Ordinance No. 333
Town of Rico

AN EMERGENCY ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO ESTABLISHING A ONE-TIME FEE FOR THE PURPOSE OF FUNDING THE PORTION OF A 201 FACILITIES STUDY NOT FUNDED BY A GRANT FROM THE STATE OF COLORADO

WHEREAS, the Town of Rico has received a grant of $21,120 from the State of Colorado for the purpose of undertaking and completing a 201 facilities study (the "201 Study"); and

WHEREAS, such grant is will fund only 80% of the estimated cost of completing the 201 Study, and the Town must fund the additional 20% of the estimated cost; and

WHEREAS, the Town does not have sufficient funds to pay its 20% share; and

WHEREAS, in numerous public meetings held in the summer of 1997, the community voiced strong support for a one-time assessment for the purpose of paying for the Town's share of the 201 study; and

WHEREAS, the Board of Trustees desires to begin the 201 Study as soon as it receives the grant money from the State; and

WHEREAS, the Town's share of the cost of the 201 study, including contingency and costs, equals $5500; and

WHEREAS, there are currently 220 water taps in the Town of Rico; and

WHEREAS, the Board finds and determines that the assessment of a one-time fee against all holders of water taps is necessary for the health, safety and welfare of the Town and its citizens.

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

Section 1

One-time Fee for Funding 201 Facilities Study

A. Purpose. The purpose of the one-time fee is to fund the Town's share of the cost of completing a 201 facilities plan study, including contingencies and costs associated therewith.

B. Establishment of Unified Water and Sewer Utility System. A unified municipal water and sewer utility system is hereby established for the purpose of providing municipal water service and for investigating and providing appropriate municipal sewer service to municipal residents.

C. Establishment of One-Time Fee. A one-time fee of $25.00 shall be assessed against all water tap holders. Such fee shall be included in the first water service charge billing following the effective date of this ordinance and shall be due and payable concurrently with payment of the water service bill.

Section 2

Failure to Timely Pay the Fee

A. The Town shall have an action against the owner of a water tap for failure to timely pay the one-time assessment.

B. In addition to any other remedy provided by ordinances of the Town and state law, a penalty of five percent (5%) of the total amount of the delinquent fee shall be imposed on the thirty-first day after billing, and at the commencement of each month thereafter, until the delinquent fee and any outstanding penalty are paid in full.

Section 3

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

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

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 6

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 7

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 8

In order to meet the Town's funding obligations for completion of the 201 facilities study, 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.

Section 9

A public hearing on the ordinance shall be held on the 14 day of January, 1998, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

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 14th day of January, 1997.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST:

Linda Yellowman
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 14 day of January, 1998.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Linda Yellowman
Town Clerk

REPEAL

Ordinance No. 334
Town of Rico

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO REPEALING AND REPLACING ORDINANCE NO. 315, INCLUDING REPEAL OF THE TEMPORARY DEVELOPMENT RESTRICTION ON MINOR SUBDIVISIONS AND LOT SPLITS

WHEREAS, the Board of Trustees adopted Ordinance No. 315 to temporarily restrict certain development within the town; and

WHEREAS, Section 1(A) of Ordinance No. 315, which set forth restrictions on certain development activities and on the application for certain development permits, automatically expired on April 30, 1997 and was not renewed by the Board; and

WHEREAS, Section 1(B) of Ordinance No. 315 established a temporary development restriction on the final platting of any new subdivisions, including minor subdivisions and lot splits, and the creation of condominium ownership interests in property or structures, and also restricted the extension of water lines to provide service to any area not currently part of the historic town grid plat or existing approved subdivisions; and

WHEREAS, while Section 1(B) of Ordinance No. 315 is still in effect, the Board desires to amend such provision to exempt minor subdivisions and lot splits from the temporary development restriction.

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

Section 1

Repeal and Replacement of Ordinance No. 315

Ordinance No. 315 is hereby repealed and replaced as set forth herein.

Section 2

Temporary Development Restriction

No application for the following activities shall be accepted or considered until such time as the Town has received final approval from the State of Colorado of the design and specifications for a municipal sewage system and has obtained adequate funding for the construction of such system:

1. Application for approval of a planned unit development or a subdivision, other than a minor subdivision or lot split.

2. Extension of water lines to any unplatted property within the municipal boundaries, or to any property located outside of the municipal boundaries.

