REPEAL

ORDINANCE NO. 325
TOWN OF RICO

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO ADOPTING ACCESS REQUIREMENTS FOR NEW DEVELOPMENT AND FOR CHANGES IN USE OR ADDITIONAL USES ON EXISTING LOTS; AND FURTHER ENACTING A ROAD MAINTENANCE IMPACT FEE ON NEW DEVELOPMENT THAT RESULTS IN THE CONSTRUCTION OF NEW ROADS OR THE EXTENSION OR WIDENING OF EXISTING ROADS.

WHEREAS, the Board of Trustees has determined that it is in the interest of the Town of Rico to ensure that development does not occur unless and until there is an adequate, legal right of vehicular ingress to and egress from any lot on which development is proposed to occur; and

WHEREAS, the Board of Trustees has determined that requiring adequate vehicular access to any lot prior to issuance of a building permit on such lot promotes the health, safety and welfare of the community; and

WHEREAS, the Board of Trustees has further determined that increasing growth and subdivision development in the Town of Rico has increased the demand for maintenance of public rights-of-way; and

WHEREAS, the Board of Trustees has determined that adequate maintenance of public rights-of-way in the Town of Rico, including adequate snow removal, is essential to providing emergency vehicle access; and

WHEREAS, the Board of Trustees has determined that the road maintenance equipment owned by the Town is aging and that the Town of Rico must purchase additional road maintenance equipment to provide adequate maintenance of public rights-of-way in the Town of Rico, including new public rights-of-way, or extensions or widening of existing rights-of-way, to serve new development; and

WHEREAS, the Board of Trustees has determined that adoption of a road maintenance impact fee on all construction that requires or necessitates the construction of new public rights-of-way or the extension or widening of existing public rights-of-way is necessary so that the Town of Rico may adequately maintain public rights-of-way; and

WHEREAS, the Board of Trustees has determined that adoption of a road maintenance impact fee promotes the health, safety and welfare of the community by enabling the Town of Rico to adequately maintain its public rights-of-way.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, as follows:

Section 1

Vehicular Access Requirements: Purpose

The purpose of vehicular access requirements is to ensure that a building permit is not issued for any construction within the Town of Rico for any new or additional use, or change of use, unless and until the owner of the lot on which the construction is proposed to occur has an adequate, lawfully established right of vehicular ingress to and egress from such lot.

Section 2

Adequate Vehicular Access Required

No person shall establish any new or additional use, or change the use, located upon a lot unless a lawfully established route of vehicular access to said lot is available. Access to the lot must be of a standard and condition to safely and adequately accommodate the type and volume of traffic that currently uses the access, plus any increase in traffic that may be added by the new or additional use. Adequate vehicular access shall be determined by the Planning and Zoning Commission, whose determination may be appealed to the Board of Trustees within 30 days after a final determination by the Planning and Zoning Commission.

Section 3

Road Maintenance Impact Fee

A. Assessment of Road Maintenance Impact Fee. A road maintenance impact fee shall be assessed upon all construction which requires or results in one of the following:

1. The year-round maintenance of existing public rights-of-way currently maintained on a seasonal basis by the Town; or

2. The extension or widening of existing public rights-of-way as determined by the Planning Commission pursuant to its authority in Section 2 above and any other authority granted to the Planning Commission by the Town of Rico; or

3. The construction of new public rights-of-way dedicated to the public and accepted by the Town of Rico.

B. Adoption of Fee Schedule. The Board of Trustees shall establish, and may from time to

time amend, a road maintenance impact fee schedule by resolution. Road maintenance impact fees shall be assessed based upon the number of linear feet of public right-of-way constructed, or to be maintained on a year-round basis, and further shall be based upon the increase in the Town's maintenance costs for public rights-of-way contributed by such construction, including capital acquisition costs.

C. Payment of Fee. Road maintenance impact fees shall be due and payable as follows:

1. For new construction, including alterations, upgrades and additions to existing buildings, other than construction requiring approval of a subdivision or a planned unit development (PUD), fees shall be due and payable prior to issuance of a building permit.

