TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-1

ACCEPTING AN EASEMENT FOR THE RICO WATER SYSTEM, WATER LINE, AND ACCESS ROAD

WHEREAS the Town of Rico installed a new main distribution line from the water treatment area to the Town of Rico and Rico Argentine Company previously dedicated easements to the Town for the water treatment site, distribution lines and access road but such legal descriptions of these easements were not accurate; and,

WHEREAS C.R.S. §31-15-101(1)(d) authorizes municipalities to acquire real property; and,

WHEREAS Rico Renaissance, LLC., as the current owner of property which contains portions of the Rico water system, desires to dedicate an easement for the water system to the Town of Rico in consideration of the Town vacating, abandoning and quit claiming to Rico Renaissance, LLC., the existing inaccurate water line easements;

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. Acceptance of Easement. The Town hereby accepts the Easement for Municipal Waterline as is attached to this Ordinance and authorizes the Town Mayor and Town Clerk and other appropriate Town officials to take all actions necessary to execute the Easement for Municipal Waterline.

Section 2. Vacation of Former Easement. The Town of Rico hereby vacates, abandons and transfers to Rico Renaissance by quit claim the former water line easements described as and attached to this Ordinance.

READ, MOVED AND APPROVED ON FIRST READING ON THE 16TH DAY OF JANUARY, 2002. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE 20TH DAY OF MARCH, 2002.

TOWN OF RICO, COLORADO

BY: ____________________
Thomas Clark, Mayor

ATTEST: ____________________
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:
____
Eric James Heil, Town Attorney

Published by Title only before 2nd Reading in the Rico Sun-Times: ____________________

Published by Title only after adoption in the Rico Sun-Times: ____________________

C:\Rico\Ordinances\Ord 1-02 Water Line Easement.doc
1/14/02

After Recordation send Original to:

Eric Heil, Esq.
Rico Town Attorney
P.O. Box 56
Rico, CO 81332

And a Copy to:

Ramon M. Escure, Esq., Manager
Strategic Design Group, LLC
P.O. Box 2542
Telluride, CO 81435

GRANT OF EASEMENT FOR MUNICIPAL WATERLINE

GRANT OF EASEMENT made this ____ day of October, 2001, by and between Rico Mountain Life, LLC, a Colorado limited liability company (hereinafter referred to as AGrantor@) and the Town of Rico, Colorado, a home rule municipality under the laws of the State of Colorado (hereinafter referred to as AGrantee@).

RECITALS

(a) Rico Mountain Life, LLC, is the owner of a tract of real property legally described as follows:

Evening Call Patented Mining Claim, M.S. #8029,

County of Dolores,
State of Colorado (the "Property");

(b) The Town of Rico, Colorado, has a municipal water line that has been inadvertently constructed on a tract of real property owned and managed by the United States Department of Agriculture, United States Forest Service;

(c) The Town of Rico, Colorado, does not possess an easement, special use permit or other authority that allows for the placement of the municipal waterline on real property owned and managed by the United States Forest Service;

(d) The Town of Rico, Colorado, has requested a subsurface waterline easement under and across the Evening Call Patented Mining Claim for the perpetual use and benefit of the Town of Rico, Colorado; and

(e) The Town of Rico, Colorado, and Rico Mountain Life LLC, have negotiated a perpetual subsurface waterline easement on the terms and conditions set forth herein.

NOW THEREFORE in consideration of ten dollars ($10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Grantor does hereby grant to Grantee the following described easement:

1. **Grantor - Rico Mountain Life, LLC.** Rico Mountain Life, LLC, is the Grantor herein and owner of the above-described real estate known and commonly referred to as the Evening Call Patented Mining Claim, Dolores County, Colorado.

2. **Grantee – Town of Rico, Colorado.** The Town of Rico, Colorado, is the Grantee herein and is the owner and operator of a water treatment plant, storage facility and underground waterline presently situated on

the Evening Call Patented Mining Claim.

