ORDINANCE NO. 2010-1

AN ORDINANCE OF THE TOWN OF RICO, COLORADO REPEALING ORDINANCE NO. 2004-7 AND ESTABLISHING OFFICIAL PLACES OF PUBLICATION AND POSTING

WHEREAS, the Town of Rico is a home rule municipality with broad authority to establish the manner and method of posting and publication;

WHEREAS, the Town Board of Trustees believes that both the Town Post Office and Town Hall are appropriate places for posting and publication due to their frequent use by citizens of the Town;

WHEREAS, the Town previously approved additional posting and publication at the Town's website pursuant to Ordinance No. 2004-7;

WHEREAS, the Town Board of Trustees believes that the Town website is no longer an appropriate place for posting and publication because of the time and associated costs required to post items on the website;

WHEREAS, the Town Board of Trustees has determined that in place of the website, the *Telluride Watch* is an appropriate place for posting and publication, in addition to the Rico Post Office and Town Hall;

WHEREAS, the Town Board of Trustees recognizes that the Town no longer has a paper of general circulation within the Town of Rico proper, and that the *Telluride Watch* is the next best alternative.

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

Section 1. Ordinance No. 2004-7 is hereby repealed.

Section 2. OFFICIAL POSTING AND PUBLICATION FOR NOTICING

The official places of posting shall be the Rico Town Hall and the Rico Post Office and the official publication shall be the *Telluride Watch*. These three places are deemed to be the official locations for all public notices and publications by the Town of Rico.

Section 3. EFFECTIVE DATE. This Ordinance shall be effective immediately upon final adoption.

Section 4. POSTING AND PUBLICATION. This Ordinance shall be posted at the Rico Post Office, Rico Town Hall and in the *Telluride Watch*.

INTRODUCED, READ, APPROVED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO ON THIS 17TH DAY OF FEBRUARY, 2010.

READ AND APPROVED ON SECOND READING BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO ON THIS 17th DAY OF MARCH, 2010.

Barbara L. Pierce

By: Rico Mayor

Linda Yellowman

Attest: Town Clerk

RICO ORDINANCE NO. 2010-2

AN ORDINANCE OF THE TOWN OF RICO, COLORADO, AMENDING TOWN ORDINANCE NO. 299, TO PROVIDE FOR CROSS-CONNECTION CONTROLS FOR THE TOWN OF RICO WATER SYSTEM BY REQUIRING TOWN WATER USERS TO INSTALL BACKFLOW PREVENTION DEVICES ON ALL WATER SERVICE CONNECTIONS AND PROVIDING FOR ANNUAL INSPECTION OF SUCH DEVICES

WHEREAS, a cross-connection is any point in a water distribution system where chemical, biological, or radiological contaminants may come into contact with potable water;

WHEREAS, during a backflow event, contaminants can be drawn or pushed back into the Town of Rico's potable water system;

WHEREAS, a backflow prevention device installed at every point of cross-connection prevents contaminated water from entering the Town of Rico's potable water distribution system;

WHEREAS, the Rico Board of Trustees believes that it is necessary to protect the health and welfare of the citizens of Rico by requiring the Town's water users to install backflow prevention devices on all water service connections within the Town's municipal water system.

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

SECTION I: AMENDMENT OF ORDINANCE NO. 299: Rico Ordinance No. 299, Section 4, shall be amended to add a subsection 4G and 4H as follows:

G. Backflow Prevention Devices. Each user of the Town of Rico water system shall install and maintain a backflow prevention device on all service connections with the Town water system. Each cross-connection may require a different type of backflow prevention device, commensurate with the degree of hazard posed by the cross-connection. Approval for the devices shall be obtained from the Town Manager or his designee, and shall be subject to annual inspection at the Town's discretion.

H. Installation of Backflow Devices. The Town of Rico shall have the exclusive authority to approve the installation and connection of all backflow devices set forth herein. All costs related to such installation and connection shall be borne by the water tap holder and shall be in addition to other Water Tap Fees.

SECTION II. Effective Date.

This Ordinance shall be effective upon its final passage by the Rico Board of Trustees and publication as required by Colorado Statute.

INTRODUCED, READ AND ADOPTED UPON FIRST READING THIS 21 DAY OF April, 2010.

INTRODUCED, READ, AND ADOPTED FOLLOWING PUBLIC HEARING UPON SECOND READING THIS 19 DAY OF May, 2010.