2. For construction requiring approval of a subdivision or PUD, fees shall be due and payable prior to final approval by the Board of Trustees of such subdivision or PUD

D. Deposit of Fee in Special Account. Road maintenance impact fees shall be held by the Town in a special interest bearing account reserved solely for the purchase, maintenance, repair and replacement of road maintenance equipment.

E. Fee Reimbursement. Road maintenance impact fees for the construction, extension, widening or year round maintenance of seasonally maintained public rights-of-way which benefits property owners other than the party assessed the impact fee may be subject to partial reimbursement pursuant to a reimbursement agreement between the Town and such party. Any reimbursement agreement shall comply with all applicable requirements of the Land Use Code, when adopted by the Board of Trustees, and all amendments thereto.

Section 4

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 5

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 6

This ordinance shall become effective upon the date of publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

Section 7

A public hearing on the ordinance shall be held on the 12 day of March, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 12th day of March, 1997.

TOWN OF RICO

By: _____
Robert Small
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 9th day of April, 1997.

TOWN OF RICO

By: _____
Robert Small
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

REPEAL

ORDINANCE NO. 326
TOWN OF RICO

AN ORDINANCE DESIGNATING THE BOARD OF TRUSTEES TO ACT AS THE BOARD OF ADJUSTMENTS AND ENANCTING PROCEDURES AND DUTIES

WHEREAS, the Board of Trustees finds that it can assume the duties of the Board of Adjustments with more efficiency and can provide a more formal, organized, and regular hearing process for appeals and variance applications;

WHEREAS, C.R.S. sec. 31-23-307 authorizes municipalities to establish the membership, procedures and duties, of the Board of Adjustments by ordinance; and,

WHEREAS, the Board of Trustees finds that the immediate effectiveness of this Ordinance is necessary for the immediate health, safety, and general welfare in order to review a variance application submitted by the Rico Fire Protection District for the construction of a fire station;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1: REPEAL OF SECTION 3., ORDINANCE NO. 274
Section 3., of Ordinance No. 274 is hereby repealed in its entirety without affecting or amending the remaining provisions of Ordinance No. 274

SECTION 2: BOARD OF ADJUSTMENTS ESTABLISHED
The Board of Adjustments is hereby established as provided in this Section 2. The following sections are enumerated as 720 through 729., the proposed enumeration in the draft Rico Land Use Code, and shall be sub-sections of Section 2. of this Ordinance.

SECTION 720. BOARD OF ADJUSTMENTS
Sections 720. through 729. establishes the organization, authority, and duties of the Rico Board of Adjustments, or 'BOA'.

SECTION 722. MEMBERSHIP

722.1 Composition. The Board of Trustees shall act as the BOA.

722.2 Terms. The terms shall correspond with the terms for the Board of Trustees.

722.3 Qualifications. Qualifications shall be the same as those for the Board of Trustees.

722.4 Compensation. Members shall serve without compensation, except reasonable out-of-pocket expenses.

722.5 Officers. The BOA shall elect from its membership a chairperson, whose term shall correspond with that person's BOA term, with eligibility for re-election.

722.6 Attorney, Planner, Consultants. With prior approval of the Board of Trustees or the Mayor, the Town Attorney, the Town Planner, or other consultant shall, when requested by the BOA, attend any meetings of the BOA. With the prior approval of the Board of Trustees or the Mayor, any member of the BOA may call upon the Town Attorney or Town Planner for and oral or written opinion relating to any question of law or planning involving matters of the BOA.

SECTION 723. MEETINGS

723.1 Meetings. Meetings shall be held by the BOA as applications for BOA review or appeals to the BOA are submitted and may be held on the same night as meetings of the Board of Trustees. Meetings may be called by the BOA upon the request of the Chairperson or any four members of the BOA. Each member shall be personally notified at least 24 hours prior to the meeting.

723.2 Quorum. Four members of the BOA shall constitute a quorum.

723.3 Record. The BOA shall keep a public record of its proceedings.

SECTION 724. POWERS AND DUTIES

724.1 The BOA shall have full power and authority to act on matters granted to it this Ordinance and Ordinance No. 274. of the Town of Rico. In general, the BOA shall have such powers as may be necessary to enable it to perform its functions, promote municipal planning, and review development applications.