Section 3

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

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

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 6

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 7

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 8

A public hearing on the ordinance shall be held on the 14 day of January, 1998, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

Ordinance No. 334

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED BY A MAJORITY VOTE OF THE BOARD to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 14th day of January, 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 14 day of January, 1998.

TOWN OF RICO

By: Robert E Cummings
Robert Cummings
Mayor

ATTEST

Linda Yellowman
Town Clerk

ORDINANCE NO. 335

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING AND FURTHER DEFINING THE METHOD FOR COLLECTING THE 2% USE TAX; REPEALING RESOLUTION NO. 130; AND REPEALING AND REPLACING ORDINANCE NO. 313.

WHEREAS, the Board of Trustees has the authority pursuant to Sections 29-2-101 et seq., of the Colorado Revised Statutes to enact and impose a sales and use tax by passage of an ordinance referring the question to the electorate at a regular municipal election; and

WHEREAS, the Board adopted Ordinance No. 313, which imposed a 4% sales tax on the retail sake of tangible personal property and the furnishing of certain services, and further imposed a 2& tax on the privilege of using or consuming in the Town of Rico any construction and building materials purchased at retail; and

WHEREAS, the Ordinance No. 313 was referred to and approved by the electorate at a regular municipal election; and

WHEREAS, subsequently, the Board adopted Resolution No. 130 to establish the method of collection of the use tax; and

WHEREAS, the Board wishes to further define the method of the collection of the use tax and consolidate all of its ordinances and resolutions regarding sales and use taxes into a single ordinance to facilitate compliance with and administration of such regulations.

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

Section 1

Resolution No. 130 is hereby repealed. Ordinance No. 313 is hereby repealed and replaced as follows:

ARTICLE I. APPROVAL OF THE ELECTORATE

The sales and use taxes authorized herein were referred to, and approved by, the registered voters of the town at an election held on April 2, 1996.

ARTICLE II. SALES TAX

A. Purpose. The purpose of this Article is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Rico, Colorado, pursuant to the authority granted to incorporate towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, as amended. This Article shall be so construed and

interpreted as to effectuate the general purpose of making it uniform with the sales tax of the State of Colorado, levied by Article 26 of Title 39, C.R.S. as amended.

B. Definitions. For the purposes of this Article, the definition of words herein contained shall be as said words are defined in Section 39-26-102, C.R.S., as amended, and the definitions are incorporated herein.

C. Licenses.

1. It shall be unlawful for any person to engage in the business of selling tangible personal property at retail, or to furnish certain services as herein specified, without first having obtained a license therefore, which license shall be granted and issued by the town clerk, and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked. Such license shall be granted to or renewed on upon application stating the name and address of the person desiring such license, the name of such business and location, and such other facts as the town clerk may require.

2. It shall be the duty of each such licensee on or before January first of each year during which this Article remains in effect to obtain a renewal thereof if the licensee remains in retail business or is liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the town clerk to refuse such renewal except revocation for cause of licensee's prior license.

3. For each license issued, a fee shall be paid according to the following schedule:

Annual License (for calendar year)	$50.00
6 Month License	$25.00
Monthly License	$10.00

4. In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

5. Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

6. Any license may be revoked for cause as provided in Section 39-26-103, C.R.S., as amended, which provision is incorporated herein by this reference.

7. Any person engaged in the business of selling tangible personal property at retail, or the furnishing of certain services as herein specified, without having first secured a license therefore as provided in this Article, shall be guilty of a violation of this Article.

D. Property and Services Taxed.

1. There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in Section 39-26-104, C.R.S., as amended.

2. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, C.R.S., as amended.

3. The gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, C.R.S., as amended, regardless of the place to which delivery is made.

4. No sales tax shall apply to the sale of construction and building materials, as the term is used in Section 29-2-109, C.R.S., as amended, if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to such local government evidencing that a local use tax has been paid or is required to be paid.

5. No sales or use tax shall apply to the sale of food purchased with food stamps. For the purpose of this paragraph, "food" shall have the same meaning as provided in 7 U.S.C. Section 2012(g), as such section exists on October 1, 1987, or is thereafter amended.

6. No sales or use tax shall apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants, and children. 42 U.S.C. Section 1786. For the purposes of this paragraph, "food" shall have the same meaning as provided in 42 U.S.C. Section 1786, as such section exists on October 1, 1987, or is thereafter amended.

