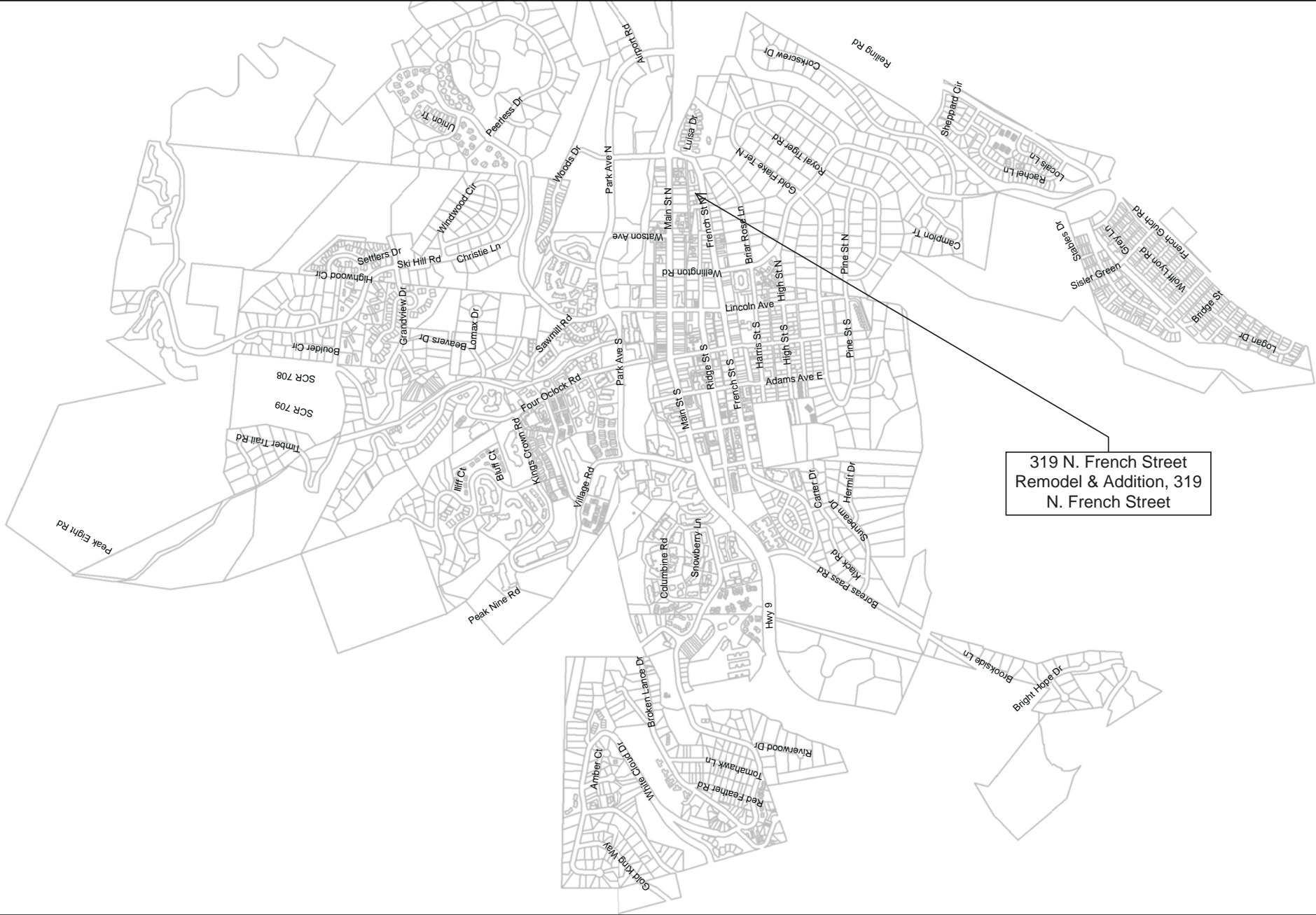
**CLASS B APPLICATIONS:**

319 N. French Street Restoration, Addition, and Landmarking, 319 N. French Street, PL-2018-0367. A proposal to rehabilitate, locally landmark, and add a connector to the existing historic residence on North French Street. This was a second Preliminary Hearing. *Continued to Final Hearing, date TBD.*

**CLASS C APPLICATIONS:** None.

**TOWN PROJECT HEARINGS:** None.

**OTHER:** None.



319 N. French Street  
Remodel & Addition, 319  
N. French Street



NOT TO SCALE

### Breckenridge South



## PLANNING COMMISSION MEETING

The meeting was called to order at 5:30 p.m. by Vice Chair Gerard.