724.2 The BOA shall have the authority to hear and decide appeals from, and review, any order, requirement, decision or determination made by an administration official charged with the enforcement of Ordinance No. 274.

724.3 The BOA shall have the authority to hear and decide upon the granting of adjustments, variances, modifications or exceptions to the regulations and requirements of Ordinance No. 274 relating to the construction or alteration of buildings or structures, setbacks, and design regulations.

724.4 The BOA shall have the authority to render interpretations of Ordinance No. 274, including any uncertainty as to boundary location or meaning of words and phrases, provided that such interpretation is not contrary to the purpose and intent of Ordinance No. 274.

SECTION 3. VARIANCE APPLICATIONS

The following sections are enumerated as 430. through 436., the proposed enumeration in the draft Rico Land Use Code, and shall be sub-sections of Section 2. of this Ordinance.

SECTION 430. VARIANCE APPLICATIONS

The Board of Adjustments shall be authorized to permit such Variance or modifications of the building height, setbacks, yard area, site coverage, required off-street parking, and maximum floor area regulations as may be necessary to permit and promote appropriate development of a parcel of land that differs from other parcels in a Zone District by area, shape, slope, or pre-existing improvements that the subject parcel cannot be appropriately developed without such modification.

SECTION 432. APPLICATION SUBMITTAL REQUIREMENTS

The Applicant shall file eight (8) copies of an application requesting a Variance. The application shall be accompanied by or show the following:

A. The street address and legal description of the property affected;

B. A site plan and any and all other information necessary to clearly demonstrate eligibility for the requested Variance based upon the required findings in Section 436. below; and

C. A $50.00 application fee.

SECTION 434. REVIEW PROCEDURES.

A. Reviewing Board. The Board of Trustees shall act as the Board of Adjustments and shall review and render decisions on all Variance applications. Variance applications shall be approved by a majority vote.

B. Public hearing required. The Board of Adjustments shall conduct a public hearing on any application for a Variance prior to rendering its decision.

C. Notice. Public hearings for Variance applications shall be posted at the Town Hall and Post Office and shall be published in the designated official paper of record at least 5 days prior to the hearing. Written mailed notice shall be provided to the property owners within 100 feet of the subject property, such notice shall be mailed at least 10 days prior to the hearing. Notice shall also be posted on the subject property. Notice shall include the present Zone District classification, the proposed Variance; the time, date, and place of the hearing; and the name, address, and phone number of the Applicant and a statement that the application is available for public inspection in the Town Clerks office along with office hours.

D. Conditions. The Board of Adjustments has the authority to recommend approval of a Variance with conditions, including but not limited to: required improvements, required additional off-street parking, covenants restricting further development, requirement to bring non-conformities into compliance with Ordinance No. 274.

E. Appeal. The decision of the Board of Adjustments shall be the final decision of the Town and may be appealed to the District Court within 30 days of the date of the meeting where the decision was rendered.

F. Records. A file containing all documents relevant to the application and disposition of such Variances shall be maintained by the Town Clerk.

SECTION 436. STANDARDS FOR REVIEW

The following standards shall apply to review of Variance applications by the Board of Adjustments.

A. There are special circumstances existing on the property on which the application is made related to size, shape, area, topography, surrounding conditions, access, and location that do not apply generally to other property in the same area and Zone District; and,

B. The Variance will not unduly impact the underlying purposes of setbacks, including but not limited to: snow removal, street scapes, separation of buildings for fire protection, and opportunity for off-street parking, which are provided by minimum setbacks; solar access, protection of neighbors views to the surrounding mountains, continuity of street scapes, minimization of visual impacts on hillside development, which are provided by maximum building heights; continuity of design, minimization of visual impact, and provision of minimal yard area which is provided by maximum floor areas (particular attention shall be given to the impacts of the Variance on neighbors); and,

C. The Variance, if granted, will not constitute a material detriment to the public welfare or injury to the use, enjoyment or value of property in the vicinity; and,

D. The Variance is not sought to relieve a hardship to development of the property which has been created by the Applicant; and,

E. That the proposed use is a permitted use in the underlying Zone District; or,

F. The Variance is required to provide of construct an essential public service, including but not limited to: Public utilities, improvements by the Town of Rico, and improvements by the Rico Fire Protection District.