7. No sales tax shall apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user of another statutory or home rule town, city and county, city, or town, equal to or in excess of that sought to be imposed by the Town. A credit shall be granted against the sales tax imposed by the Town with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule city and county, city, or town. The amount of the credit shall not exceed the sales tax imposed by the Town.

8. Notwithstanding any other provision of this Article, the value of construction and building materials on which a use tax has previously been collected by the Town shall be exempt from the sales tax if the materials are delivered by the retailer or his agent to a site within the limits of the Town.

E. Exemption.

1. There shall be exempt from taxation under the provisions of this Article, all of the tangible personal property and services which are exempt under the provisions set forth in Article 26, Title 39, C.R.S., as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by Section 39-26-114(11), C.R.S., as amended, for the purposes of machinery or machine tools, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil, and coke as provided in Section 39-26-114(1)(a)(XXI), C.R.S., as amended.

2. All sales of tangible personal property on which specific ownership tax has been paid, or is payable, shall be exempt from sales tax when such sales meet both the following conditions:

a. The purchaser is a nonresident of, or has its principal place of business outside of the Town; and

b. Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado.

F. Amount of Tax.

There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services described in section D of this Article, a four per cent (4%) sales tax as provided herein.

G. General Provisions.

1. For the purposes of this Article, all retail sales are consummated at the place of business of the retailer, unless the tangible property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a designation outside the limits of the Town.

2. In the event a retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, C.R.S., as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado.

H. Collection, Administration and Enforcement.

The collection, administration, and enforcement of the sales tax imposed by this Article shall be performed by the Executive Director of the Department of Revenue of the State of Colorado in the same manner as the collection, administration, and enforcement of the Colorado state sales

tax. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, C.R.S., as amended, and all rules and regulations promulgated by the Executive Director of the Department of Revenue pertaining to such collection, administration, and enforcement, are incorporated herein by this reference.

I. Revenues Derived - Disposition.

All revenues derived from the sales tax imposed by this ordinance shall be allocated to the general fund and may be appropriated for any lawful expenditure or transferred to any other fund.

ARTICLE III. USE TAX

A. Purpose.

The purpose of this Article is to impose a use tax of two percent (2%) thereof, for the privilege of using, or consuming in the Town of Rico, Colorado, any construction and building materials, purchased at retail.

B. Limitations.

In no event shall the use tax imposed by this ordinance extend or apply:

1. To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town.

2. To the storage, use, or consumption of any tangible personal property purchased for resale in the Town either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

3. To the storage, use or consumption of tangible personal property brought into the Town by a non-resident thereof for his own storage, use, or consumption while temporarily within the town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;

4. To the storage, use or consumption of tangible personal property by the United States government, or the State of Colorado, or its institutions, or its political subdivisions in their governmental capacities only, or by religious or charitable organizations in the conduct of their regular religious or charitable functions;

5. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing of compounding for sale, profit, or use any article,

substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which manufactured, compounded or furnished and the container, label, or the furnished shipping case thereof;

6. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a legally imposed sales or use tax of another statutory or home rule town, city, or city and county equal to or in excess of that imposed by this Article. A credit shall be granted against the use tax imposed by this article with respect to a person's storage, use, or consumption in the town or city of tangible personal property purchased by him in a previous statutory or home rule town, city, or city and county. The amount of the credit shall equal to the tax paid by him by reason of the imposition of a sales or use tax of the previous statutory or home rule town, city, or city and county on this purchase or use of the property. The amount of the credit shall not exceed the tax imposed by the article;

7. To the storage, use, or consumption of tangible personal property and household effects acquired outside of the Town and brought into it by a non-resident acquiring residency;

8. To the storage, use, or consumption of any construction and building materials and motor or other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;

9. To the storage, use or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of this use tax ordinance;

C. Construction and Building Materials Use Tax Collection.

1. No building permit shall be issued by the Town Building Official, or other officer or staff personnel authorized by the Board of Trustees, to any person requesting a permit for construction within the Town until the owner has paid to the Town a use tax in the amount of two percent (2%) of forty percent (40%) of the estimated valuation of the construction project. The estimated valuation shall be determined by multiplying the square footage of the project as set forth in the building permit by an amount per square foot, which shall be established, and from time to time amended, administratively. The amount per square foot established by the T own shall, to the extent practicable, reflect actual costs for local construction on a per square foot basis.