### ROLL CALL

Christie Mathews-Leidal  
Mike Giller - absent  
Dan Schroder

Jim Lamb  
Steve Gerard  
Lowell Moore

Ron Schuman

Vice Chair Gerard noted Mr. Giller's absence was due to the recent passing of his father.

### APPROVAL OF MINUTES

With no changes, the January 29, 2019 Planning Commission Minutes were approved.

### APPROVAL OF AGENDA

With no changes, the February 19, 2019 Planning Commission Agenda was approved.

### PUBLIC COMMENT ON HISTORIC PRESERVATION ISSUES:

- No comments.

### WORK SESSIONS:

#### 1. Handbook of Design Standards

Mr. Truckey reviewed items to focus on for the second work session on the Handbook of Design Standards. The points from the January 2nd work session were briefly reviewed. The current items for tonight include Priority Policy 20/Rating System, Connectors, Period of Early Ski Area Focus/Period of Significance, Parking in Front Yards, and Landmarking.

Specific questions for the Commission are:

1. Is the Commission supportive of modifying Priority Policy 20 to be simplified by focusing on two categories, contributing and non-contributing, consistent with the National Register?
2. Does the Commission support the recommendation of limiting the width and length of connectors?
3. Does the Commission support having a Period of Significance (1860-1942) and new Period of Early Ski Area Focus (1960-50 year old + architectural significant structures) inside the Conservation District?
4. If the Commission agrees that front yard parking is an issue, does the Commission find that either additional negative points or prohibiting this through a priority policy is preferred?
5. Is the Commission comfortable with no change for now to the existing landmarking policy?

#### *Commissioner Questions / Comments:*

Mr. Schuman: The idea of going from five to three categories, that's where you're taking the subjectivity out of the rating drop. We've made choices in the past where we've lost some ratings. (Mr. Truckey: Yes, we want to get to a point where we are clear with the applicant regarding whether it is contributing or non-contributing).

Ms. Leidal: I was thinking if we only go to either contributing or non-contributing, I think that gives more wiggle room for the applicant to propose things we wouldn't be happy with. I'd hate to see something go from contributing to contributing with qualifications. I like the idea of having five categories. So it's clear that you can't slip a rating.

Mr. Grosshuesch: Policy 20 is also our demolition policy that keeps historic buildings from being demolished. We went down that road you're suggesting, but there's some problems. You'd have to have a set of criteria for each ranking and examples. We think it would be problematic to

administer and can be simplified. If you're complying with the standards you shouldn't be dropping rankings. We think there's projects that need to fail priority policies. We think that issues will be more clear and something we can administer at time of plan review.

