

ORDINANCE 219

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE CHAPTER ENTITLED SUBDIVISION.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes and the municipal codes are being reviewed; and

WHEREAS, the needs of the town have made it necessary to revise the Subdivision section of the municipal code; and

WHEREAS, it is necessary to add requirements from Colorado Revised Statutes (C.R.S.) 24-65.5-101 et. seq. and 31-23-215, pertaining to a notification of and hearing for mineral owners and lessees of mineral owners as it affects a proposed subdivision; and

WHEREAS, the agencies have expanded to which the plats must be distributed according to current code; and

WHEREAS, the Subdivision chapter shall be amended per the attached document, those changes superseding any ordinance or portions of ordinances related to subdivision before this date; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 11^h day of May, 2004.

TOWN OF IGNACIO, COLORADO:

By: Katharine Emule
Mayor

Attest:

By: Andrew M. Valdez
Town Clerk

(D) Subdivider - Any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including any agent of the "subdivider."

Subdivision

(A) Major Subdivision - The division of a parcel of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

(B) Minor Subdivision - The division of a parcel of land into two (2) to five (5) parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.

2-3 Minimum Requirements

(A) Applicability - In their interpretation and application, the provisions of this chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.

(B) **Obligations to mineral estate owners and lessees of mineral owners, applies to Major and Minor plats, but not Amended plats.**

1. The provisions of C.R.S. 24-65.5-101 et.seq. and C.R.S. 31-23-215 require that notice of any application for development be given to mineral estate owners prior to public hearings by the Town on those applications and require that the names of all mineral owners and lessees of mineral owners be shown on recorded plats approved by the Town.
2. It is the burden of any Applicant to assure compliance with the provisions of the referenced statutes and all Applicants shall provide the Town with a list of mineral estate owners and lessees of mineral estate owners on any property subject to a development or subdivision application at the time of submission of an application.
3. The Applicant shall supply the Town with a statement that they have undertaken a good faith examination of the records of the La Plata County Clerk and Recorder to determine the names and addresses of all mineral estate owners and lessee of mineral estate owners. The applicant shall not be liable for any errors or omission on Clerk and recorder records.
4. This statute requires the Applicant to send a notice by registered mail to mineral lessees and owners of the affected plat, at least thirty days ahead of a hearing date. The hearing date can be coordinated with the last review of the plat by the Board of Trustees, as long as notices have been

mailed in the appropriate time frame. No plat shall be acted on by the Board of Trustees without affording a hearing thereon.

2-4 Territorial Scope.

The territory within which these regulations are applicable shall include all land located within the legal boundaries of the Town of Ignacio.

2-5 Purpose - Major Subdivisions.

The purposes of the major subdivision procedure are:

- (A) To divide a parcel of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
- (B) To change an existing subdivision when the change involves rights-of-way or major easements.

2-6 Subdivision Procedure.

(A) The subdivider is responsible for having a representative at all meetings where the subdivision request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.

(B) The subdivider shall submit a vicinity sketch map to the Town Manager. Such map shall be at a scale of one (1) inch represents six hundred (600) feet and shall show an area extending at least one-half (1/2) mile in each direction beyond the boundaries of the proposed subdivision. Such map shall show existing streets and highways, natural drainage courses and similar major natural or man-made features of the area. In addition, such map shall indicate the major uses of property in the area covered by the map, including residential, commercial, industrial and public uses.

(C) Preliminary Plat.

(1) Procedure. The subdivider shall submit to the Town Manager a minimum of **nine (9) copies** of the preliminary plat, along with the review fee as adopted by the Town Board a minimum of twenty-one (21) days prior to a regularly scheduled meeting of the Town Board.

- (a) Upon receipt of the preliminary plat, the Manager shall distribute copies of the preliminary plat to the following agencies and offices for review and comments. Such offices

and agencies shall advise the Manager of any objections to such plat within fifteen (15) days after receipt of the same, and failure to object within fifteen (15) days shall constitute approval by such office or agency. Such offices or agencies include:

1. Century Tel
2. Ignacio School District
3. Town Engineer
4. Los Pinos Fire Department
5. Town of Ignacio Gas & Water Departments
6. La Plata Electric Co.
7. Ignacio Sanitation District

8. Rural Route Video

9. Southern Ute Indian Tribe Utilities

- (b) The subdivider shall meet with the Manager to review the recommendations of the referral agencies.
 - (c) The preliminary plat and recommendations shall be reviewed by the Town Board at its next regularly scheduled meeting.
 - (d) The Town Board shall either approve or disapprove the preliminary plat. If the preliminary plat is approved, it shall be valid for a period of one (1) year from the date of approval.
- (2) Plats and Data. All preliminary plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:
- (a) The date of preparation, the scale, and a symbol designating true North.