Barbara R. Betts

Rico Mayor

Attest: Town Clerk

TOWN OF RICO
ORDINANCE NO. 2010-3

AN ORDINANCE OF THE TOWN OF RICO, COLORADO AMENDING RICO BUDGET ORDINANCE NO. 2009- 5 TO REFLECT ADDITIONAL REVENUES AND EXPENDITURES

WHEREAS, the Rico Town Charter, Article VI, sec. 6.7, states that the Rico Board of Trustees may make additional appropriations by Ordinance during the fiscal year to amend the Town's 2010 Budget as previously adopted by Ordinance No. 2009-5, for unanticipated expenditures or receipt of additional revenues;

WHEREAS, the Town of Rico has received additional revenues to its General Fund in the total amount of $ 215,623.46; and has received additional funds of $300 from the Motor Vehicle Tax to its General Fund; and has received additional funds of $1,000.00 from the Lodging Tax to its General Fund; and has received additional funds of $500.00 from the Interest bearing fund to its General Fund; and has received additional funds of $2,500 in the form a DOLA grant for development of a Three Mile Plan; and has received additional funds of $25,000 for reimbursement of Town staff and attorney time related to the Town's Voluntary Clean-up program with AR and the State of Colorado; and has received additional revenues of $150,000 from Atlantic Richfield Company (AR) to reimburse the Town for expenses incurred in hiring a consultant, the Trust for Land Restoration, to aid the Town in finalizing and closing the Rico Soils VCUP with AR and the State of Colorado; and has received additional revenues of $9,000 in grant monies from the Rico Center to assist the town on special projects; and has received additional revenues of $2,000 for reimbursement of Town Staff from Planning Applications to aid the town in planning application proposals; and has also received additional revenues in the form of Severence Taxes from Dolores County in the amount of $21,334.92, and in Mineral Leasing Revenues in the amount of $3,988.54; and

WHEREAS, the Town of Rico has experienced a decrease in projected revenues in the general for the total fund amount of $10,030; a decrease of revenue of $1,350 in building permits; and a decrease of revenue of $400 in business licenses: and a decrease of revenues of $6,500 in Fines; and a decrease of revenues of $1,780 in excise tax; and

WHEREAS, the Town of Rico's General Fund has incurred additional expenses in the amount of $202,500.00; additional expenses are for Town attorney time working on the Town's Voluntary Clean-up (VCUP) program with AR and the State of Colorado in the amount of $25,000; for expenses incurred for services rendered by the Trust for Land Restoration regarding the VCUP in the amount of $150,000; and for attorney and contract planner time for services rendered in developing a Three Mile Plan in the amount of $5,000; and has incurred additional expenses in the amount of $2,000 for Supplies; and has incurred additional expenses in the amount of $2,000 for Treasurer's Fees; and has incurred additional expense in the amount of $3,000 for miscellaneous

expenses; and has incurred additional expense in the amount of $2,000 for Sales & Use Tax; and incurred additional expense in the amount of $500 for the Town Clean up Day; and has incurred additional expense in the amount of $2,000 for the Debit Card Miscellaneous: and has incurred additional expense in the amount of $9,000 for the Rico Center projects; and has incurred additional expense in the of $2,000 for Contract Planning Services on town Planning Applications; and

WHEREAS, the Town of Rico has experienced a total decrease of projected expenses in the general fund of $14,750; a decrease of expense of $600 for the auditor: and a decrease of expense of $2,000 for website maintenance; a decrease in expense of $224.60 for utilities; a decrease of expense of $1,125.40 July 4th; a decrease of expense of $800 for Traffic Fines; a decrease of expense of $10,000 for Rico Center Grant; and

WHEREAS, the Town of Rico has received additional revenues to its Water Fund in the total amount of $21,525.24; and has received additional funds of $21,525.24 from the Department of Local Affairs concerning the Water Project; and

WHEREAS, the Town of Rico has experienced a decrease in projected total revenues in its water fund of $19,800; a decrease of revenue of $2,800 for tap installation; a decrease of revenue of $17,000 for water tap revenue; and

WHEREAS, the Town of Rico has incurred additional expenses to its Water Fund in total amount of $28,500; these expenses include additional expense for propane of $500.00; and additional expense in the amount of $28,000 for the Water Project from the Department of Local Affairs; and

WHEREAS, the Town of Rico has experienced a decrease of projected total expenses to its Water Fund of $3,849.95; a decrease of expense of $600 for the auditor; a decrease in expense $150 chlorine supplies; a decrease of expense of $2,650 for tap installation; a decrease of $449.95 for DWCD; and

WHEREAS, the Town of Rico has received additional revenues to its Street Fund in the total amount of $3,394.42; additional revenues are $2,000 from Franchise Taxes; and received additional revenue from County R&B Reappointment of $1,244.42; and additional revenues from interest bearing account of $150.00; and