- Ms. Leidal: Thank you, I appreciate that. You're saying there would only be two ratings, contributing and non-contributing? (Mr. Grosshuesch: Yes. We would leave the other categories in as explanation only. It helps you understand how we look at historic preservation activities.) Ms. Leidal: Where did the other categories come from? (Mr. Truckey: Nore [Winter] developed them for the Town in the early 1990s.) Ms. Leidal: When we get a history of a property in a staff report, where do those come from? (Mr. Kulick: I think Mike Mosher used to include those from his own interpretations.) (Mr. Grosshuesch: We think it's redundant with the rest of the design standards we have.) Ms. Leidal: And as a priority policy it needs to be absolute. (Mr. Grosshuesch: Carl McWilliams gets his orders from the state, to base the historic resource surveys on SOI (Secretary of the Interior) standards. They only recognize contributing and non-contributing categories.)
- Mr. Gerard: We're saying that the state is on board with these classifications? (Mr. Grosshuesch: Yes.)
- Mr. Schuman: As I'm reading, what I see is less flexibility and we pride ourselves on flexible zoning. Seems like we're moving toward a yes or a no. For example, parking in front I think is terrible; but I like that there is a plus to having a flexible point system. I'm concerned about that. (Mr. Truckey: That's where we're looking for input from the Commission—regarding whether it should be a priority policy or just negative points.)
- Mr. Grosshuesch: We learn from the survey work as it's the latest interpretation from the state on how they want to see the SOI standards applied. We want to get as close to that as possible to compliance with the SOI standards. We're about heritage tourism. If people see that we're not respecting the SOI standards, then we lose credibility with that group of visitors. As a CLG, we said we would implement the Secretary of Interior's (SOI) standards. There's a tension between flexible zoning and the SOI standards, which aren't flexible.
- Ms. Leidal: Is this a big concern for SHPO (State Historic Preservation Office)? (Mr. Grosshuesch: Yes, it is.) (Mr. Truckey: They identified more downgrades of historic structures than Carl [McWilliams] did.) (Mr. Grosshuesch: It's good for us to update our standards from time to time so we can stay consistent with the latest interpretations of the SOI standards.)
- Mr. Schroder: Is the parking in the front yards issue so important that we need to changes to a Priority policy? Would more points be a possible alternative? (Mr. Truckey: The way it's structured now, 3 negative points is fairly easy to overcome so we need to tighten it down.)
- Mr. Grosshuesch: The most important historic view is from the street. They didn't have cars in the front yards historically. It wouldn't be consistent with the character we're trying to protect.
- Mr. Gerard: As an example, there's properties east of the library where they have fenced the front yards into the right of way. Where would those properties fall? (Mr. Grosshuesch: Our take is that parallel parking would be ok because it would maintain the front yard and still get a sidewalk in. We are telling people if you're proposing a permit now, we would not want you to park in the front yard. If you have been doing it, (for a long time) and you are not proposing a development permit, we continue to grandfather it.) Ms. Leidal: So would they get a parking pass? (Mr. Grosshuesch: Yes, a lot of them do. The way we issue those is by the number of spaces they are deficient with on-site parking. And it's not a reserved space, it's first come first served in approved locations. Ms. Leidal: Is it transferrable? (Mr. Grosshuesch: Yes, but only to someone who registered their vehicle online.)
- Ms. Leidal: Can we discuss connectors a little? We are proposing a cap (in length and width) which I think is a good idea because we've granted a lot of waivers. I don't know if 8' and 12' are right, can you explain how that came about? If we're going to only allow additions at half a story over (the surviving historic building), can you help us understand that? (Mr. Kulick: Yes. We looked at some where they were meeting the intent but would have been too long.

We want to limit the height of the additions so we're not having them loom over the existing structure. Having a shorter, narrower connector would be adequate. Working with Nore and his staff we are suggesting getting away from having the living area in the connector, and more of a corridor. The suggested 12' maximum is our gut reaction to provide the separation we want without it being too substantial.) (Mr. Grosshuesch: And it puts more above ground density in the second structure as opposed to in the connector.) (Mr. Kulick: It might also incentivize a below-ground connection.) Ms. Leidal: Thank you, there's a lot to think about. (Mr. Grosshuesch: Keep in mind the concept behind the connectors was basically a compromise. In a pure form you wouldn't have connectors, you'd have a principal structure and a series of buildings in the back. Livability is a problem if you try to do that, so the compromise was the hyphen connectors, which over the years grew in width and height. What we're saying is go back to the original thought, and get the density in the rear part of the addition as opposed to in the connector, then you have two distinct structures, and less confusion over which is the historic resource.)