2. No final plat of any subdivision requiring infrastructure improvements shall be signed by the mayor or other authorized agent of the Town until the owner has paid to the Town a use tax in the amount of two percent (2%) of one hundred percent (100%) of the estimated cost of the infrastructure materials. Final acceptance of any subdivision improvements shall not be granted until the owner has verified the actual cost of the required infrastructure improvement

materials and has paid to the Town a use tax in the amount of two percent (2%) of one hundred percent (100%) of the required infrastructure improvement materials. The Town may request satisfactory proof of the actual cost of required infrastructure improvement materials.

D. Revenues Derived - Disposition.

All revenues derived from the use tax imposed by this ordinance shall be allocated to the general fund and may be appropriated for any lawful expenditure or transferred to any other fund.

Section 2

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

Section 3

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 4

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 5

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.

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 15th day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

ORDINANCE NO. 335

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 15th day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

REPEAL

ORDINANCE NO. 336

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING SECTION 2(A) OF ORDINANCE NO. 274 TO REQUIRE A BUILDING PERMIT FOR CERTAIN REMODELING AND RESTORATION ACTIVITIES AND SECTION 2(B) OF ORDINANCE NO. 274 REGARDING ADMINISTRATIVE AND LEGAL PROCEDURES IN THE EVENT OF A VIOLATION OF THE ORDINANCE; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, Ordinance No. 274 requires that owners of property undertaking certain construction or building activities obtain a building permit prior to commencing such work; and

WHEREAS, the Board of Trustees desires to expand the categories of construction or building activities that require a building permit; and

WHEREAS, the Board further desires to clarify administrative and legal procedures for alleged violations of Ordinance No. 274, as amended.

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

Section 1

Section 2(A) of Ordinance No 274 is hereby repealed and replaced as follows:

A. Administration

1. Enforcing Official. The provisions of this zoning ordinance shall be administered and enforced by any officer, staff personnel or member of the Board of Trustees ("Board") as authorized by the Board.

2. Building Permit. Except as specified in Section 2(A)(3) below, no building or structure shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the Building Official.

3. Exempt Activities. The following construction activities, buildings and structures are exempt from the requirements of Section 2(A)(2):

a. One-story detached accessory buildings with a total square footage of 120 square feet or less.
b. Decks.
c. Fences which do not exceed six (6) feet in height.
d. Retaining walls which do not exceed four (4) feet in height

measured from the bottom of the footing to the top of the wall.

e. Platforms, walks and driveways.

f. Prefabricated swimming pools in which the pool walls are entirely above the adjacent grade.

g. Roofing and siding.

h. Construction activity consisting solely of remodeling, structural alteration, restoration, conversion, or enlargement of an existing building or structure, provided that:

(1) the estimated total cost of construction materials does not exceed $5000;

(2) complete plans for the project are filed with the Town Clerk prior to commencing the construction activity; and

(3) an accurate estimate of the cost of materials is filed with the Town Clerk prior to commencing the construction activity. The Building Official may require the submission of receipts or other proof of the actual cost of construction materials.

Section 2

Section 2(B) of Ordinance No. 274 is hereby repealed and replaced as follows:

1. Right of Entry. When it is necessary to make an inspection to enforce the provisions of this ordinance, or when the enforcing official has reasonable cause to believe that there exists a condition which is contrary to or in violation of this ordinance which makes the building or premises unsafe, dangerous or hazardous, the enforcing official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this ordinance, provided that if such premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises is unoccupied, the enforcing official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, or no person having charge or control over the building or premises can be located, the enforcing official shall obtain a warrant from the Rico municipal court authorizing the enforcing official to make entry into the building or premises.

2. Liability. The enforcing official or any duly authorized representative charged with enforcement of this ordinance acting in good faith and without malice shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or omission in the discharge of his duties, and such official shall be entitled to all immunities and limitations as provided to public employees under the Colorado Governmental Immunity Act, C.R.S. §§ 24-10-101 et seq.

3. Administrative and Legal Procedure. If a violation is found to exist, the enforcing official may take any or all of the following actions:

a. Notify the owner or any other responsible person of the violation and order correction of the violation within a prompt, reasonable period of time.

b. Issue a stop work order by notice in writing posted at the location of the violation.

c. Issue a citation for the violation into the Rico Municipal Court.