3. **Grant of Subsurface Easement for Waterline.** Grantor does hereby grant, convey, transfer and sell to Grantee for the use and benefit of the Town of Rico, Colorado a non-exclusive perpetual subsurface easement as more particularly described in the legal description attached hereto as Exhibit A and the survey map of the Evening Call Patented Mining Claim attached hereto as Exhibit B. Exhibit A and B are incorporated herein as though fully set forth. The easement granted herein is for the construction, installation, maintenance and operation of a water treatment plant, storage facility and subsurface waterline as more particularly located and situated in Exhibits A and B. The easement area shall include a non-exclusive surface easement that shall be twenty (20) feet in width extending ten (10) feet on each side of the waterline. Grantee shall be solely responsible for any cost or expense associated with the construction, installation, use and/or maintenance of the water treatment plant, storage facility and subsurface waterline. Grantee does hereby indemnify and hold Grantor harmless from any liability, damage, injury, lien, claim or expense including attorney fees associated in any way with the use, installation, construction and/or maintenance of the subsurface and surface easement granted herein.

4. **Additional Easement Rights Granted.** In addition to the grant of easement set forth in Paragraph 3 above, Grantor grants, conveys, sells and transfers to Grantee the following additional rights:

(a) The right to construct, reconstruct, replace, remove, maintain, upgrade to meet changing needs, and to use the underground waterlines, as Grantee shall from time to time install for the delivery of water within Town of Rico, Colorado.

(b) The right of access to and from the easement area for maintenance, construction and operation purposes and across existing roads or by such route as will cause the least damage and inconvenience to Grantor. Notwithstanding any provision herein to the contrary, the easement herein granted to Grantee shall not be for vehicular access and shall not be for installation and maintenance of surface or above ground utilities or related facilities. The foregoing shall not alter or limit the Grantee's right to maintain and operate a water treatment plant and storage facility on the Evening Call Patented Mining Claim;

(c) The right, from time to time, to trim or cut down and clear away trees and brush on the twenty (20) foot described easement area, which may be a hazard to the facilities installed within the easement;

(d) All lines, pipes and other facilities installed by Grantee within the easement area shall remain the property of the Grantee and shall be removable at the option of the Grantee; and

(e) The Grantee shall be obligated to repair any damage which Grantee or its contractors may cause to Grantor=s property.

5. **Rights of Grantor.** Grantor shall have the right to use the described easement area for any purpose, including vehicular access and the instillation of other underground utilities that are not inconsistent with the Grantee's enjoyment of the rights granted herein, provided, that Grantor shall not erect or construct, without Grantee's written consent, any building or other structure or drill or operate any well within the described easement area. In the future Grantor shall have the absolute and unconditional right to relocate the Grantee's waterline to facilitate the development of the Evening Call Patented Mining Claim, provided, said relocation is engineered and all costs are paid by the Grantor. The terms of this easement shall be extended to the relocated waterlines.

6. **Termination of Easement.** If the Grantee at any time removes the waterline or discontinues its use for longer than six (6) months, the easements and easement right granted herein shall automatically terminate for all intents and purposes. Grantor shall have the right to remove any waterlines or related facilities after termination of the consent.

7. **Notices.** Any notices required or permitted herein shall be deemed delivered when deposited in the United States Mail, postage prepaid, certified or registered, addressed to the party intended at the address set forth below or to such other address as may be furnished from time to time by notice hereunder:

To Grantor: Rico Mountain Life, LLC
P.O. Box 220
Rico, CO 81332

To Grantee: Town of Rico
C/o Rico Town Manager
P.O. Box 56
Rico, CO 81332

7. **Run with the Land/Benefit.** The easements granted herein shall run with the land and shall be binding upon and shall inure to the benefit of the parties hereto, their heirs, successors, assigns and personal representatives.

8. **Attorney Fees and Costs.** In the event of a dispute arising out of the enforcement of the above referenced Grant of Easement, the prevailing party in any action, litigation or arbitration shall be entitled to recover all reasonable attorney fees and costs incurred.

9. **Amendment of Easement.** This Grant of Easement is the entire integrated agreement of the parties, and it supersedes and merges any prior oral or written agreements, negotiations or understandings among them. This Grant of Easement may be modified, amended, canceled or superseded, and any of the terms or conditions hereof may be waived, however said amendment and waiver may only be effectuated by a written agreement executed by all parties.