*Commissioner Questions / Comments:*

- Question 1: (Is the Commission supportive of modifying Priority Policy 20 to be simplified by focusing on two categories, contributing and non-contributing?) Mr. Lamb: I support. Mr. Schuman: I support. Mr. Moore: I support. Mr. Schroder: I support. Mr. Gerard: I support. Ms. Leidal: Support.
- Question 2: (Does the Commission support the recommendation of limiting the widths and length of connectors?) Mr. Schuman: I support. Mr. Lamb: Support. Mr. Moore: Support. Mr. Schroder: Support. Ms. Leidal: Support. Mr. Gerard: I support.
- Mr. Schroder: How short is short? Is there a minimum? (Mr. Grosshuesch: We would keep the ratio for the minimum, but cap it at 12'.)
- Question 3: (Does the Commission support having a new Period of Early Ski Area Focus inside the Conservation District?) Mr. Schroder: Support. Ms. Leidal: Support and I have some comments. I like the idea of adding the ski period to the standards. I think it will take more than a policy and bullet points. I suggest you create something like the standards booklet to go into more detail on what is expected. (Mr. Grosshuesch: Currently any structures in the historic district are regulated by the Handbook of Design Standards. If someone wants to do something new on a lot they are subject to the Handbook. We want to give building owners a way to comply.) Mr. Schuman: I agree, and is there some type of grandfathering period for owners to comply? How do you bring it in? (Mr. Grosshuesch: Right now, if you have a single family home built after 1942, they are subject to the same standards as surviving historic properties. They would have to comply. They currently have that available to them, but we're recognizing they need a different set of standards.) Mr. Lamb: I agree we need a second set of standards for structures in that period. Mr. Moore: I agree and think there needs to be something done, I like it and think it's appropriate. You'd come back with a new set of standards just for that? (Mr. Grosshuesch: Yes, you would identify character defining features and try to preserve them.) Mr. Moore: I totally agree with that. Mr. Gerard: I too agree, I think we need to establish a new period of ski area focus. We're up against the national rules since they're coming up on 50 plus years old, so I think we need to do it, including for structures outside the Conservation District. (Mr. Truckey: Do the rest of you agree with Steve on making designation for early ski area focus outside the Conservation District as well?) Ms. Leidal: Yes. Mr. Schuman: I'd have to think about it. (Mr. Grosshuesch: I think we'll be more incentive based outside the historic district.) Mr. Gerard: We recently had a home outside the district be demo-ed so these things are going to happen. (Mr. Truckey: In Boulder County if you're proposing a demo, they have to review it first and can put a stay on it until they work with the landowner on potential ways to preserve the structure.) Mr. Schroder: There's an a-frame in the Weisshorn that fits into this. I'd be

interested in exploring outside the historic district. Mr. Gerard: We have a consensus of five yes, and one thinking.

Question 4: (Does Commission find that a priority policy or additional negative points should be assigned to parking in historic front yards?) Mr. Schuman: I think it's an issue and would like to see it done with points but am certainly willing to listen to what staff comes up with on this. Mr. Lamb: I would leave that one alone. Parking in the historic district is a disaster, but this will affect maybe 10 houses and not solve the problem at all. On a lot of the historic district there's no alleys. It's how it is and I don't see that implementing this will solve the problem. I don't think it will address it. Mr. Schuman: would it help if it affected 25 properties, not 10 like you mentioned? Mr. Lamb: Maybe, have to think about it. (Mr. Grosshuesch: We're concerned about conversions, where they don't propose to do anything to the house but they now want to park in the front yard.) Mr. Lamb: French Street is a good example, but if you eliminate the cars in the yard they will still be in the street. Mr. Schroder: I think what we want to envision is, almost like taking a picture from the sidewalk looking at the property, that's what we're looking for. Mr. Lamb: It's all bad parking, so I don't see one being worse than the other. Mr. Moore: I guess I agree with everything but this is a tough one. Our question is do we increase negative points or change the policy, -3 points is very easy to overcome, so that makes me think more negative points to discourage. (Mr. Kulick: We're really looking at preventing conversions with this policy, and are not intending to affect people who already have this. That's more the intent than trying to fix an issue, it's for future conversion.) Mr. Moore: I understand but, is that more points or how else do we deal with it? I would say more negative points. (Mr. Truckey: We have had situations recently where the minus three points were easily overcome with some landscaping and a HERS rating and thus parking was allowed in the front yard.

Ms. Leidal: I do think it's a problem. What resonated with me is that 3 points is easy. I support increasing the negative points and also specify that they have to minimize the hardscape used.

Mr. Schroder: I was leaning toward priority policy/variance but I don't think it's a good idea. This is important, and I'm leaning toward increasing points. Cars exist here now and I support accommodating both.