Section 3

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

Section 4

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 5

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 6

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 NO. 336

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 15th day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 15 day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

ORDINANCE 337
TOWN OF RICO

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO TEMPORARILY AMENDING THE TERMS OF OFFICE OF THE TRUSTEES TO PROVIDE FOR STAGGERED ELECTIONS; AND FURTHER CHANGING THE GENERAL MUNICIPAL ELECTION FROM APRIL TO NOVEMBER

WHEREAS, currently the terms of office of all six (6) trustees and the mayor terminate simultaneously; and

WHEREAS, the Board of Trustees has determined that simultaneous expiration of the two-year terms of office of all of the trustees and the mayor could be detrimental to the Town and to the continuity of legislative actions and the business of the Town; and

WHEREAS, to provide for staggered terms of office, it is necessary that the terms of office be amended temporarily so that the terms of office of three (3) of the six (6) trustee seats expire two years after the next municipal election in the year 2000 and that the terms of office of the remaining three (3) of the six (6) trustee seats expire three years after such election ; and

WHEREAS, staggered two year terms of office for the Board of Trustees will require that the Town hold municipal elections every year, rather than every other year; and

WHEREAS, to reduce the cost associated with holding municipal elections every year, the Board of Trustees has further determined that the general municipal election should be held in November in conjunction with statewide elections.

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

Section 1

A. Change of Timing of General Municipal Elections. Except as provided in Section B below, beginning in the year 2000 and continuing thereafter, the Town's general municipal elections shall be held in November on the same day as statewide elections and, whenever possible and desirable, shall be part of a coordinated election.

B. Temporary Amendment to Terms of Office of Trustees and Mayor.

1. The terms of office of the trustees and mayor elected on April 7, 1998, or appointed to any seat vacated by any trustee or the mayor elected on April 7, 1998, shall extend until the general municipal election in November, 2000.

2. After all votes for trustees in the November, 2000 elections have been counted, all of the candidates for the Board of Trustees, excluding mayoral candidates, shall be ranked in descending order based upon the number of votes received by each candidate, beginning with the candidate who received the greatest number of votes.

a. The term of office for the three (3) candidates for the Board of Trustees who received the greatest number of votes shall be three (3) years.

b. The term of office for the next three (3) candidates shall be two (2) years.

3. The term of office for all trustees elected after the elections in 2000 shall be two (2) years, unless a trustee is elected to fill a vacated seat, in which case the term of office shall not extend beyond the term of office of the trustee whose seat was vacated.

Section 2

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

Section 3

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 4

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 5

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 337
TOWN OF RICO

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED to a public hearing before the Board of Trustees of the Town of Rico, Colorado on the 15th day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 15th day of July, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

139712 08/05/1998 02:32P B288 P470 QCD
2 of 6 R 31.00 D 0.00 N 0.00 DOLORES COUNTY

Ordinance No.____338____

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO APPROVING THE VACATION OF A PORTION OF ELLIOT STREET, A PORTION OF THE ALLEY IN BLOCK 3, A PORTION OF THE ALLEY AND LOT 1 IN BLOCK 11 AND THE VACATION OF UTILITY EASEMENTS SITUATED THEREIN.

WHEREAS, the property described in Exhibit A, which is attached hereto, is comprised of dedicated rights of way and a part of Lot 1, Block 11, Town of Rico and is owned by and located entirely within the incorporated boundaries of the Town of Rico;

WHEREAS, GM Rico LLC is the fee simple owner of certain real property adjacent to the property described in Exhibit A;

WHEREAS, GM Rico LLC has requested the Town of Rico to vacate the property described in Exhibit A;

WHEREAS, there is an underground waterline located within the property described in Exhibit A;

WHEREAS, the request promotes the health, safety, convenience and general welfare of the citizens of Rico;

WHEREAS, GM Rico LLC has agreed to grant certain utility and access easements to the Town of Rico;

WHEREAS, the Board of Trustees of the Town of Rico, upon due notice and public hearing, has considered the vacation request and determined that it complies with applicable law ; and

WHEREAS, the Board of Trustees of the Town of Rico is authorized to adopt this Ordinance vacating the property described in Section 1 pursuant to C.R.S. Section 31-15-702 (1)(a)(I) and C.R.S. Section 43-2-301 et. seq.

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

Section 1

The property described in Exhibit A is hereby vacated.