- (b) The proposed name of the subdivision.
 - (c) The legal description.
 - (d) The names and boundaries of adjacent subdivisions, streets and property owners.
 - (e) The names, addresses and phone numbers of the subdivider and the firm or person responsible for preparing the plat.
 - (f) The location and dimensions of all existing streets, alleys, easements, rights-of-way, watercourses and contours within and adjacent to the subdivision and the names of all such streets. The location of existing gas, water, sewer pits and meters.
 - (g) The location and dimensions of all proposed streets, alleys, easements, rights-of-way, watercourses and contours within and adjacent to the subdivision and the names of all such streets. The location of proposed gas, water, sewer pits and meters.
 - (h) The lot numbers and approximate dimensions.
 - (i) The total acreage devoted to streets, public areas and other uses.
 - (j) Designation of any area subject to flooding and adequate easements for flood control.
- (3) Supportive informational. The following supportive information shall be submitted with the preliminary plat.
- (a) Copies of any proposed deed restrictions.
 - (b) Soil types and restrictions.
 - (c) Description and location of any hazardous areas in the subdivision and proposed remedial features.
 - (d) *A statement that the Applicant has complied with C.R.S. 24-65.5-101 e.1 seq. and C.R.S. 31-23-215 regarding notification to mineral owners and lessees of mineral owners. (Requirements 2-3 (B))*

(D) Major Subdivision Final Plat.

- (1) Procedure. The subdivider shall submit to the Manager a minimum of **nine (9)** copies of the final plat, along with the fee adopted by the Town Board per sheet, a minimum of ten (10) days prior to a regularly scheduled meeting of the Town Board.
 - (a) Upon receipt of the final plat, the Manager shall distribute copies of the final plat to the appropriate agencies and offices.
 - (b) The Manager shall prepare a memorandum of agreement for public improvements which shall be signed by the developer.
 - (c) The final plat, recommendation of the Manager, memorandum of agreement *and verification of notification to mineral owners and lessees of mineral owners* shall be reviewed at the next regularly scheduled meeting of the Board of Trustees, which shall either approve or disapprove the final plat or refer the same back to the Manager for further study.
 - (d) If further study is required, the final plat and recommendations shall again be reviewed by the Town Board at its next regularly scheduled meeting. The Town Board shall either approve, conditionally approve or disapprove the final plat within 35 days of its initial review
 - (f) The subdivider shall submit to the Manager two (2) Mylars of the final plat and 4 copies of the final plat. One (1) Mylar and one (1) shall include signatures on the following certification blocks:
 1. Dedication
 2. Notarial certificate
 3. Surveyor's certificate
 4. Town officials: Mayor and Clerk
 - (h) The Town Manager shall cause the approved final plat to be recorded in the office of the La Plata County Clerk and Recorder.
 - (i) The subdivider may apply for building permits after copies of the recorded plat have been received by the Town Manager.

(2) Plats and Data. All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall conform to the preliminary plat as approved, except that the final plat may constitute only a portion of the territory covered by the preliminary plat.

(a) The final plat shall contain the following information:

1. The date of preparation, the scale and a symbol designating true North.
 2. The name of the subdivision.
 3. The legal description.
 4. The names and boundaries of adjacent subdivisions, streets and property owners.
 5. The names, addresses and phone numbers of the subdivider and the firm or person responsible for preparing the plat.
 6. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 7. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
 8. The location and physical description of all monuments.
 10. Identification of each lot or site by a number and designation of the area of which lot in square feet.
 - 11. Names of all mineral owners and lessees of mineral owners.**
- (b) Appropriate certification blocks, as approved by the Board, shall appear on the final plat.

(3) Supportive Information. The following supportive information shall be submitted with the final plat:

- (a) Legal opinion as to proof of land ownership.
- (b) The transfer of all required water rights.
- (c) A traffic control plan showing all controls as per recommendation of the Town Engineer.
- (d) Four (4) copies of the complete street plans and profiles, prepared and certified by a registered engineer. Such plans and profiles shall be prepared at a scale no smaller than one (1) inch represents fifty (50) feet.
- (e) Four (4) copies of the final approved drainage plan.
- (f) A copy of design soil test results and the corresponding location map
- (g) Four (4) copies of the complete profiles of storm drainage facilities, sanitary sewers and water mains, with grades and sizes included.
- (h) A copy of the final approved utility plan.
- (i) *A signed statement verifying the good faith examination of the La Plata County Clerk and Recorder records of the names and addresses of all mineral estate owners and lessees of mineral owners on any property subject to a development or subdivision and the notification to those owners and lessees of the intended subdivision hearing date.*

2-7 Purpose - Minor Subdivisions.