Mr. Gerard: My feeling before the meeting was leaning toward the priority policy/variance, and I'm still leaning that way. If we can keep one more car out of a yard we should do it. I think a variance allows them to give it a shot; and points still gives you wiggle room. My tally was 4 votes for points, one for nothing, and one for priority.

Mr. Truckey: We don't need to take comments on number 5.

Ms. Leidal: I have a question, the second bullet point, additions to new secondary structures, the first sentence contradicts the last unless I'm interpreting it differently. (Mr. Grosshuesch: I think the item third from the bottom we need to do some work on that when it comes back as an ordinance. The concept is they look visually subordinate. So if you're standing at the street looking at it, a half story higher is still visually subordinate.) Ms. Leidal: Maybe it should also take into consideration the volume, etc.

Mr. Schuman: If you're saying the secondary structure can only be 12 ft. back? Mr. Grosshuesch: We think a half story, or 6 feet.

Mr. Gerard opened the work session for public comment. There were no comments.

#### **PRELIMINARY HEARINGS:**

1. 319 N. French Street Remodel & Addition, 319 N. French Street, PL-2018-0367

Mr. Kulick presented, for a second Preliminary Hearing, a proposal to rehabilitate, locally landmark, and add a connector to an existing historic residence on North French Street. Based on the feedback from the first Preliminary Hearing on September 4, 2018, many changes are proposed including the southeastern portion of

the addition being set back more not to compete with the primary structure, changes to window design, removal of chimneys, removal of southeast porch, removal of decorative corbels, and changes to siding and stone. Rear glazing has been reduced by 43%. Building height, width, density and mass were all reduced, and the landscape plan was revised to include several Colorado Spruce and Cottonwood trees. Mr. Kulick showed several pages of plans with changes compared to the prior submittal. The Commission was asked to answer the 6 questions in the staff report.

*Commissioner Questions / Comments:*

- Mr. Schroder: The west facing patio, does the deck continue concealed from view to the north? (Mr. Kulick: Yes.)
- Ms. Leidal: Thank you for all the changes. I appreciate them. Chris, you touched on materials; can you review them in more detail? I agree outbuildings were secondary and rustic, however there's living area here. Why is the addition not lap siding as the traditional material? (Mr. Kulick: In this case, with the primary structure being so small and having lap siding, we felt that the addition should resemble an outbuilding more so it didn't look like there are multiple primary structures.) Ms. Leidal: Could we look at policy numbers 90 and 145 next time? It talks about balancing materials that were found historically. (Mr. Kulick: We're saying the addition is a secondary structure. We've transitioned in the past 10 years or so to the additions have more rustic finishes.) Ms. Leidal: I know, I think that maybe we've gone too far and this can be a discussion next time.
- Mr. Gerard: What do we do about the windows in the rear of the historic structure as compared to what is planned in the renovation? (Mr. Kulick: (pointed out on photos of the house) By building codes they need to change the square window in the foundation to an egress window so we suggested it be a double hung window.) Mr. Gerard: We won't be surprised if that strange window was historic? (Mr. Kulick: The contractors did a very thorough assessment of historic fabric. The contractor went through a lot of the issues with staff.) Mr. Ploss, owner of property: I think that section of foundation was added in the 70s, is that correct Suzanne? (Suzanne: We don't know.)

Suzanne Allen Sabo, Architect, presented:

We have changed a lot since last time. The big topic of discussion was moving the building onto the site, but since the recent changes we decided to keep it in place, in an easement that's been platted recently. So I wanted to clarify that. We are willing to change the siding again if you prefer. Originally we had it broken up into more elements (Ms. Sabo pointed on plans). We are willing to do whatever we need in order for it to pass. We also had a surveyor look at heights of neighboring houses (Ms. Sabo showed a diagram with comparisons).

- Ms. Leidal: Vertical double hung design plays upon historic windows? Where are you getting that? (Ms. Sabo: Several local houses and this building as well has that.)

Mr. Gerard opened the hearing for public comment.