WHEREAS, the Town of Rico has incurred additional expenses to its Street Fund in the total amount of $9,907.00; additional expenses are$1,000 for additional fuel: and additional expense of $4,007 for equipment repair; and additional expense of $600 for utilities; and additional expense of $300 for Treasurer Fees; and additional expense of $4,000 for a new maintenance vehicle; and

WHEREAS, the Town of Rico has experienced a decrease of projected total expenses to its Street Fund of $1,072.50; a decrease of expense of $472.50 for dust control; a decrease in expense of $600 for the auditor: and

WHEREAS, the Town of Rico Board of Trustees declares that it is in the best interest of the Town's citizens and necessary for the health, safety and welfare of the Town to amend the 2010 annual budget to reflect the above described increases in revenues and expenses.

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

SECTION 1. BUDGETED REVENUES AND EXPENDITURES. As set forth in the tables attached hereto the 2010 Budget is hereby amended to reflect the following:

1. An increase in the General Fund revenues in the total amount of $205,593.46.
2. An increase in the General Fund expenses in the total amount of $187,750.
3. An increase in the Water Fund/Capital Improvements revenues in the total amount of $1,725.24
4. An increase in the Water Fund/Capital Improvements expenses in the total amount of $24,650.05
5. An increase in the Street Fund revenues in the total amount of $3,394.32.
6. An increase in the Street Fund expenses in the total amount of $8,834.50

The source of these additional revenues and expenditures are as set forth herein.

SECTION 2. The amendments set forth herein in no way effect the taxes levied as set forth in the 2010 Budget previously adopted by Ordinance No. 2009-5.

SECTION 3. This Ordinance shall take effect immediately upon final adoption.

ORDINANCE INTRODUCED, READ, APPROVED AND ADOPTED ON THE 20th DAY OF OCTOBER 2010.

ORDINANCE READ, APPROVED AND ADOPTED BY FINAL READING THIS 6th DAY OF DECEMBER 2010.

By: Barbara L. Betts
Mayor

Attest: Linda Gellenson
Town Clerk

TOWN OF RICO
ORDINANCE NO. 2010 -4

ADOPTING THE YEAR 2011 TOWN BUDGET; APPROPRIATING SUMS OF MONEY; AND, SETTING AND CERTIFYING TOWN MILL LEVIES

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

WHEREAS, a public hearing was conducted on the 20th day of October and the 6th day of December in accordance with the law;

WHEREAS, the Rico Town Board finds that the adoption of the budget is essential to the provision of basic and necessary services and finds that this ordinance is necessary for the preservation of the health, safety, and general welfare of the Rico community; and,

WHEREAS, the Town of Rico has adopted the budget in accordance with the Local Government Budget Law on the 6th day of December, 2010; 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 2010 valuation for the Town of Rico as certified by the County Assessor is $9,751,473 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:	$ 547,856.76
Non Property Tax revenues:	$ 162,108.12
Property Tax Revenues:	$ 126,964.17
Grant/Other Revenues:	$ 62,900.00
Total General Fund:	**$ 899,829.05**
General Fund Expenditures:	**$ 351,207.74**

Street Fund Revenues:

Reserve Balance:	$ 132,418.46
Non Property Tax Revenues:	$ 40,107.93
Property Tax Revenues:	$ 17,406.37
Grant/Other Revenues:	$ 500.00

Total Street Fund: **$ 190,432.79**

Street fund Expenditures: **$ 52,989.13**

Parks, Trails and Open Space Fund Revenues:

Reserve Balance:	$ 39,441.78
Non Property Tax Revenues:	$ 7,300.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 10,271.78

Total Park, Trails and Open Space Revenues: **$ 57013.56**

Parks, Trails and Open Space Expenditures: **$ 17,071.78**

Water Fund Revenues:

Reserve Balance	$ 240,048.33
Non Property Tax Revenues:	$ 122,500.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 1,442,960.85

Total Water Fund Revenues: **$ 1,805,509.18**
Water Fund Expenditures: **$ 1,554,312.82**

Sewer Fund Revenues:

Reserve Balance:	$ 121,285.55
Non Property Tax Revenues:	$ 2,300.00
Property Tax Revenues:	$ 38,411.05
Grant/Other Revenues:	$ 0.00

Total Sewer Fund: **$ 161,996.60**

Sewer Fund Expenditures: **$ 23,438.09**

Conservation Trust Revenues:

Reserve Balance:	$ 16,369.47
Non Property Tax Revenues:	$ 2,500.00
Property Tax Revenues:	$ 0.00
Grant/Other Revenues:	$ 0.00
Total Conservation Trust:	**$ 18,869.47**
Conservation Trust Expenses:	**$ 2,000.00**

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 2011. The Budget shall be signed by the Mayor and made 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 2011 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 2010.