SECTION 4. EMERGENCY CLAUSE

The Board of Trustees finds that the Rico Fire Protection District has submitted a variance application for the construction of a fire station, which will provide essential emergency services, and that the immediate effectiveness of this Ordinance is necessary to preserving the health, safety, and general welfare in order to establish a board which can review such application on a timely basis.

SECTION 5: EFFECTIVE DATE AND PUBLICATION

After final adoption, the Town Clerk shall cause a copy of this ordinance to be published in accordance with Ordinance No. 323. This Ordinance shall become effective immediately upon publication rather than 30 days after publication for the immediate preservation of the health, safety and general welfare.

SECTION 6. SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

READ, PASSED, AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO this 24th day of September, 1996.

By: Robert Small, Mayor

Attest: Linda Yellowman, Town Clerk **[Town Seal]**

Approved as to Form: Eric James Heil, Esq.
Town Attorney

Recorded at 1:35 o'clock P.M. [illegible]
Reception No 369089 Book 76 Page 396/397
Barlene White Recorder, Dolores Co. Colorado C. Mellott Deputy

ORDINANCE NO. 327
TOWN OF RICO

AN ORDINANCE VACATING A PORTION OF RIVER STREET

WHEREAS, Ordinance No. 275 and C.R.S.A. 31-15-702(1)(a)(I) authorizes the Town to vacate rights-of-way;

WHEREAS, the Board of Trustees finds that the portion of River Street to be vacated is not necessary for the future road and utility improvements to serve the adjacent properties;

WHEREAS, the Board of Trustees finds the vacation of a portion of River Street will not deny right-of-way access to any property;

WHEREAS, the Board of Trustees finds that the Town of Rico owner of land adjoining the vacated portion of River Street on all sides; and,

WHEREAS, the Board of Trustees finds that the vacation of a portion of River Street will promote the health, safety and general welfare of the Rico community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

SECTION 1. VACATION OF A PORTION OF RIVER STREET
The portion of River Street lying within Lot 14 of the plat map entitled, "Subdivision of Tract 1 and Newman Street Vacations, Town of Rico, Dolores County, Colorado" (the southeast side of the Silver Glance Subdivision cul-du-sac), prepared by Foley Associates, Inc., is hereby vacated.

SECTION 2: ZONING
The portion of River Street vacated by this Ordinance is hereby included in the R Residential Zone District.

SECTION 3. SAFETY CLAUSE
The passage of this Ordinance is necessary for the preservation of the public health, safety, morals, and welfare of the Town of Rico community.

SECTION 4. PUBLICATION
Following adoption, the Town Clerk shall cause this Ordinance to be published in full in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.

SECTION 5. RECORDING
The Town Clerk shall cause a copy of this Ordinance to be recorded with the Dolores County Clerk and Recorder after final adoption.

READ, APPROVED AND ADOPTED AFTER CONDUCTING A PUBLIC HEARING on the 24th day of September, 1996.

By: Robert Small, Mayor

Attest: Linda Yellowman, Town Clerk

Approved as to Form: Eric James Heil, Esq.
Town Attorney

[Town Seal]

Ordinance No. 328
Town of Rico

AN ORDINANCE ESTABLISHING REIMBURSEMENT FEES FOR THE SILVER GLANCE SUBDIVISION WATER LINE IMPROVEMENT.