Public Comments:

Mr. Bill Tinker, owner of 315 N. French: I haven't seen the South elevation this evening, so I'd like to see it. (Mr. Kulick, presented the south elevation.) My general feeling about all the improvements from last meeting is over the top and I love it all. I think it fits in the neighborhood a lot better and good attention to detail. I have to say that on the building one over on the south side, the round house, I was a little surprised when the siding went up on the porch on facing the street. It was stated it would be 4 inch lap siding. And I think there was an assumption on what that meant. Other than that, obviously you don't care about the siding and I really don't either. I think it's an exceptional job by the design people. One thing – this lower portion is what will be there (pointed on plans)? The piece of decking on the west elevation, where is that? (Mr. Kulick pointed on plans.) Mr. Tinker asked for where the porch came out from the building. Mr. Tinker: I think it's a good use



of property and I wish them the best.

- Mr. Kulick: If there's more comments on materials they can be addressed with question 4 so the design team can address prior to the next meeting which will likely be a Final Hearing.
- Mr. Tinker: The upper windows in the historic element, should you get the free density for preserving, that's where those windows would be. What would go in there? (Ms. Sabo: Bedroom and bath.)
- Mr. Gerard: Windows in the lower section would be required per code.

*Commissioner Questions / Comments:*

- Mr. Schuman: 1., yes I feel the SE addition meets. 2. Width and scale, yes. 3. Comfortable with connector. 4. I like the materials used. Definition of 145 I'm comfortable with. 5. I appreciate the efforts in doors and windows. 6. Landscaping, I would like to see less trees and maybe more shrubs. The trees will grow large and might overwhelm later. Less Aspens and maybe more bushes. Huge improvement from the last time we saw it, it fits in the location and I'm excited to see where it goes.
- Mr. Lamb: Agree. 1, the SE addition I agree; 2. agree, 3. connector I agree; 4. materials I like, 5. windows and doors I'm fine with and the glazing looks good; 6. landscaping I think is very generous, support positive points.
- Mr. Moore: 1. Agree, SE addition I agree, 2. width and scale is appropriate, 3. connector is doing what it's supposed to, and 4. I agree with the materials and it's to be commended. My only experience was a few weeks ago and I'm impressed. 5. Windows and doors is a better glazing plan, 6. landscaping is impressive and will look good and complies.
- Ms. Leidal: Appreciate the changes and it's beautiful. 1. & 2. I have concerns with scale and mass in relation to historic structure. I think we're hanging our hats on heights in the district rather than on site. I think there's past precedent sited that SHPO isn't happy with. I think the addition needs to stay on the same plane, not necessarily behind the connector, I don't think it's appropriate. Size, scale and width don't meet policies or the intent. Question 3, the connector is fine and materials are fine. 4, we have policies and I disagree with staff, I don't read the addition as outbuildings. Siding should have more refinement. I wonder if the metal siding exceeds 25%. If we are not going to invoke 25% non-natural material clause I think that we should grant a waiver if we are allowing metal. 6. I appreciate the landscaping plan and support.
- Mr. Schroder: 1, agree. 2. Width and scale, I support, 3. Connector complies, 4. materials comply, 5. windows and doors comply, 6. landscaping I support the positive points. I too would look forward to final. I wonder what the original residents would think.
- Mr. Gerard: 1. The SE addition, I still have some concerns about, as Christie expressed, what the intent of the design standards are, that addition should be placed no closer to the French Street side and the rear of the house. It is a great improvement over where we started. I don't know how it's going to look in real life. If you're going North on French street, you're going to see only part of the historic house because of the new design. 2. Width and scale I concur, 3. connector I agree but think we should have a special finding due to the slope of the land as functionally only one story and I appreciate the idea that you flattened the landscaping to take the big dip out of the connector. 4. Material I'm ok with, we need to make sure we're not exceeding 25 percent on metal. 5. Windows and doors I agree but want historic attention paid. I agree that the lower windows are necessary for safety. 6. Landscaping is good and I really like the landscape between the addition and the historic house and I think it's good. I think it's ready for final. Remarkable transformation from where we started.