EXECUTED by:

GRANTOR: RICO MOUNTAIN LIFE, LLC

By: ______________________________

STATE OF COLORADO }
} *ss.*
COUNTY OF ______________ }

The foregoing GRANT OF EASEMENT SUBSURFACE WATERLINE was acknowledged before me by ______________ __________, *the Grantor, on this* _____ *day of October, 2001.*

Witness my hand and seal.
My commission expires:

____
Notary Public

GRANTEE: TOWN OF RICO

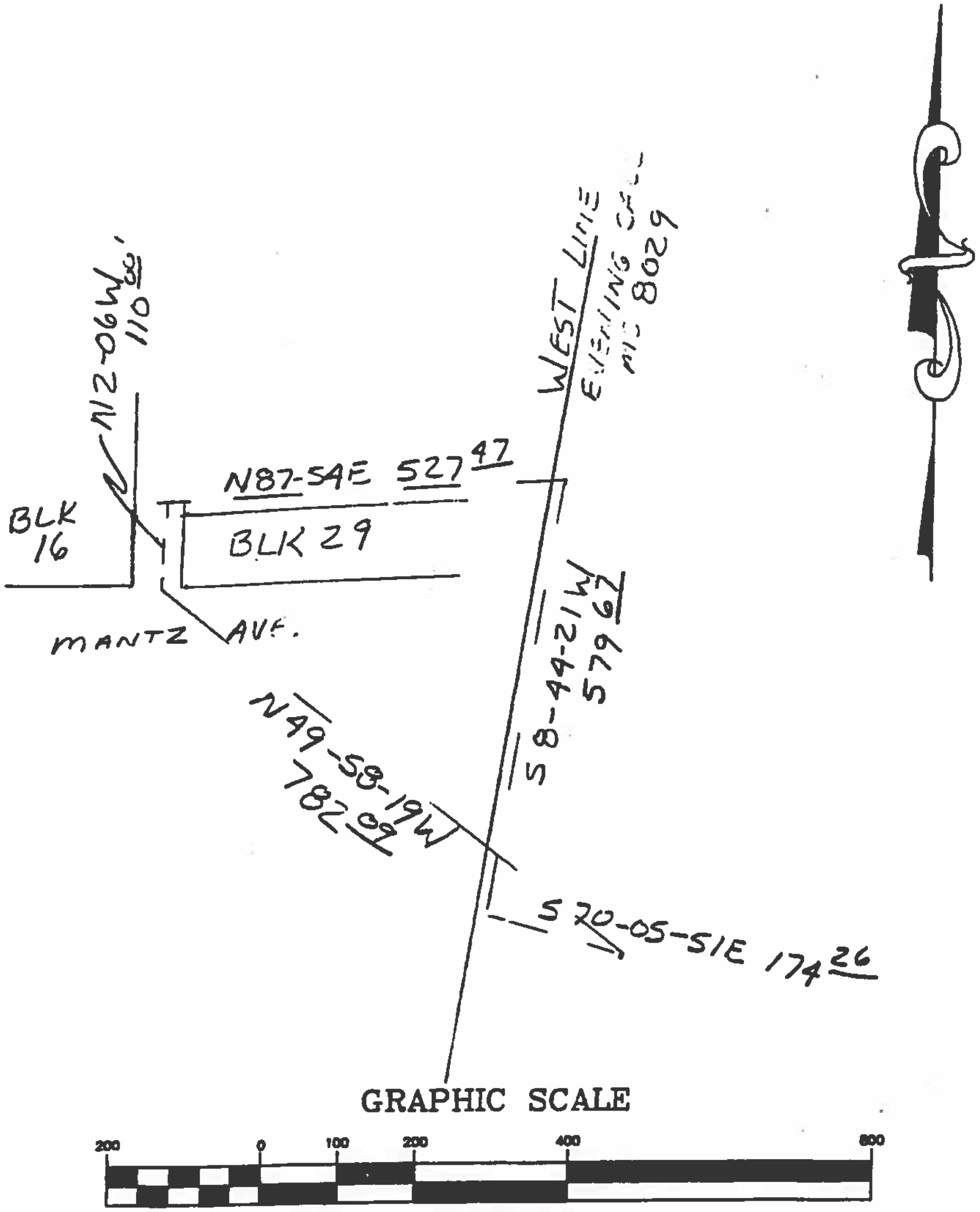
By: ______________________________
____________________, Rico Town Manager

STATE OF COLORADO }
} *ss.*
COUNTY OF ____________________ }

The foregoing GRANT OF EASEMENT SUBSURFACE WATERLINE was acknowledged before me by ______________________________ *Rico Town Manager, the Grantee, on this* _____ *day of October 2001.*

Witness my hand and seal.
My commission expires:

____
Notary Public



EXHIBIT

CANYON SURVEYING

Water Tank

EASEMENT

An easement, 20 feet in width, from Rico Renaissance to the Town of Rico for the installation, use, and maintence of a waterline across portions of the Newman Millsite, M.S. 436B; the Melvin Clarence Lode, M.S. 999; and the Evening Call Lode, M.S. 8029; all in the Pioneer Mining District, Dolores County, Colorado, the centerline of which is further described as follows:

Beginning at a point on the North Right of Way of Mantz Ave.Town of Rico from which the Southeast corner of Block 16, Town of Rico bears S87°54'00"W, 44.00';

Thence N02°06'00"W, 110.00'; ThenceN87°54'00"E, 527.47'; Thence S08°44'21"W,579.67'; Thence S70°05'51"E,174.26'; from which the point of beginning on the North Right of Way of Mantz Ave. bears N49°58'19"W, 782.09'.

TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-2

AN EMERGENCY ORDINANCE ENACTING A FIRE BAN

WHEREAS *Colorado, particularly Southwest Colorado, is currently experiencing a sever drought and extreme fire conditions; and,*

WHEREAS*, the Town Board finds that the extreme fire conditions warrants an immediate ban on fire for the immediate preservation of the health, safety and welfare of the Rico Community;*

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. BAN ON FIRE. The Town Board hereby institutes a ban on fire in the municipal boundaries of the Town of Rico. The following fires or burning are hereby prohibited: outdoor burning; campfires; trash fires; the use of charcoal and other non-gas grills; welding and the use of torches outdoors except in contained areas free of flammable material; smoking outdoors in any area where flammable material exists on the ground; lighting of fireworks; and, igniting of explosives.

SECTION 2. REPEAL OF PROHIBITION. This Ordinance may be repealed by administrative act of the Mayor or by motion of the Board of Trustees at any time that the extreme fire danger subsides. The Rico Fire Chief shall be consulted prior to repealing this ordinance. This Ordinance shall be repealed by publishing and posting a signed notice of such decision.

SECTION 3. PENALTY. Violation of the Ban on Fire shall be punishable by a fine of up to five thousand dollars ($5,000.00) and/or imprisonment of up to one (1) year.

SECTION 4. EMERGENCY ORDINANCE. This Ordinance is adopted as an emergency ordinance for the immediate preservation of the health, safety and general welfare of the Rico Community.

SECTION 5. EFFECTIVE DATE. This Ordinance shall be effective immediately.

SECTION 6. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

READ, MOVED AND APPROVED ON FIRST AND FINAL READING ON THE 19th DAY OF JUNE, 2002.

TOWN OF RICO, COLORADO

BY: ______________________
Thomas Clark, Acting Mayor

ATTEST: ______________________
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:
____
Eric James Heil, Town Attorney

C:\Rico\Ordinances\Ord 02-1 Emergency Fire Ban.doc
6/19/02

TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-3

ADOPTING THE MODEL TRAFFIC CODE

WHEREAS the Board of Trustees finds that the enforcement of traffic laws in the Town of Rico will promote the health, safety and general welfare of the Rico Community; and,

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. REPEAL OF ORDINANCE NO. 273. Ordinance No. 273 is hereby repealed in its entirety.

SECTION 2. ADOPTION OF MODEL TRAFFIC CODE. The Town of Rico hereby adopts the Model Traffic Code for Colorado Municipalities, Revised 1995, as currently exists and as may be amended or revised from time to time.

SECTION 3. PENALTIES. It is unlawful for any person to violate any of the provisions of this Ordinance or the Model Traffic Code. Every person convicted of a violation of any provision stated or adopted in this Ordinance shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by such fine and imprisonment.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 5. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

READ, MOVED AND APPROVED ON FIRST READING ON THE 19th DAY OF JUNE, 2002.

READ AND FINALLY ADOPTED AFTER CONDUCTING A PUBLIC HEARING ON THE 21st DAY OF AUGUST, 2002.

TOWN OF RICO, COLORADO

BY: Tom Clark Mayor
Tom Clark, Mayor

ATTEST: Linda Yellowman
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

Eric James Heil
Eric James Heil, Town Attorney

C:\Rico\Ordinances\Ord 02-3 Emergency Model Traffic Code.doc
6/19/02

TOWN OF RICO
ORDINANCE NO. 2002-4

AMENDING THE YEAR 2002 TOWN BUDGET AND APPROVING SUPPLEMENTAL APPROPRIATIONS OF MONEY

WHEREAS, the Board of Trustees designated Ashton Harrison, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and,

WHEREAS, a public hearing was noticed and conducted on the 21st day of August, 2002, in accordance with state statutes and the Rico Home Rule Charter;