That for the purpose of meeting all street fund expenses of the Town of Rico during the 2011 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 2010.

That for the purpose of meeting all sewer fund expenses of the Town of Rico during the 2011 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 2010.

Section 4. EFFECTIVE DATE
This Ordinance shall take effect immediately upon final adoption.

ORDINANCE INTRODUCED, READ APPROVED AND ADOPTED ON THE 20th DAY OF OCTOBER 2010.

ORDINANCE READ, APPROVED AND ADOPTED ON FINAL READING THIS 6th DAY OF DECEMBER 2010.

By: Barbara R. Stella **Mayor** **Attest:** Linda Hallowman **Town Clerk**

TOWN OF RICO ORDINANCE NO. 2010-5

AN EMERGENCY ORDINANCE OF THE TOWN OF RICO, COLORADO EXTENDING A TEMPORARY MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES, FOR A PERIOD OF SIX MONTHS AND FURTHER DECLARING AN EMERGENCY

WHEREAS, the Town of Rico is a home-rule municipal corporation created and organized pursuant to the Colorado Constitution, Article XX, and the Town of Rico Home Rule Charter; and

WHEREAS, by virtue of such authority, and as further authorized by State statutes, including, but not limited to, C.R.S. sec. 31-15-401, the Town has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the community and its inhabitants; and

WHEREAS, such police powers include the power to regulate the nature and type of businesses allowed within the community; and

WHEREAS, the Rico Home Rule Charter, Section 3.6, gives the Rico Board of Trustees the authority to pass an emergency ordinance upon one reading in order to protect the public health, safety and welfare of its citizens; and

WHEREAS, in the year 2000, the voters of the State of Colorado approved Amendment 20 to the Colorado Constitution, which was subsequently codified as Colorado Constitution, Article XVIII, Section 14, which authorizes the medical use of marijuana by persons suffering from debilitating medical conditions; and

WHEREAS, subsequent to the adoption of Amendment 20, the use of marijuana for any purpose, including the treatment of debilitating medical conditions, remained unlawful under Federal law; and

WHEREAS, the Federal government has recently modified its policies concerning the prosecution of Federal marijuana violations in states, like Colorado, which have legalized its use for medical purposes; however, marijuana remains a controlled substance, the possession or use of which is illegal under both State and Federal law, with the limited exception of the medical use of

marijuana authorized by Section 14 of Article XVIII of the Colorado Constitution; and

WHEREAS, as a result of the passage of Amendment 20, and the change in Federal policy regarding the prosecution of marijuana use for medical purposes, there has been a proliferation of medical marijuana dispensaries in Colorado and in other states which have also adopted laws authorizing the medical use of marijuana; and

WHEREAS, in recognition of the continuing illegality of marijuana sale or use, for purposes other than the treatment of debilitating medical conditions, the regulation of medical marijuana dispensaries is a necessary exercise of the municipal police power to assure that such dispensaries are appropriately located within the community, that the hours of operation of such facilities are consistent with the requirements of applicable law, as well as the health, safety and welfare of the community, that such dispensaries are not located adjacent to schools, or other areas frequented by minors, and that such dispensaries are operating in a manner which is compliant with the intent of Amendment 20; and

WHEREAS, the Colorado General Assembly has adopted the Colorado Medical Marijuana Code, Article 43.3 of Title 12, C.R.S, which was signed into law in June 2010. This legislation provides for the licensing and regulation of certain medical marijuana facilities by State and local licensing authorities. The new legislation gives the Town of Rico the authority to adopt specific and detailed regulations for the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers, or to prohibit them altogether in accordance with C.R.S. sec. 12-43-106; and

WHEREAS, the Rico Board of Trustees finds that existing regulations within the Town's Ordinances and Land Use Code do not adequately address the potential impacts of medical marijuana dispensaries within the community, and that adequate time is required to allow Town staff to develop such regulations for subsequent review and potential approval by the Rico Board of Trustees. In addition, the Town wishes to conduct work sessions with the Board of Trustees and the citizens of Rico to determine whether to adopt such regulations or to prohibit these businesses altogether; and

WHEREAS, the Rico Board of Trustees finds that the recent proliferation of medical marijuana dispensaries within the State constitutes an emergency affecting the health, safety, property and public peace of the citizens of Rico, and that the Board of Trustees needs adequate time to study the new State laws and to develop its approach to this important issue; and