WHEREAS, Rico Renaissance, LLC., was required to install an 8-inch water line in the alley of Block 4 and Block 5 as a condition of approval of the Silver Glance subdivision;

WHEREAS, said water line installation can provide service to, and thereby benefits, property not owned by Rico Renaissance;

WHEREAS, the Board of Trustees finds that the cost of installing the waterline through other benefited properties not owned by Rico Renaissance, LLC., amounts to $14,299.00; and,

WHEREAS, the Board of Trustees finds that enactment of reimbursement fees promotes the health, safety, and general welfare of the Rico community by requiring new development to pay for the cost of necessary infrastructures improvements on an equitable basis:

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, the following:

Section 1. Reimbursement Fee Established

Lots 21 through 40, Block 4, and Lots 21 through 28, Block 5, Town of Rico, are hereby required to pay a Reimbursement Fee for the water line installation serving this property in the amount of five hundred ten dollars and sixty-eight cents per lot ($510.68) or on a per foot proportional frontage basis in the case of irregular lots, such payment shall be due and payable to the Town in full for all contiguous lots held in common ownership upon requesting a building permit for any lot(s) subject to this Fee. The Reimbursement Fee shall be a lien on the benefited properties subject to this Fee and shall run with and attach to such properties.

Section 2. Remittance to Rico Renaissance

All Reimbursement Fees collected by Ordinance shall be remitted to Rico Renaissance, LLC., a Colorado Limited Liability Company, within 60 days of collection by the Town. In the event that the office or agents of Rico Renaissance, LLC., can not be located or identified after 6 months of diligent efforts, the Town shall have no obligation to remit collected Fees and shall have no further obligations to collect the Reimbursement Fees. This Ordinance shall not be

construed to create any financial obligation of the Town or liability of the Town for the failure to collect the Reimbursement Fees.

Section 3. Reimbursement Fee Expiration Date

The Reimbursement Fee shall expire on _____(15 years after the date of recordation of the Silver Glance subdivision plat).

Section 4. Publication

Following adoption, the Town Clerk shall cause this Ordinance to be published in full in the Dolores Star in accordance with Ordinance No. 323 of the Town of Rico, Colorado.

INTRODUCED, READ, AND REFERRED TO PUBLIC HEARING ON JANUARY 15TH, 1997, BEFORE THE BOARD OF TRUSTEES, BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO on the 11th day of December, 1996.

READ, APPROVED AND ADOPTED AFTER CONDUCTING A PUBLIC HEARING THEREON on the 15th day of January, 1997.

By: Robert Small, Mayor

Attest: Linda Yellowman, Town Clerk

Ordinance No. 329
Town of Rico

AN ORDINANCE OF THE BOARD OF TRUSTEES OF RICO, COLORADO ESTABLISHING A MUNICIPAL COURT OF RECORD AND PROVIDING PROCEDURES RELATED THERETO.

WHEREAS, the Town is authorized to establish a municipal court of record to hear and try any alleged violation of municipal ordinances; and

WHEREAS, the Board of Trustees finds and determines that the establishment of a municipal court for the prosecution of violations of municipal ordinances is necessary for the health, safety and welfare of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

A. Purpose. The purpose of this ordinance is to establish a municipal court of record for all alleged violations of municipal ordinances.

B. Establishment of a Municipal Court of Record and Appointment of Municipal Judge.

1. A municipal court of record is hereby established by the Board of Trustees to try and hear all alleged violations of Town ordinances. The court shall make and keep a verbatim record of the proceedings and evidence at trial, and the Town shall provide the court with electric devices or stenographic means of making such record.

2. The Board of Trustees shall appoint a municipal judge for a two (2) year term. No person shall be appointed as a municipal judge unless such person has been admitted to, and is currently licensed in, the practice of law in Colorado.

3. Municipal court shall be held as needed. The need to hold court shall be determined by the filing of a complaint with the municipal court clerk.

C. Compensation. The municipal judge shall be compensated at a fixed rate for each court session held, and such compensation shall not be related to the number of cases handled at each court session or the amount or number of fines imposed. The Board shall establish and may from time to time amend by resolution such compensation.

D. Municipal Court Clerk.

1. Because the Board anticipates that the business of the court will be insufficient to warrant a separate part-time clerk, the municipal judge shall serve as ex-officio municipal court clerk.

2. The municipal court clerk shall be responsible for the accurate accounting of all funds received by the court and for conveying such funds to the Town.

3. The municipal court clerk shall not be required to give a performance bond to the Town.

E. Authority to Assess Costs.

1. The municipal judge is empowered, at his or her discretion, to assess court costs against any defendant who pleads guilty or nolo contendere or who enters into a plea agreement or who, after trial, is found guilty of a violation of a Town ordinance.