The purpose of the minor subdivision procedure is to divide a parcel of land into two (2) to five (5) parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership.

2-8 Minor Subdivision Procedure.

- (A) Minor Subdivision Preliminary Plat.

- (1) Procedure. The subdivider shall consult with the Manager in regards to the requirements of this Article and any special consideration pertaining to the site.
 - (a) The subdivider shall submit a review fee as adopted by the Town Board and a minimum of **nine (9)** copies of the preliminary plat to the Manager.
 - (b) Upon receipt of the preliminary plat, the Manager shall distribute copies of the preliminary plat to the appropriate agencies and offices as listed. Such offices and agencies shall advise the Manager of any objections to such plat within fifteen (15) days after receipt of the same, and failure to object within fifteen (15) days shall constitute approval by such office or agency.
- (2) Plats and data. The preliminary plat shall be made at a scale of either one (1) inch represents one hundred (100) feet or one (1) inch represents fifty (50) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:
 - (a) The date of preparation, the scale, and a symbol designating true North.
 - (b) The proposed name of the subdivision.
 - (c) The legal description.
 - (d) The names and boundaries of adjacent subdivisions, streets and property owners.
 - (e) The names, addresses and phone numbers of the subdivider and firm or person responsible for preparing the plat.
 - (f) The location and dimensions of all waterways, rights-of-way, easements, streets and contours within and adjacent to the subdivision and the names of all such streets. The location of all existing gas, water, sewer pits and meters.
 - (g) The location and dimensions of all waterways, rights-of-way, easements, streets and contours within and adjacent to the subdivision and names of all such streets. The location of proposed gas, water, sewer pits and meters.

- (h) The lot numbers and approximate dimensions of the total lots.
- (i) The total acreage devoted to streets, public areas and other uses.

(B) Minor Subdivision Final Plat.

- (1) Procedure. The subdivider shall submit to the Manager a minimum of **nine (9)** copies of the final plat, along with the fee adopted by the Town Board per sheet, a minimum of ten (10) days prior to a regularly scheduled meeting of the Town Board.
 - (a) The final plat shall be reviewed by the Manager.
 - (b) The Manager shall prepare a memorandum of agreement for public improvements which shall be signed by the developer.
 - (c) The final plat, recommendation of the Manager, memorandum of agreement and verification of notification to mineral owners and lessees of mineral owners shall be reviewed at the next regularly scheduled meeting of the Board of Trustees, which shall either approve or disapprove the final plat or refer the same back to the Manager for further study.
 - d) If further study is required, the final plat and recommendations shall again be reviewed by the Town Board at its next regularly scheduled meeting. The Town Board shall either approve, conditionally approve or disapprove the final plat within 35 days of its initial review
 - (e) The subdivider shall submit to the Town Board three (3) Mylars and a minimum of four (4) copies of the final plat. One (1) Mylar and one (1) copy shall include signatures on the following blocks:
 - (1) Dedication.
 - (2) Notarial certificate.
 - (3) Surveyor's certificate.
 - (4) Town Officials: Mayor and Clerk

- (d) The Town Manager shall cause the approved final plat to be recorded in the office of the La Plata County Clerk and Recorder.
- (e) The subdivider may apply for building permits after copies of the recorded plat have been received by the Town Manager.
- (2) Plats and data. All final plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall conform to the preliminary plat as approved.
 - (a) The final plat shall contain the following information, in addition to the information on the preliminary plat:
 - (1) All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
 - (2) A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 - (3) The location and physical description of all monuments.
 - (4) Identification of each lot or site by a number and a designation of the area of each lot in square feet.
 - (5) Appropriate certification blocks, as approved by the Board of Trustees, shall appear on the final plat.
 - (6) **Names of all mineral owners and lessees of mineral owners.**
 - (3) Supportive information. The following supportive information shall be submitted with the final plat:
 - (a) Legal opinion as to proof of land ownership.
 - (b) The transfer of all required water rights.
 - (c) A traffic control plan showing all controls as per recommendation of the Town Engineer.