WHEREAS, the Town has received a grant award from the Department of Local Affairs in the amount of $95,000.00 for the purpose of fiscal impact analysis of new growth and Town desires to expend monies in the Street Fund for capital expenditures; and,

WHEREAS, the Town of Rico has adopted the amended budget in accordance with the Local Government Budget Law, C.R.S. §29-1-109 on 21st day of August, 2002; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below;

WHEREAS, the 2001 valuation for the Town of Rico as certified by the County Assessor is $5,284,233.00; and,

NOW, THEREFORE, be it resolved by the Board of Trustees, the following:

SECTION 1. BUDGETED REVENUES AND EXPENDITURES
The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

General Fund Revenues:	
Reserve Balance:	$ 68,934.00
Non Property Tax revenues:	$ 62,844.00
Property Tax Revenues:	$ 69,000.00
Grant/Other Revenues:	$198,795.00
Total General Fund:	**$399,573.00**
General Fund Expenditures:	**$341,504.62**
Street Fund Revenues:	
Reserve Balance:	$24,505.14
Non Property Tax revenues:	$32,000.00
Property Tax Revenues:	$ 9,432.38
Grant/Other Revenues:	$ 0.00
Total Street Fund:	**$65,937.52**
Street Fund Expenditures:	**$59,835.66**
Parks, Trails and Open Space Fund Revenues:	
Reserve Balance:	$22,371.23
Non Property Tax revenues:	$14,700.00

Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$95,000.00
Total Parks, Trails and Open Space Fund:	**$132,071.23**
Parks, Trails and Opens Space Fund Expenditures:	**$98,500.00**
Water Fund Revenues:	
Reserve Balance:	$ 29,520.35
Non Property Tax revenues:	$103,000.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 7,000.00
Total Water Fund:	**$139,520.35**
Water Fund Expenditures:	**$106,400.00**
Sewer Fund Revenues:	
Reserve Balance:	$ 15,905.57
Non Property Tax Revenues:	$ 0.00
Property Tax Revenues:	$ 20,814.65
Grant/Other Revenues:	$ 0.00
Total Sewer Fund:	**$ 36,720.22**
Sewer Fund Expenditures:	**$ 15,000.00**

SECTION 2. ADOPTION OF BUDGET

The Budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Town of Rico for the year 2002. The Budget shall be signed by the Mayor or Mayor Pro Tem and made a part of the public records of the Town.

SECTION 3. EFFECTIVE DATE

This Ordinance shall take effect immediately.

ORDINANCE READ, APPROVED AND REFERRED TO A PUBLIC HEARING ON FIRST READING ON THE 15TH DAY OF JULY, 2002.

READ AND ADOPTED AFTER CONDUCTING A PUBLIC HEARING ON THE 21ST DAY OF AUGUST, 2002

By: ______________________
Thomas A. Clark, Mayor

Attest: ______________________
Linda Yellowman, Town Clerk

Approved as to Form: ______________________
Eric James Heil, Town Attorney

C:\Rico\Ordinances\Ord 02-4 Amending Budget.doc
7-14-02

TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-5

AMENDING ORDINANCE NO. 312 CONCERNING THE REGULATION OF DOGS

WHEREAS. the Board of Trustees of the Town of Rico finds that an increasing number of dogs running loose and unattended by their owners has resulted in a threat to the public health safety and welfare of the Rico community: and.

WHEREAS. the Board of Trustees finds that amending the existing Dog Regulations to prohibit owners from loosing their dogs to run at large in the Rico area and establishing dogs at large to be a violation of the Dog Regulations will promote the health. safety and general welfare of the Rico community:

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. ORDINANCE NO. 312 AMENDED

Ordinance No. 312 is hereby amended as follows:

SECTION 3: DEFINITIONS is amended to add the following definition:

"L. Dog At Large. A dog that is not on the property of the Owner and is not connected to the Owner by a leash.

M. Kennel. The owning. keeping. or harboring of four (4) or more dogs on any property. defined as a residential unit. a single family residential property. or a commercial premises. is deemed to be a Kennel."

SECTION 4. VIOLATIONS is amended to delete Section 4 in its entirety and re-enact Section 4 to read as follows:

"Any owner of a barking dog(s). nuisance dog(s). stray dog(s). trashing dog(s). vicious dog(s). dog(s) at large. dog(s) without current rabies vaccinations as evidenced by a state licensed veterinarian. dog(s) without a collar and current Rico dog license. or use of a property in the Town of Rico as a kennel are each deemed to be a violation of the Dog Regulations. The requirement for obtaining a license for any dog(s) and for demonstrating proof of rabies vaccination for any dog(s) shall not apply to dog(s) less than seven (7) months old."