2. The municipal judge shall assess $200 against any defendant who fails to appear for arraignment or trial, unless the defendant has entered into a plea agreement with the Town.

F. Limitation of Actions.

1. No person shall be prosecuted, tried, or punished for any offense unless the complaint is filed in the municipal court or a summons and complaint or penalty assessment notice is served upon the defendant within one year after the commission of the offense.

2. The time limitation imposed by this section shall be tolled for any period not to exceed one year that the defendant is absent from the Town.

Section 2

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 3

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Ordinance No. 329

Section 4

This ordinance shall become effective thirty (30) days after publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

Section 5

A public hearing on the ordinance shall be held on the 13th day of August, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 13th day of August, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 13th day of August, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Town Clerk

ORDINANCE 330
TOWN OF RICO

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO SUBMITTING TO THE QUALIFIED ELECTORS OF THE TOWN OF RICO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF NOVEMBER 1997, THE QUESTION OF AUTHORIZING THE TOWN TO POST AT TOWN HALL INFORMATION RELATING TO THE PAYMENT OF BILLS IN THE FORM SUBMITTED TO THE BOARD OF TRUSTEES FOR ITS APPROVAL AND STATEMENTS CONCERNING THE TOWN'S CONTRACTS; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Section 31-20-202 of the Colorado Revised Statutes requires the governing body of cities and towns, except in the circumstances set forth in said section, to publish such of their proceedings as relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed and to whom paid, and further to publish a statement concerning all contracts awarded and rebates allowed; and

WHEREAS, C.R.S. § 31-20-202 further provides that cities and towns may determine at a regular or special election not to publish their proceedings relating to payment of bills and statements concerning their contracts; and

WHEREAS, C.R.S. § 31-20-202 further provides that any city or town whose citizens elect not to publish may provide an alternative for distribution of the information; and

WHEREAS, the Board of Trustees deems it to be in the best interest of the Town to avoid the costs associated with publication of the information relating to payment of bills and statements concerning contracts while making such information readily available to the town's residents by posting the information in the form approved by the Board at Town Hall.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

At the general municipal election to be held at the polling place in the town on Tuesday, November 4, 1997, there shall be submitted to the vote of the qualified electors of the town the question set forth in Section 2 below.

Section 2

The official ballot and the official absentee ballot shall state the substance of authorization to post information relating to payment of bills and statements concerning contracts rather than

publishing such information to be voted on and so stated shall constitute the ballot title, designation and submission change, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

QUESTION NO. A

SHALL THE TOWN OF RICO BE AUTHORIZED TO POST AT TOWN HALL INFORMATION RELATING TO THE PAYMENT OF BILLS IN THE FORM SUBMITTED TO THE BOARD OF TRUSTEES FOR APPROVAL AND STATEMENTS CONCERNING THE TOWN'S CONTRACTS?

FOR THE MEASURE 31 **AGAINST THE MEASURE 13**

Section 3

If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed, and it shall be lawful for the Board of Trustees to post information relating to the payment of bills and statements concerning the Town's contracts in accordance with the measure approved.

Section 4

The election shall be conducted under the provisions of the Colorado Constitution, the statutes of the State of Colorado, the ordinances of the Town, and this ordinance.

Section 5

The town clerk of the Town of Rico shall give public notice of the election on each measure by causing a notice to be published in the Dolores Star, a weekly newspaper of general circulation in the town, at least ten days before election day.

Section 6

The notice of election shall include the ballot title.

Section 7

The officers of the town are authorized to take all action necessary or appropriate to

effectuate the provisions of this ordinance.

Section 8

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 9

This ordinance is necessary to protect the public health, safety and welfare of the residents of the town, and covers matters of local concern.

Section 10

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

Section 11

In order to comply with the time limits for certifying ballot measures to the County Clerk as part of a coordinated election, it is necessary that this ordinance be effective immediately. Accordingly, the Board of Trustees finds and declares that an emergency affecting the public peace, health, and property exists, and that this ordinance take effect immediately upon passage on second reading.