- (d) Four (4) copies of the complete street plans and profiles, prepared and certified by a registered engineer. Such plans and profiles shall be prepared at a scale no smaller than one (1) inch represents fifty (50) feet. *(as requested by town administration)*
- (e) Four (4) copies of the final approved drainage plan (as requested by town administration).
- (f) A copy of design soil test results and the corresponding location map (as requested by town administration)
- (g) A copy of the final approved utility plan.
- (h) *A signed statement verifying the good faith examination of the La Plata County Clerk and Recorder records of the names and addresses of all mineral estate owners and lessees of mineral owners on any property subject to a development or subdivision and the notification to those owners and lessees of the intended subdivision hearing date.*

2-9 Purpose - Amended Plats.

The purpose of the amended plat procedure is to change lot lines in an existing subdivision or plat where no additional lots are being created, no new easements or rights-of-way are necessary and all requirements of the Subdivision Ordinance is maintained.

2-10 Procedure, Plats and Data.

(A) Procedure.

- (1) The applicant shall consult with the Manager in regards to the requirements of this Article and any special conditions pertaining to the site.
- (2) The applicant shall submit to the Manager the review fee as adopted by the Town Board and a minimum of three (3) copies of the amended plat.
- (3) The applicant shall meet with the Manager to review any recommended changes or corrections.

ORDINANCE 218

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, CHANGING THE NAME OF THE CHAPTER ENTITLED WATER TO THE CHAPTER ENTITLED UTILITIES: PERMITS, CONNECTIONS, CONSERVATION, BILLING AND AMENDING SAID CHAPTER.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal codes are being reviewed; and

WHEREAS, the establishment of what constitutes a healthy and orderly Town has been considered; and

WHEREAS, the needs of the town have made it necessary to revise the utilities section of the municipal code, adding gas use, irrigation water use and other services to current water use code; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 9^h day of March, 2004.

TOWN OF IGNACIO, COLORADO:

By: *Katherine Shuck*
Mayor

Attest:

By: *Gregory McVadez* Town Clerk

CHAPTER IV: *Utilities: Permits, Connections, Conservation, Billing*
(Ord 168 11-10-98 Rev Ord ___ - __ -04)

BOLD=new info
ITALICS=amended

4-1 Water

4-1-1 Compliance with Article.

It is unlawful for any person not authorized by the Article to make any connection with any water pipe or main of the waterworks or for any authorized person to ***get a tap*** or connection contrary to the provisions of the Article. ***No one except an employee approved by the Public Works Manager may open or shut off valves to the utility.***

4-1-2 Permit.

- (A) REQUIRED. It is unlawful for any person to make any connection with the pipeline or waterline forming a part of the waterworks without having first obtained a tap permit therefore.
- (B) Application. The Public Works Manager shall supervise and Office Staff shall administer the issuance of all applications for water services which shall be a permit to ***get a tap to the mains*** of the waterworks in accordance with the provisions of this Article. All application for permits to tap shall be on a form provided by the Town and shall be in writing to the Office Staff.
- (C) Issuance. All permits to tap, as required by this Article, shall be issued and signed by the Office Staff and shall set forth the requirements specified in subsection B.
- (D) Transfer. Any permit to tap issued under the provisions of this Article shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.

4-1-3 Plant Investment Fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay to the Town through the Office Staff, a plant investment fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No water connection shall be made to the Town water utility until such time as the plant investment fee, material or other connection charges have been paid and a tap permit issued.

4-1-4 Extension of Existing Service.

All building permit applications shall be reviewed by the Public Works Manager, and a determination shall be made by the Public Works Manager whether any proposed enlargement, addition or expansion of water using facilities can adequately be served by the existing water connection. Such determination shall be made by applying the standards of the American Water Works Association and with consultation with Tribal staff. If the Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed *by the Town, at the property owner's expense.*

After December 1, 1998, a physical structure containing more than one business or residential unit may be served by one meter only under extraordinary circumstances with the specific written permission of the Tribe. (from Agreement SUIT and Town, 1998) Multiple units on one lot, which are not in the same structure, shall require an individual meter for each unit. Any extension of service which occurs after July 1, 1998 (whether or not a larger service is required or additional meters are required) shall include the installation of individual shut off valves on each use. Any new meter installation shall be done in accordance with Section 4-1, provided that the person making an expanded tap connection shall pay the then established plant investment fee for that connection, less credit for the existing tap at the current PIF rate. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

4-1-5. Assessment of Costs.

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of the American Water Works Association. On all connections with the main, the owner of the premises on which the connection is sought shall pay for the cost of the meter and the installation of the tap and meter **through tap fees and pay separately for necessary pipe.** All necessary trenching and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the specifications set forth in this Article and the specifications in the Town's line from the main to the meter, including the meter.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own the meter and riser and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works

Manager. *Any digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.*

4-1-6. Disconnection of Service; Removal of Town Property.