SECTION 11.A. COLLAR AND TAG is amended to delete Section 11.A. in its entirety and re-enact Section 11.A. to read as follows:

"A. Owners of dogs that are a resident or property owner in the Town of Rico shall pay the annual license fee for each dog. For the purposes of this Ordinance an owner of a dog shall be deemed to be a resident if the owner or the owner's dog(s) reside in the Town of Rico for thirty days in a calendar year. Dog(s) shall wear a tag supplied by the Town of Rico attached to a collar that is worn by such dog(s). Proof of annual vaccination is a condition to licensing a dog. The Town of Rico shall issue to the owner a receipt for the payment and a tag for each dog licensed."

SECTION 12. ENFORCEMENT is amended by amending the first sentence to read as follows without amending the remainder of Section 12. :

"It is the duty of the enforcing officer to enforce the Rico Dog Regulations when a citizen has signed a complaint against the owner of the offending dog."

SECTION 17. KENNELS is added as a new section to read as follows:

"Section 17. Kennels. Kennels are not permitted as a use by right anywhere in the Town of Rico and can only be approved through a Special Use Permit process or zoning amendment process. A kennel use of a property is recognized to have significant impacts on surrounding properties and may not be compatible with adjacent land uses anywhere within the Town of Rico as it exists as of the date of this Ordinance. Appropriate areas for Kennel uses may be annexed into the Town of Rico in the future. Dog owners or properties that meet the definition of kennel as of the date of this Ordinance are deemed to be grandfathered and shall be permitted to continue to keep such individual dogs that exist as of the date of this Ordinance provided that no new or additional dogs are kept. harbored or owned on such property without complying with this Ordinance: and further provided that in the event such grandfathered kennel owners or properties keep. harbor or own a new or additional dog without coming into compliance with the Dog Regulations than such grandfathered status shall be immediately revoked."

SECTION 2. **EFFECTIVE DATE**. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. **POSTING AND PUBLISHING**. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times.

READ, MOVED AND APPROVED ON FIRST READING ON THE 20th DAY OF NOVEMBER, 2002. READ AND FINALLY ADOPTED AFTER CONDUCTING A PUBLIC HEARING ON THE 24th DAY OF FEBRUARY, 2002.

TOWN OF RICO, COLORADO

BY: ______________________
Tom Clark, Mayor

ATTEST: ______________________
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

____
Eric James Heil, Town Attorney

TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-6

ENACTING A TEMPORARY DEVELOPMENT RESTRICTION FOR ALL FLOOD PLAIN AREAS

WHEREAS, the Town of Rico is authorized to regulate the use of land within its jurisdiction by its Home Rule Charter authority, general police powers, and Colorado Revised Statutes Article 20, Title 29; and.

WHEREAS, the need for a waste water treatment system was identified and recommended in a WASTE WATER EVALUATION AND ANALYSIS, dated December 1995, prepared by Goff Engineering of Durango, and by the Engineering Report for 201 Wastewater Facilities Plan, dated December 1999, prepared by Rothberg, Tamburini and Winsor of Denver; and.

WHEREAS, the Board of Trustees has diligently pursued planning and financing for a waste water treatment system, including but not limited to retaining a engineer to prepare a federal Preliminary Engineering Report and applying for various federal and state financing; and.

WHEREAS, the Town of Rico has applied for grant funding from U.S.D.A. Rural Development, Environmental Protection Agency and the Economic Development Administration in the amount of $3.3 millions dollars; and.

WHEREAS, as a condition to receiving federal funding local communities are required to restrict or prohibit sewer service in flood plain areas; and.