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED BY A THREE-FOURTHS VOTE OF THE BOARD to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 3rd day of September, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor Pro ~~Tem~~

ATTEST

Linda Yellowman
Town Clerk

ORDINANCE 330

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 3rd day of September, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor Pro ~~Tem~~

ATTEST

Linda Yellowman
Town Clerk

ORDINANCE 331
TOWN OF RICO

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO SUBMITTING TO THE QUALIFIED ELECTORS OF THE TOWN OF RICO AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, THE 4TH DAY OF NOVEMBER 1997, THE QUESTION OF AUTHORIZING THE TOWN, COMMENCING IN 1998, TO RECEIVE AND SPEND THE FULL REVENUES FROM STATE AND FEDERAL GRANTS AND ALL OTHER NON-TAX REVENUES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN OF RICO, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE SPENDING LIMITATIONS WHICH MIGHT OTHERWISE APPLY; SETTING FORTH THE BALLOT TITLE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, in 1994 the voters of the Town of Rico approved a ballot issue authorizing the Town "to collect and spend all revenues, including state grants and taxes, sales and use taxes, and property taxes, generated in 1994 and for each subsequent year through 1997, regardless of any limitation contained in Article 10, Section 20 of the Colorado Constitution, and to thereafter utilize 1997 fiscal year spending and property tax revenue as bases upon which the subsequent year's spending and revenue shall be limited;" and

WHEREAS, under the limitations of Article X, Section 20 of the Colorado Constitution ("Article X, Section 20"), the Town must obtain voter approval to continue after 1997 to receive and spend grants and other funds which exceed the revenue and spending limitations under Article X, Section 20; and

WHEREAS, the Board of Trustees desires to receive state and federal grants and to spend those revenues for projects which benefit the Town's residents, including but not limited to, the proposed river trail corridor, the proposed municipal sewer system, and the hiring of a law enforcement official; and

WHEREAS, without voter approval, the Town may be prohibited from receiving and spending state and federal grant revenues for the benefit of the Town's residents.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

At the general municipal election to be held at the polling place in the town on Tuesday, November 4, 1997, there shall be submitted to the vote of the qualified electors of the town the question set forth in Section 2 below.

ORDINANCE 331

Section 2

The official ballot and the official absentee ballot shall state the substance of the revenue change and spending approval to be voted on and so stated shall constitute the ballot title, designation and submission change, and each qualified elector voting at the election shall indicate his or her choice on the measure submitted, which shall be as follows:

QUESTION NO. B

SHALL THE TOWN OF RICO, COMMENCING IN 1998, BE AUTHORIZED TO RECEIVE AND SPEND THE FULL REVENUES FROM STATE AND FEDERAL GRANTS AND ALL OTHER NON-TAX REVENUES, AND WITHOUT LIMITING IN ANY YEAR THE AMOUNT OF OTHER REVENUES THAT MAY BE COLLECTED AND SPENT BY THE TOWN OF RICO, AS A VOTER-APPROVED REVENUE CHANGE AND AN EXCEPTION TO THE SPENDING LIMITATIONS WHICH WOULD OTHERWISE APPLY?

FOR THE MEASURE 27 **AGAINST THE MEASURE** 17

Section 3

If a majority of all the votes cast at the election on the measure submitted shall be for the measure, the measure shall be deemed to have passed, and it shall be lawful for the Board of Trustees to receive and spend state and federal grants in accordance with the measure approved.

Section 4

The election shall be conducted under the provisions of the Colorado Constitution, the statutes of the State of Colorado, the ordinances of the Town, and this ordinance.

Section 5

The town clerk of the Town of Rico shall give public notice of the election on each measure:

(a) By causing a notice to be published in the Dolores Star, a weekly newspaper of general circulation in the town, at least ten days before election day; and

(b) By mailing to "All Registered Voters" at each address within the town at which a voter is registered at least 30 days before the election a notice entitled "NOTICE OF ELECTION ON A REFERRED MEASURE." This notice shall include only:

(i) the election date and hours for voting, the ballot title and text of the measure by this ordinance submitted to the voters and the office address and telephone number of the town clerk;

(ii) two summaries, no more than five hundred words each, one for and one against the measure, of written comments filed with the town clerk no later than 45 days before the election. No summary shall mention the names of persons or private groups, nor any endorsements of or resolutions against the measure. The town attorney shall write this summary for the measure. The town clerk shall maintain on file and accurately summarize all other relevant written comments.