In case any owner of premises on which water is used ceases to use water and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

4-1-7. Water Use - Rates.

(A) Schedule--In-Town. The monthly charges to consumers for water within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge.

(B) Stand By Fee. The Owner of any property which is connected to the Town's water system by an active tap, but is not currently using water shall be deemed to be an inactive service and shall pay a monthly Readiness to Serve fee in accordance with the fee schedule adopted by the Board of Trustees by Resolution. The Owner of any property may avoid the Readiness to Serve fee by abandoning or otherwise relinquishing the water service tap for that parcel of property. *Abandonment must be done in writing and notarized.* Water service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

4-1-13. Water Conservation. (Ord 179 7-1-1-00)

- (A) Any property owner or their tenant found to be allowing water (treated or raw) to continuously run into the town street drainage system from their yard or lawn shall be in violation of this ordinance.
- (B) Any property owner or their tenant that has been informed by town staff that water is running and being wasted into the street drainage system and continues to allow the water to be wasted shall be in violation of this ordinance.
- (C) Any property owner or their tenant that is informed that a treated water meter is continually allowing water to run without any apparent use of water downstream of the meter shall be in violation of this ordinance.

- (D) Any property owner or their tenant that has been informed by an adjacent property owner that water is wasting into the adjacent property and the adjacent property owner has also informed town staff of that water wasting into the adjacent property, but continue to allow the water to run is in violation of this ordinance.
- (E) A tiered rate structure will be put in place and adjusted annually as needed.
- (F) The hours of use for irrigation water, to include a complete ban if necessary, will be determined according to drought conditions and communicated to the public by the Town Manager. Violations will be cited into court, with a maximum fine of \$1,000. Exceptions to this law must be sought through the Town Manager. (Ord 204 7-8-03)

4-2 Gas

4-2-1

Compliance with Article.

It is unlawful for any person not authorized by the town to make any connection with any gas pipe or main of the gas distribution system or for any authorized person to put in any tap or connection contrary to the provisions of the town. No one except an employee approved by the Public Works Manager or the Fire Department may turn on or off the gas at the meter.

4-2-3 Tap Fee.

- (A) *Any applicant desiring to use gas from the distribution system of the Town for a new structure shall pay to the Town through the Office Staff, a tap fee pursuant to the schedule of plant investment fees then in effect pursuant to resolution duly adopted by the Board of Trustees. No gas connection shall be made to the Town gas system until such time as the tap fee, material or other connection charges have been paid and a tap permit issued.*
- (B) *Transfer. Any taps shall be for a specific lot or parcel of land and shall not be transferable to another lot or parcel, unless no actual connection has been made and the lot or parcel has not been sold or transferred and only with specific approval of the Board of Trustees.*
- (C) *If an existing gas tap is kept active on gas standby status, whether or not anyone is living in the structure, new owners of previously developed gas taps do not pay a new plant investment fee or a utility deposit to the town, but are billed for usage monthly.*

4-2-4 Extension of Existing Service.

All building permit applications shall be reviewed by the Building Inspector or Public Works Manager, and a determination shall be made by the Building Inspector or Public Works Manager whether any proposed enlargement, addition or expansion of gas facilities can adequately be served by the existing gas connection. Such determination shall be made by application of the adopted codes. If the Building Inspector or Public Works Manager determines that a larger service is required, the person proposing such expansion shall be required to have the enlarged connection and meter installed by the Town at the property owner's expense.

Multiple units within a structure, such as an apartment house, shall require an individual meter for each unit. Single Family lots shall require an individual meter but may be connected to one gas riser serving two lots. The same owner with side-by-side lots who wishes to consolidate his property may use the same meter and simply add service lines to the second structure. The owner who has a meter to his home may make a service line connection to a garage and is required to only have one meter.

Any extension of service shall include the installation of individual shut off valves on each use. Any determination made by the Public Works Manager hereunder shall be subject to review by the Board of Trustees upon written request by the person seeking review of the decision.

4-2-5. Assessment of Costs.

All connections to the Town's distribution system shall be metered. Each meter shall be of adequate size determined by the standards of town, state and federal regulations. On all connections with the main, the owner of the property on which the connection is sought shall furnish and pay for the all necessary trenching after the meter to the premises and backfilling shall be at the expense of the applicant under the supervision of the Public Works Manager and in accordance with the Town specifications.

The property owner shall own and maintain the service line from the meter to the premises served; provided, however, that in the event the meter is more than ten (10) feet inside the owner's property line, the Town shall own and maintain the service line from the main to the property line, and the property owner shall own and maintain the service line from the property line to the premises. All work upon service lines shall be supervised by the Public Works Manager. Any digging requires a call for locates to UNCC and a permit from Town Hall if any inspection is needed in order to use the utility after installation or repair.