WHEREAS, the Board of Trustees finds that the current flood plain regulations do not meet the federal requirements concerning development in flood plain areas and potential development is threatened in the flood plain areas, and that such development in the flood plain may jeopardize the ability of the Town of Rico to receive federal funding for a waste water treatment system, and thereby threatens the health, safety and general welfare of the Rico Community:

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

SECTION 1. <u>MORATORIUM ON FLOODPLAIN DEVELOPMENT</u>: A temporary development restriction is hereby established for all development application, subdivision, planned unit development, building, construction and excavation activities in all designated Flood Hazard zones, including Zone AE, Zone A, Zone X, and Zone Y, as defined in the Rico Land Use Code, for a period of four months from the effective date of this ordinance in order to preserve the status quo and provide time for the orderly formulation and establishment of appropriate flood plain regulations. Town shall not issue building or excavation permits or process applications for the development activities listed above; however, construction and excavation activities related to common public utility installation, repair, or maintenance, or related to abatement of a public nuisance or prevention of an emergency or direct unforeseeable threat to the public safety shall not be restricted by this ordinance.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

SECTION 3. EXPIRATION DATE. The temporary development restriction imposed by this ordinance shall expire and terminate on the 19th day of April, 2003, by operation of this ordinance and this Section 3. No further action shall be required by the Board of Trustees to terminate this ordinance.

SECTION 4. POSTING AND PUBLISHING. This Ordinance shall be posted at the Rico Post Office and Rico Town Hall and published in the Rico Sun-Times by title only.

SECTION 5. PENALTIES. It is unlawful for any person to violate any of the provisions of this Ordinance. Every person convicted of a violation of any provision stated or adopted in this Ordinance shall be punished by a fine not to exceed one thousand dollars ($1,000.00) or by imprisonment not exceeding one (1) year, or by such fine and imprisonment. Each day in violation of this ordinance shall constitute a separate violation.

READ, MOVED AND APPROVED ON FIRST READING AFTER CONDUCTING A PUBLIC HEARING ON THE 20th DAY OF NOVEMBER, 2002.

READ, MOVED AND APPROVED ON SECOND AND FINAL READING, AFTER CONDUCTING A PUBLIC HEARING THEREON, ON THE 18H DAY OF DECEMBER, 2002.

TOWN OF RICO, COLORADO

BY: ______________________
Tom Clark, Mayor

ATTEST: ______________________
Linda Yellowman, Town Clerk

APPROVED AS TO FORM:

____
Eric James Heil, Town Attorney

TOWN OF RICO
ORDINANCE NO. 2002-7

AN ORDINANCE ADOPTING THE YEAR 2003 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND, SETTING AND CERTIFYING TOWN MILL LEVIES

WHEREAS, the Board of Trustees designated Ashton Harrison, as Town Manager, to prepare and submit a proposed budget to the Governing Body; and,

WHEREAS, a public hearing was noticed and scheduled for the 13th day of December in accordance with the law;

WHEREAS, the Town of Rico has adopted the budget in accordance with the Local Government Budget Law on the 13th day of December, 2002; and,

WHEREAS, the Town of Rico has made provisions therein for revenues in an amount equal to or greater than the total proposed described below; and,

WHEREAS, the 2002 valuation for the Town of Rico as certified by the County Assessor is $5,243,545.00; and,

NOW, THEREFORE, be it resolved by the Board of Trustees, the following:

SECTION 1. BUDGETED REVENUES AND EXPENDITURES
The following sums are hereby appropriated for the revenue of each fund, for the purposes stated. The budgeted revenues and expenditures for each fund are as follows:

General Fund Revenues:	
Reserve Balance:	$ 166,375.00
Non Property Tax Revenues:	$ 79,300.00
Property Tax Revenues:	$ 68,270.00
Grant/Other Revenues:	$ 106,550.00
Total General Fund:	**$ 420,495.00**
General Fund Expenditures:	**$ 331,928.00**
Street Fund Revenues:	
Reserve Balance:	$ 53,860.00
Non Property Tax Revenues:	$ 38,080.00
Property Tax Revenues:	$ 9,360.00
Grant/Other Revenues:	$ 0.00
Total Street Fund:	**$ 101,300.00**
Street Fund Expenditures:	**$ 40,429.00**

Parks, Trails and Open Space Fund Revenues:

Reserve Balance:	$ 32,482.00
Non Property Tax Revenues:	$ 18,400.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 100,500.00
Total Parks, Trails and Open Space Fund:	**$ 151,382.00**

Parks, Trails and Opens Space Fund Expenditures: **$ 129,120.00**

Water Enterprise Fund Revenues:

Reserve Balance:	$ 202,610.00
Non Property Tax revenues:	$ 135,450.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00
Total Water Fund:	**$ 338,060.00**

Water Fund Expenditures: **$ 133,704.00**

Sewer Fund Revenues:

Reserve Balance:	$ 24,852.00
Non Property Tax Revenues:	$ 1,740.00
Property Tax Revenues:	$ 20,650.00
Grant/Other Revenues:	$ 0.00
Total Sewer Fund:	**$ 47,242.00**

Sewer Fund Expenditures: **$ 16,500.00**

SECTION 2. ADOPTION OF BUDGET

The Budget as submitted, amended, and hereinabove summarized by fund, hereby is approved and adopted as the budget of the Town of Rico for the year 2003. The Budget shall be signed by the Mayor or the Mayor Pro Tem and made a part of the public records of the Town.