**OTHER MATTERS:**

1. Town Council Summary (Memo Only)
2. Class D Majors Q4 2018 (Memo Only)
3. Class C Subdivisions Q4 2018 (Memo Only)

Mr. Truckey: Staff thought Saving Places conference was valuable.

Mr. Schuman: The venue was better.

Mr. Gerard: I thought it was the best of the three I've attended.

Mr. Grosshuesch: I'm going to talk to the person in charge of organizing the sessions for that conference and let them know I wish there was a review for things that come up on a regular basis to help staffs with those type of reviews. Mr. Gerard: I think that's a great idea.

Mr. Moore: Thank you so much for the opportunity to go. As a new commissioner it was so important to learn about historic preservation and how valuable it is here in the work we do.

**ADJOURNMENT:**

The meeting was adjourned at 7:31 pm.

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Steve Gerard, Vice Chair



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

### February 2019

February 21st, 2019	4:30pm - 5:30pm	Breck Nordic Center	Happy Hour with the Mayor
February 21st, 2019	6:30pm - 8:30pm	Town Hall Chambers	Uphill Access Meeting
February 24th, 2019	5:30pm - 10:00pm	Speakeasy Theater	Hollywood & Wine
<b>Tuesday, Feb. 26, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>

### March 2019

March 1st, 2019	5:00pm - 10:00pm	Riverwalk Center	Banff Film Festival
March 4th, 2019	6:00pm - 7:00pm	Rec Center	Troll Open House
March 5th, 2019	4:30pm - 7:00pm	Main Street / Riverwalk	Mardi Gras
<b>Tuesday, March 12, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
Mar. 16th - Apr. 21st, 2019	All Day	Breck Ski Resort	Spring Fever
<b>Tuesday, March 26, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>

### April 2019

<b>Tuesday, April 9, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>First Meeting of the Month</b>
April 12th, 2019	8:00am - 9:00am	One Ski Hill Place	Coffee Talk with the Ski Resort
<b>Tuesday, April 23, 2019</b>	<b>3:00pm / 7:00 pm</b>	<b>Town Hall Chambers</b>	<b>Second Meeting of the Month</b>

### Other Meetings

February 25th, 2019	Open Space & Trails Meeting	5:30pm
February 26th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
February 27th, 2019	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
February 28th, 2019	Transit Advisory Council Meeting	8:00am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
March 5th, 2019	Board of County Commissioners Meeting	9:00am
	Planning Commission Meeting	5:30pm
March 6th, 2019	Breckenridge Events Committee	9:00am
	I-70 Coalition	10:00am
	Childcare Advisory Committee	3:00pm
March 7th, 2019	QQ - Quality and Quantity - Water District	9:00am
	CAST	Noon
March 12th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm



## Scheduled Meetings

**Shading indicates Council required attendance – others are optional**

*The Council has been invited to the following meetings and events. A quorum may be in attendance at any or all of them.*

March 14th, 2019	Upper Blue Sanitation District	5:30pm
March 18th, 2019	Breckenridge Creative Arts	4:00pm
March 19th, 2019	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
March 22nd, 2019	Water Task Force Meeting	8:30am
March 25th, 2019	Open Space & Trails Meeting	5:30pm
March 26th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
March 27th, 2019	Summit Stage Transit Board Meeting	8:15am
	Summit Combined Housing Authority	9:00am
March 28th, 2019	Transit Advisory Council Meeting	8:00am
	Breckenridge Tourism Office Board Meeting	8:30am
	Northwest CO Council of Governments	10:00am
	RW&B Board Meeting	3:00pm
April 2nd, 2019	Board of County Commissioners Meeting	9:00am
April 3rd, 2019	Childcare Advisory Committee	3:00pm
April 9th, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm
	Workforce Housing Committee	1:30pm
April 10th, 2019	Breckenridge Heritage Alliance	Noon
April 11th, 2019	Upper Blue Sanitation District	5:30pm
April 15th, 2019	Troll Committee Meeting	9:00am
April 16th, 2019	Board of County Commissioners Meeting	9:00am
	Liquor & Marijuana Licensing Authority	9:00am
	Planning Commission Meeting	5:30pm
April 23rd, 2019	Board of County Commissioners Meeting	9:00am / 1:30pm