4-2-6. Disconnection of Service: Removal of Town Property.

In case any owner of premises on which gas is used ceases to use gas and desires to disconnect his premises, he shall not be permitted to remove the meter, meter pit or any appurtenances. Such devices are the property of the Town and shall be removed only by the order of the Public Works Manager.

4-2-7. Gas Use - Rates.

(A) Schedule--In-Town. The monthly charges to consumers for gas within the corporate limits of the Town shall be established by resolution of the Board of Trustees and a copy of such rates shall be available at the Town Hall. Each unit in a multi-unit structure shall be billed monthly for an established minimum monthly charge and usage according to rates established by the Board of Trustees.

(B) Stand By Fee. The Owner of any property which is connected to the Town's gas system by an active tap, but is not currently using gas shall be deemed to be an inactive service and shall pay a monthly fee in accordance with the fee schedule adopted by the Board of Trustees by resolution. The Owner of any property may avoid the gas standby fee by abandoning or otherwise relinquishing the gas service tap for that parcel of property. Gas service for any relinquished property may be reactivated only upon application for a new connection and payment of the full current Plant Investment fee and Tap fee.

4-3 Irrigation (raw) Water

4-3-1

Compliance with Article.

It is unlawful for any person not authorized by the Article to make any connection with any pipe or main or for an unauthorized person to put in any tap or connection to the raw water irrigation system. ***No one except town maintenance crew or their assigned may turn on or off prior to the property owner's 1" valve.***

4-3-2

Tap Fee

A one-time fee shall be paid to connect to the raw water irrigation system and a fee is charged monthly for six(6) months of the year. These fees are determined as needed by the Town Board of Trustees.

4-3-3

Any property owner or their tenant that allows the use of the irrigation water for the purpose of a commercial use or transports it out of the city limits without Town Board approval or for a purpose other than yard clean-up or lawn and garden irrigation shall be in violation of this ordinance.

4-4 Bills Collection, Penalties, Lien, Forfeiture

4-4-1

Bills- Collection.

The Town Clerk shall be responsible for billing for *water, gas and irrigation services*, collection of the same and deposit of the proceeds collected to the credit of the *appropriate* fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. All charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

4-4-2.

Penalties.

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date.

Delinquent Accounts.

(A) In the event that a bill for any utility uses is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the account is delinquent. *If the account is a rental, the Disconnect Notice will be mailed to the landlord.*

(B) *The past due amount must be paid prior to the last business day of the month to avoid shut off. Shut off will be the last business day of the month. Any accounts that are disconnected must have all past due amounts paid in full and a reconnect fee will be charged during regular working hours and after hours, week-ends and holidays according to a fee schedule approved by the Town Board of Trustees.*

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment *of the specified utility* bills.

4-4-3. Lien.

(A) *Until the past due amount is paid in full*, all rates, fees and other charges provided for in this Article shall constitute a lien pursuant to C.R.S. 31-15-302 on or against the property being served. At the time service is disconnected in accordance with Section 4-4-2 (B), or any time thereafter, the

Town may notify the owner of the property being served of the Town's intent to file a lien as provided herein. A collection fee of one hundred dollars (\$100.00) shall be added to any account for which a notice of intent to file a lien is given. (Ord 168, 11-10-98)

(B) The Town may, as provided by law, commence foreclosure proceedings on any lot or parcel of property on which a lien has been filed pursuant to this Article. An additional charge for attorney fees in a reasonable amount to be determined by the Court shall be added to the amount due on any account once a complaint in foreclosure of a lien has been filed. In addition, actual costs, such as filing fees and recording costs, shall also be charged to said account. In the event foreclosure proceedings result in judgment, additional attorney fees and expenses may be added as permitted by the court.

4-4-4. Forfeiture of Plant Investment Fee.

In the event an account remains delinquent for a period of *5 billing months*, then the Town shall send notice by *Certified Mail* to the Owner that if all charges are not paid by the *6th month according to the disconnect policy*, the plant investment or tap fee on that property shall be deemed to be forfeited. No service shall be reconnected to on a property after such a forfeiture until a new application is approved and the appropriate fees have been paid.

4-5 Other services

WHAT ABOUT PROPANE USERS?

4-5-1

Compliance with Article.