Section 2

GM Rico LLC shall grant and convey to the Town of Rico the following easements:

1. A 16 foot wide floating vehicular access easement from State Highway 145 to the alley in Block 3, Town of Rico at the north end of the vacated property described in Exhibit A. GM Rico LLC and its successors and assigns may relocate the vehicular access easement from time to time at its sole expense. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of reconstruction. Said vehicular access may, at GM Rico LLC's option, be located on parts of Lots 18, 19 and 20, Block 3, Town of Rico. In the event the Town of Rico or other party undertakes repair or maintenance of said vehicular access easement, the property shall be promptly restored to its prior condition.

2. A 5 foot wide waterline easement within the vacated property described in Exhibit A over the existing waterline. GM Rico LLC and its successors and assigns may relocate the waterline and the waterline easement from time to time at the cost and expense of GM Rico LLC and its successors and assigns. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of reconstruction. Such reconstruction shall be mutually agreed upon between GM Rico LLC and its successors and assigns and the Town of Rico Trustees. GM Rico LLC shall have no responsibility to construct, maintain, inspect or repair any waterlines which have been installed and shall have the right to review and approve the location and type of any water lines proposed by the Town of Rico or other party. In the event the Town of Rico or other party undertakes repair or maintenance of the water line, the property shall be promptly restored to its prior condition.

3. A 5 foot wide floating sewer line easement within the vacated property described in Exhibit A. There is no sewer line currently located within the vacated area. GM Rico LLC shall have no responsibility to construct, maintain, inspect or repair any sewer lines which may be installed and shall have the right to review and approve the location and type of any sewer lines proposed by the Town of Rico or other party. GM Rico LLC and its successors and assigns may relocate the sewer line and the sewer line easement from time to time at the cost and expense of GM Rico LLC and its successors and assigns. Any such reconstruction shall comply with the Town of Rico Standards applicable at such time of

reconstruction. Such reconstruction shall be mutually agreed upon between GM Rico LLC and its successors and assigns and the Town of Rico Trustees. In the event the Town of Rico or other party undertakes repair or maintenance of the future sewer line, the property shall be promptly restored to its prior condition.

Section 3

The Town of Rico shall execute a quit claim deed conveying any and all rights, title and interest in the property described in Exhibit A to GM Rico LLC in a form similar to the instrument attached as Exhibit B.

Section 4

The Property described in Exhibit A shall become subject to the Rico zoning ordinance and shall be assigned the same zoning as that assigned to the adjacent property owned by GM Rico LLC.

Section 5

The Clerk of the Town of Rico is authorized and instructed to amend the Rico street plan and the designated street use plan to reflect this vacation.

Section 6

GM Rico LLC and the Town of Rico agree to cooperate in implementing all provisions in this ordinance.

Section 7

The provisions of this ordinance shall be made effective as of the 27th day of July, 1998.

TOWN OF RICO

by: _____
Mayor

ATTEST

by: _____
Rico Town Clerk

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STATE DOCUMENTARY FEE
Date 8-5-98
$ EXEMPT

EXHIBIT B

QUIT CLAIM DEED

THE TOWN OF RICO, COLORADO, a Colorado incorporated municipality ("Grantor"), whose address is P.O. Box 56, Rico CO 81332, does hereby sell and forever quit claims to GM Rico LLC, a Delaware Limited Liability Company whose address is Box 635, Telluride, CO 81435, any and all interest, if any, that Grantor may have in and to any of that certain real property situate in Dolores County, Colorado, set forth in Exhibit A, attached hereto and made a part hereof.

Signed on: July 30, 1998

TOWN OF RICO

by: _____
Mayor

ATTEST

by: _____
Rico Town Clerk

STATE OF COLORADO)
) ss
COUNTY OF DOLORES)

The foregoing instrument was acknowledged before me this 30th day of July, 1998 by Joe Croke who acknowledged himself to be the Mayor of the Town of Rico, Colorado and did further acknowledge that the instrument was executed for the purposes contained herein.

LAURA E. TOWNE NOTARY PUBLIC STATE OF COLORADO

Witness my hand and seal

_____
Notary Public
My Commission expires: 6/20/2000

FOLEY ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
P. O. BOX 1385
TELLURIDE, CO 81435
970-728-6153

LEGAL DESCRIPTION

That portion of Lot 1, Block 11,Town of Rico lying west of State Highway 145, further described as follows:

Beginning at the northwest corner of said Lot 1; Thence N 87°54'00" E 10.07 feet along the northerly boundary of said Lot 1 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 24.93 feet, being subtended by a chord which bears S 21°43'55" W for a chord distance of 24.93 feet along said westerly right-of-way to the westerly boundary of said Lot 1; Thence N 02°06'00" W 22.81 feet to the Point of Beginning, containing 116 square feet, more or less,
County of Dolores, State of Colorado.