SECTION 3. CERTIFICATION OF MILL LEVIES

That for the purpose of meeting all general operating expenses of the Town of Rico during the 2003 budget year there is hereby levied a tax of **13.020 mills** upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2002.

That for the purpose of meeting all street fund expenses of the Town of Rico during the 2003 budget year there is hereby levied a tax of **1.785 mills** upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2002.

That for the purpose of meeting all sewer fund expenses of the Town of Rico during the 2003 budget year there is hereby levied a tax of **3.939 mills** upon each dollar of the total valuation for assessment of all taxable property within the Town for year 2002.

SECTION 4. EFFECTIVE DATE
This Ordinance shall take effect immediately.

ORDINANCE READ, APPROVED ON FIRST READING ON THE 18TH DAY OF NOVEMBER, 2002. ORDINANCE READ AND ADOPTED ON FINAL READING THIS 13TH DAY OF DECEMBER, 2002.

By: ______________________
Thomas A. Clark, Mayor

Attest: ______________________
Linda Yellowman, Town Clerk

Approved as to Form: ______________________
Eric James Heil, Town Attorney

TOWN OF RICO, COLORADO
ORDINANCE NO. 2002-8

REQUIRING AN AFFIDAVIT FOR WRITE-IN CANDIDATES

WHEREAS the Town of Rico is a home rule community that can determine its election procedures as a matter of local concern: and.

WHEREAS C.R.S. §31-10-306 authorizes municipalities to adopt an ordinance requiring that no write-in votes shall be counted unless an affidavit of intent has been filed with the Town Clerk prior to twenty days before the day of the election: and.

WHEREAS the Board of Trustees finds that the affirmative consent by a potential write-in candidate shall promote efficient election of public officials and shall avoid the potential election of unwilling electors to elected positions:

NOW THEREFORE, THE BOARD OF TRUSTEES OF THE TOWN OF RICO ORDAINS:

Section 1. AFFIDAVIT OF INTENT REQUIRED. The Town Clerk shall not count any vote for write-in candidates unless an Affidavit of Intent has been completed. signed and filed with the Town Clerk by such write-in candidate at least twenty (20) days prior to the election. Such Affidavit of Intent shall indicate that the candidate desires the office and is qualified to assume the duties of that office if elected.

Section 2. CANCELLATION OF ELECTION. The Town Clerk shall have the authority to cancel a candidate election if. at the close of business on the nineteenth day before the election. there are not more candidates than offices to be filled at such election. including candidates filing Affidavits of Intent. the Clerk shall cancel the election and declare the candidates elected and such candidates shall be deemed elected. Notice of such cancellation shall be published. if possible. in order to inform the electors of the municipality. and the notice of such cancellation shall be posted at each polling place and in not less than one other public place.

Section 3. DESIGNATION OF ELECTED OFFICIALS TERMS. When an election has been cancelled pursuant to Section 2. and a question exists as to the vacancy a candidate is filling with regard to the term assigned to board positions by the staggered board terms. then the Town Board shall by motion assign the candidates to fill specific board positions in order to determine the term for each board member. All members of the Board of Trustees (including the Mayor) shall be eligible to vote on such motion and voting no conflict of interest shall be deemed to exist with regard to a vote on this matter.

READ, MOVED AND APPROVED ON FIRST READING ON THE 20TH DAY OF NOVEMBER, 2002. MOVED, SECONDED AND FINALLY PASSED ON SECOND AND FINAL READING ON THE 24TH DAY OF FEBRUARY, 2002.

TOWN OF RICO. COLORADO

BY: ______________________ ATTEST: ______________________
Thomas Clark. Mayor Linda Yellowman. Town Clerk

APPROVED AS TO FORM:
____
Eric James Heil. Town Attorney

Published by Title only before 2nd Reading in the Rico Sun-Times: ______________

Published by Title only after adoption in the Rico Sun-Times: ______________

C:\Documents and Settings\Eric James Heil\My Documents\Rico\Ordinances\Ord 02-8 Write-In Candidate Affidavit.doc
11/18/02