It is unlawful for any person not authorized by the town to provide or receive trash, sewer or other services. Sewer and trash services are provided to properties in accordance with contracts the town makes with those providers. All billing and collection for these contracted services are completed through town office staff for the monthly utility billing that goes to each parcel owner. Bills will be collected in the same manner described in 4-4-1 AND 4-4-2, as applicable.

ORDINANCE 217

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, for the regulation of traffic by the Town of Ignacio, Colorado adopting by reference the 2003 Edition of the "Model Traffic Code" repealing all Ordinances IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO:

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30 C.R.S., there is hereby adopted by reference Article I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulation for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Ignacio, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or section which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. Additions or Modifications.

Section 1701(1) is amended to read as follows:

It is a traffic offense for any person to violate any provision of this Code. It is the specific intent of the Board of Trustees to make any violation of this Code a civil offense in accordance with the provisions of C.R.S. 42-4-110.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance:

- a) It is unlawful for any person to violate any of the provision adopted in this Ordinance.
- b) Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding one thousand (\$1000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413, and part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing Ordinance 166 covering the same matters as embraced in this Ordinance is hereby repealed and all ordinances or part of ordinances inconsistent with the provision of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND
SIGNED THIS 10TH DAY OF FEBRUARY, 2004.

ATTEST: Deborah M. Valdez
Town Clerk

THE TOWN OF IGNACIO, COLORADO

BY: Katherine Dumb

Mayor



ATTACHMENT "A"

The deleted material is stricken with a line through it and new material capitalized:

Page 2, last paragraph, first line, change "page 4" to "page 3"

Page 9, section 109.5 **Neighborhood electric vehicles**, subsection (1), last line, after the word "vehicle" insert **"AS DEFINED IN SECTION 42-1-102 (60), C.R.S."**. To wit: "... a neighborhood electric vehicle, as defined in section 42-1-102 (60), C.R.S., on a highway."

Page 40, section 236 **Child restraint systems required - definitions - exemptions**, amend subsection (2)(b) and subparagraphs (I) and (II); add new subparagraph (I.5).

(2)(b) Unless excepted pursuant to subsection (3) of this section, every child, who is at least four years of age ~~but less than sixteen years of age~~ and OR weighs forty pounds or more, being transported in this state in a privately owned noncommercial vehicle or in a vehicle operated by a child care center, shall be properly secured by one of the following safety devices approved for a child of such age or weight by the United States department of transportation, or in a safety belt, whichever is appropriate for the child:

(I) EXCEPT AS OTHERWISE PROVIDED IN SUBPARAGRAPH (I.5) OF THIS PARAGRAPH (b) if the child is at least four years of age but less than six years of age and is less than fifty-five inches tall, the child shall be properly restrained in a child booster seat or with a child safety belt-positioning device.

(I.5) IF THE CHILD IS AT LEAST FOUR YEARS OF AGE BUT LESS THAN SIX YEARS OF AGE AND IS LESS THAN FIFTY-FIVE INCHES TALL, AND IF THE CHILD IS BEING TRANSPORTED IN A VEHICLE EQUIPPED WITH ONLY A TWO-POINT-LAP-BELT-ONLY SYSTEM AVAILABLE FOR THE CHILD, THE CHILD SHALL BE PROPERLY RESTRAINED WITH A LAP BELT.

(II) If the child is six years of age or older ~~but less than sixteen years of age~~ and OR is fifty-five inches tall or more, the child shall be properly restrained with the motor vehicle's safety belt properly adjusted and fastened around the child's body.

Page 61, section 614 **Designation of highway maintenance, repair, or construction zones - signs - increase in penalties for speeding violations**, subsection (2), 7th line change the word "sing" to "SIGN". To wit: "Local authorities shall erect or place a second sign after such zone..."

Page 62, section 615 **School zones - increase in penalties for moving traffic violations**, subsection (3), first line, after the word "not" insert the word "APPLY". To wit: "(3) This section does not apply if the penalty and..."

Page 97, section 1409 **Compulsory insurance penalty**, subsections (1), (2), (3), (5), and (6) delete language that references statutory citation numbers "as required by sections 10-4-705 and 10-4-716" and replace with "LAW". To wit: "...as required by law".

Page 134, last paragraph, first line, change the date "2000" to "2003".

ORDINANCE 217

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, for the regulation of traffic by the Town of Ignacio, Colorado adopting by reference the 2003 Edition of the Model Traffic Code repealing all Ordinances IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF **BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;**

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30 C.R.S., there is hereby adopted by reference Article I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulation for the Town. The purpose of this Ordinance and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the town of Ignacio, Colorado, and may be inspected during regular business hours.

Section 2. Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or section which are declared to be inapplicable to this municipality and are therefore expressly deleted: None.