COLORADO REGISTERED
J. DAVID FOLEY
6/10/98
24954
PROFESSIONAL LAND SURVEYOR

J. David Foley, P.L.S. #24954

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FOLEY ASSOCIATES, INC.
CIVIL ENGINEERING AND LAND SURVEYING
P. O. BOX 1385
TELLURIDE, CO 81435
970-728-6153

LEGAL DESCRIPTION

A portion of the Alley within Blocks 3 and 11, Town of Rico and a portion of Elliot Street right-of-way, Town of Rico further described as follows:

Beginning at the northwest corner of Lot 18, Block 3, Town of Rico; Thence S 02°06"00" E 75.00 feet to the southwest corner of Lot 20, Block 3, Town of Rico; Thence N 87°54'00" E 33.70 feet along the southern boundary of said Lot 20 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 64.49 feet, being subtended by a chord which bears S 19°23'35" W for a chord distance of 64.48 feet along said westerly right-of-way to the northerly boundary of Lot 1, Block 11, Town of Rico; Thence S 87°54'00" W 10.07 feet to the northwest corner of said Lot 1; Thence S 02°06'00" E 22.81 feet along the westerly boundary of said Lot 1 to the westerly right-of-way of State Highway 145; Thence along a non-tangential curve concave to the west and northwest, with a radius of 1095.92 feet, an arc length of 37.23 feet, being subtended by a chord which bears S 23°21'24" W for a chord distance of 37.22 feet along said westerly right-of-way to the easterly boundary of Lot 38, Block 11, Town of Rico; Thence N 02°06'00" W 56.42 feet to the northeast corner of Lot 40, Block 11, Town of Rico; Thence continuing N 02°06'00" W 60.00 feet to the southeast corner of Lot 21, Block 3, Town of Rico; Thence continuing N 02°06'00" W 75.00 feet to the northeast corner of Lot 23, Block 3, Town of Rico; Thence N 87°54'00" E 16.00 feet to the Point of Beginning, containing 4131 square feet, more or less,
County of Dolores, State of Colorado.

COLORADO REGISTERED
J. DAVID FOLEY
6/10/98
24954
PROFESSIONAL LAND SURVEYOR

J. David Foley, P.L.S. #24954

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ORDINANCE NO. 339

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO AMENDING SECTION 4(B) OF ORDINANCE NO. 299 TO ALLOW PAYMENT OF WATER TAP FEE IN INSTALLMENTS; AND PROVIDING FURTHER DETAILS IN RELATION TO THE FOREGOING.

WHEREAS, in Ordinance No. 317, the Board of Trustees significantly increased the fee for water taps to the municipal water system; and

WHEREAS, the purpose of the increased water tap fee was to ensure sufficient capital for improvements and enlargements to the municipal water system; and

WHEREAS, the Board has determined that payment of the entire water tap fee prior to connection to the municipal water system constitutes a hardship for many members of the community; and

WHEREAS, wishes to reduce such hardship while continuing to ensure that the Town has sufficient capital for improvements to the municipal water system.

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

Section 1

Section 4(B) of Ordinance No. 299 is repealed and replaced as follows:

B. Water Tap Fees may be paid in full prior to connection to the municipal water system or shall be paid in installments as follows:

1. Fifty percent (50%) of the Water Tap Fee shall be paid prior to issuance of a building permit, or if no building permit is required, prior to connection to the municipal water system.

2. The remaining fifty percent (50%) of the Water Tap Fee, together with interest at a rate of 5% per annum, shall be amortized over a period of 36 months and shall be due and payable together with the monthly water service bill. Failure to timely make any payment shall result in water service being discontinued as provided in Section 5(B).

3. Delinquent water tap fees may be collected by the Town pursuant to any means available by law, including, but not limited to, collection by certification to the Dolores County Treasurer for collection and payment to the Town as provided in C.R.S. § 31-20-105 et seq.

ORDINANCE NO. 339

Section 2

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

Section 3

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 4

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 5

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.

INTRODUCED, READ, ORDERED PUBLISHED BY TITLE ONLY, AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 12th day of August, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk

ORDINANCE NO. 339

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 12th day of August, 1998.

TOWN OF RICO

By: _____
Joe Croke
Mayor

ATTEST

_____
Linda Yellowman
Town Clerk