Section 6

The notice of election shall include the ballot title.

Section 7

The officers of the town are authorized to take all action necessary or appropriate to effectuate the provisions of this ordinance.

Section 8

If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this ordinance.

Section 9

This ordinance is necessary to protect the public health, safety and welfare of the residents of the town, and covers matters of local concern.

Section 10

The Board of Trustees deems it appropriate that this ordinance be published by title only and orders that copies of this ordinance be made available at the office of the town clerk for public inspection and copying.

ORDINANCE 331

Section 11

In order to comply with the time limits for certifying ballot measures to the County Clerk as part of a coordinated election, it is necessary that this ordinance be effective immediately. Accordingly, the Board of Trustees finds and declares that an emergency affecting the public peace, health, and property exists, and that this ordinance take effect immediately upon passage on second reading.

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED BY A THREE-FOURTHS VOTE OF THE BOARD to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 3rd day of September, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor ~~Pro Tem~~

ATTEST

Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 3rd day of September, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor ~~Pro Tem~~

ATTEST

Linda Yellowman
Town Clerk

CERTIFICATION

This is to certify that the ORDINANCE NO 331, attached hereto, is a true and accurate copy of the QUESTION OF AUTHORIZING THE TOWN COMMENCING IN 1998 TO RECEIVE AND SPEND THE FULL REVENUES FROM STATE AND FEDERAL GRANTS AND ALL OTHER NON-TAX REVENUES... on file in the Town of Rico, Colorado.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of the Town of Rico, Colorado, this 3RD day of SEPTEMBER, 1997.

Town Clerk

(SEAL)

CERTIFICATION

STATE OF COLORADO
COUNTY OF DOLORES SS
TOWN OF RICO

I, Linda Yellowman, Town Clerk of the Town of Rico, Colorado do hereby certify that the foregoing Ordinance No. 331 is a true and correct copy of the original ordinance read and adopted and was referred to an election this 3rd day of September 1997 by the Board of Trustees of the Town of Rico. Ordinance No. 331 passed with 27 yes votes and 17 no votes on November 4th, 1997.

WITNESS my hand and seal of said Town of Rico, Colorado this 12th day of November 1997.

Linda Yellowman
Rico Town Clerk
Town of Rico, Colorado

ORDINANCE 332
TOWN OF RICO

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO PROHIBITING THE USE OF ENGINE RETARDERS IN THE TOWN.

WHEREAS, Highway 145 runs through the center of town and is a major thoroughfare for commercial trucks, including tractor trailers; and

WHEREAS, the speed limit on Highway 145 drops from 55 miles per hour outside of town to 30 miles per hour within the town; and

WHEREAS, commercials trucks, including tractor trailers, sometimes utilize "engine retarders" or "jake brakes" to slow down as they enter the town, and the use of such brakes creates an excessive amount of noise and is disturbing to the residents of the town; and

WHEREAS, such noise represents a threat to the serenity and quality of life in town; and

WHEREAS, the Board of Trustees has determined that this ordinance prohibiting the use of airbrakes in the town is necessary to protect the health, safety and welfare of the town's residents and is a local matter.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO, AS FOLLOWS:

Section 1

Use of Airbrakes Prohibited

The use of engine retarders, "jake brakes" or other similarly loud brakes in the Town of Rico is prohibited.

Section 2

Penalty

A. It shall be unlawful for any person to violate any provision of this ordinance.

B. Any person found guilty of violating, or who admits violating, any provision of this ordinance shall be punishable by a fine of not less than $200 and not more than $1000, or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

C. A separate offense shall be deemed committed on each day or portion thereof that the violation of any provision of this ordinance occurs.

Section 3

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 4

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5

This ordinance shall become effective thirty (30) days after publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

Section 6

A public hearing on the ordinance shall be held on the 12 day of November, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 12th day of November, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 12 day of November, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Town Clerk