WHEREAS, the Rico Board of Trustees has previously adopted a moratorium on medical marijuana dispensaries, growers and businesses on December 16, 2010 and finds that an additional six month moratorium period is warranted to study the newly enacted Medical Marijuana Code, Article 43.3 of Title 12, C.R.S, which was signed into law in June 2010; and

WHEREAS, the Town of Rico declares an emergency which warrants an extension of the existing temporary moratorium on medical marijuana dispensaries (medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers as set forth in Article 43.3 of Title 12, C.R.S) within the Town of Rico for an additional six months; and

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

SECTION 1:

The foregoing recitals are hereby affirmed and incorporated by this reference.

SECTION 2:

This moratorium shall apply to any person or entity holding itself out to function or do business as a medical marijuana center, optional premises cultivation operation, and/or medical marijuana-infused products manufacturer for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such marijuana as the same is defined by Colorado Constitution, Article XVIII, Section 14 (Amendment 20) and the Medical Marijuana Code, Article 43.3 of Title 12, C.R.S.

SECTION 3:

The Town Board of Trustees hereby declares a moratorium on medical marijuana dispensaries and on any business purporting to sell or actually selling marijuana for medical use within the Town of Rico. No medical marijuana center, optional premises cultivation operation, and/or medical marijuana-infused products manufacturer, as those terms are defined by the State's Medical Marijuana Code, Article 43.3 of Title 12, C.R.S., shall be owned, operated or located within the Town of Rico. Further, no medical marijuana center, optional premises cultivation operation, and/or medical marijuana-infused products manufacturer shall be considered a "use by right", an "accessory use", a "conditional use", subject to a "special use permit" or a "lawful nonconforming use" in any zone district of the Town of Rico during the period of this moratorium.

Upon the effective date of this Ordinance and for six months thereafter, no application for a business license or for a sales tax license for a medical marijuana dispensary as set forth herein, or for any business purporting to sell or actually selling marijuana for medical use, shall be accepted, processed, approved or issued by the Town of Rico.

SECTION 4:

It shall be illegal during the period of this moratorium for any person or entity to function, do business as, or hold himself out as a medical marijuana center, optional premises cultivation operation or medical marijuana-infused products manufacturer as those terms are defined by C.R.S. sec. 12-43-106 for the purpose of acquisition, possession, production or transportation of marijuana or paraphernalia related to the administration of such marijuana as the same is defined by Colorado Constitution, Article XVIII, Section 14 (Amendment 20) and the Medical Marijuana Code, Article 43.3 of Title 12, C.R.S.

This Ordinance shall be considered a moratorium on the operation and location of any medical marijuana dispensaries as set forth herein within the Town of Rico. This ordinance is temporary and shall be in effect for a period of six months and may be extended until such time as the interplay between Federal and State law,

Amendment 20, the Colorado Medical Marijuana Code and the application of local Town ordinances has been clarified sufficiently to allow the adoption of appropriate regulations. The Town Staff and Town Attorney are directed to provide periodic reports and recommendations to the Town Board of Trustees accordingly.

SECTION 5:

Emergency Declared.

The Board of Trustees finds that the passage of this Ordinance is necessary for the immediate preservation of the public peace, health and safety in order to prevent the establishment of medical marijuana dispensaries, as set forth herein, before the Town of Rico has a reasonable opportunity to determine the extent of the Town's regulatory authority over such businesses, the regulations which should be imposed, and the interplay of State and Federal law, including Amendment 20 and the newly enacted Colorado Medical Marijuana Code. The Board of Trustees declares that this matter constitutes an emergency as that term is defined by the Rico Home Rule Charter.

SECTION 6:

All other Town ordinances, or portions thereof, which are inconsistent or conflicting with this Ordinance, or any portion hereof, are hereby repealed to the extent of such inconsistency or conflict.

SECTION 7:

If any portion of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 8:

This Ordinance shall be effective upon adoption, and the moratorium imposed shall commence as of the date of the adoption of this Ordinance, and shall be in effect until further action by the Board of Trustees or for a period of six months, whichever occurs first.

INTRODUCED, READ, AND ADOPTED BY A MAJORITY VOTE OF THE RICO BOARD OF TRUSTEES ON THIS 6TH DAY OF DECEMBER, 2010, AND PUBLISHED THEREAFTER IN ACCORDANCE WITH THE RICO HOME RULE CHARTER.

TOWN OF RICO, COLORADO

Barbara L. Bitz

Rico Mayor

ATTEST:

Linda Gillowma

Rico Town Clerk