

ORDINANCE NO. 8

Series 2024

A BILL FOR AN ORDINANCE AMENDING THE ADMINISTRATIVE APPEALS PROVISION OF THE HOUSING REGULATIONS.

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

Section 1. That section 9-16-7 entitled "APPEALS" is amended to add the language underlined to read as follows:

9-16-7: APPEALS:

A. Any party found in violation of this chapter has a right to appeal to an administrative hearing officer by submitting a complaint in writing to the town manager setting forth both the grounds for the appeal and supporting facts within ten (10) days after the date of mailing of notice of violation.

B. A hearing shall be held within thirty (30) days of the date of the filing of the notice of appeal, unless the parties mutually agree to a longer time. Notice of an administrative hearing shall be given by the hearing authority to each party establishing the time and place of a hearing not less than twenty (20) days before the date the hearing is to be held. The hearing authority may continue any administrative hearing, upon timely request, for good cause shown, or upon its own initiative.

C. Each party may appear with counsel at the cost of the party and has the right to present such evidence as may be relevant, and to cross-examine all witnesses. The strict rules of evidence shall not apply to an administrative hearing.

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

E. The finding or decision of a hearing authority in connection with any administrative hearing shall be in writing. The decision of the hearing authority shall be final, subject to the right of any aggrieved party to contest the matter in an appropriate court action commenced under rule 106(a)(4) of the Colorado Rules of Civil Procedure. For purposes of determining the time limit for the commencement of an action under rule 106(a)(4) of the Colorado Rules of Civil Procedure, the decision of the hearing authority shall be deemed to be final upon the hearing authority's issuance of the written finding or decision.

F. Stipulation in Lieu of Administrative Hearing: A party subject to fines or violations of this housing code or under review of an administrative decision may contact the town attorney to discuss the allegations or complaint and attempt to resolve the matter without a hearing; provided the party contacts the town attorney no later than fourteen (14) days prior to the scheduled hearing date. The town attorney will present recommendations to the town manager as to whether to resolve a dispute and upon written terms and conditions executed by the town manager and the appealing party.

Section 2. This ordinance shall be published and become effective as provided

by Section 5.9 of the Breckenridge Town Charter.

INTRODUCED, READ ON FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL this 13th day of February, 2024.

This ordinance was published in full on the Town of Breckenridge website on February 15, February 16, February 17, February 18 and February 19, 2024.

A public hearing on this ordinance was held on February 27, 2024.

READ, ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN FULL ON THE TOWN'S WEBSITE this 27th day of February, 2024. A copy of this Ordinance is available for inspection in the office of the Town Clerk.

ATTEST:

TOWN OF BRECKENRIDGE

Helen Cospolich, CMC, Town Clerk

Kelly Owens, Mayor Pro Tem

APPROVED IN FORM

Town Attorney

Date

This Ordinance was published on the Town of Breckenridge website on February 29, March 1, March 2, March 3 and March 4, 2024. This ordinance shall become effective on April 3, 2024.