Section 3. Additions or Modifications.

Legal Notices

Section 1701 (1) is amended to read as follows:

It is a traffic offense for any person to violate any provision of this Code. It is the specific intent of the Board of Trustees to make any violation of this Code a civil offense in accordance with the provisions of CRS 42-4-110.

Section 4. Penalties. The following penalties, herewith set forth in full, shall apply to this Ordinance:

It is unlawful for any person to violate any of the provision adopted in this Ordinance.

b) Every person convicted of a violation of any provision adopted in this Ordinance shall be punished by a fine not exceeding one thousand (\$1000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application. This Ordinance shall apply to every street, alley, sidewalk area, driveway, park and to every other public way within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and Part 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality.

Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or

Legal Notices

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parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 7. Repeal. Existing Ordinance 166 covering the same matters as embraced in this Ordinance is hereby repealed and all ordinances or part of ordinances inconsistent with the provision of this Ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 8. Interpretation. This Ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicle and traffic. Article and section headings of the Ordinance and adopted Model Traffic Code shall not be deemed to govern limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 9. Certification. The Town Clerk shall certify to the passage of this Ordinance and make not less than three (3) copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER PUBLIC HEARING AND SIGNED THIS 10TH DAY OF FEBRUARY, 2004.

THE TOWN OF IGNACIO, COLORADO

BY: *s/Katherine Gurule, Mayor*

ATTEST: BY: *s/Georgann M. Valdez, CMC,*
Town Clerk

SEAL

Published March 4, 2004

ORDINANCE 217

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, for the regulation of traffic by the Town of Ignacio, Colorado adopting by reference the 2003 Edition of the Model Traffic Code repealing all Ordinances IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF **BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;**

Section 1. Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30 C.R.S., there is hereby adopted by reference Article I and II, inclusive, of the 2003 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700, Denver CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulation for the Town. The purpose of this Ordinance and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the town of Ignacio, Colorado, and may be inspected during regular business hours.

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Section 6. Validity. If any part or parts of this Ordinance are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or

Published March 4, 2004

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Safety and Traffic Engineering Branch
4201 East Arkansas Avenue, EP 700
Denver, Colorado 80222
(303) 512-5100 Voice
(303) 757-9219 Fax



February 19, 2004

Balty Quintana
Town Manager
Town of Ignacio
P.O. Box 459
Ignacio, CO 81137

RE: Model Traffic Code Ordinance Approval

Dear Mr. Quintana:

In accordance with sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S., Ignacio Town Ordinance No. 217, dated February 10, 2004 adopting the 2003 Model Traffic Code, with amendments, is hereby approved insofar as such traffic regulations pertain to streets and highways within the Town which are part of the State Highway System.

Enclosed is an update errata sheet to the Model Traffic Code that was approved by the Transportation Commission in December 2003. The update corrects some editing errors and adds new material that was added to state statutes by the General Assembly.

Thank you for the cooperation shown to our Department personnel.

Sincerely,

A handwritten signature in cursive script that reads 'Gabriela C. Vidal'.

Gabriela C. Vidal, P.E.
Branch Manager

cc: File

TOWN OF IGNACIO

P. O. Box 459 • IGNACIO, COLORADO 81137

Phone: 970-563-9494 • Fax: 970-563-9498



February 11, 2004

Gabriela Vidal, Staff Traffic Engineer
Colorado Department of Transportation
4201 East Arkansas Avenue, EP 700
Denver, Colorado 80222

Re: Adoption of 2003 Model Traffic Code

Dear Ms. Vidal:

Our Chief of Police, Kirk Phillips has recommended to the Ignacio Town Board of Trustees that the Town adopt the revised 2003 Model Traffic Code for municipalities in Colorado.

As per the requirements of the rules set forth in the 2003 revised code for adoption of the new code, we are required to do the following:

1. Publish a Notice of a Hearing of the Town's intention to consider adoption of the code.
2. Adopt an Ordinance also in compliance with the rules set forth in the revised code.
3. Publish the adopted Ordinance in full in a newspaper of general circulation in the community.
4. Get final approval from the Colorado Department of Transportation prior to putting the Ordinance into effect.

Please review the enclosed Ordinance and please let us know what you determine. Ordinance 217 was passed February 10, 2004 after a published hearing was held and no one showed up to comment. Thank you for your attention to this request.

Sincerely,

Balty Quintana
Town Manager

Cc: Town Board

NOTICE OF HEARING

NOTICE is hereby given of a public hearing before the Board of Trustees of the Town of Ignacio, Colorado at **6:45 p.m. on the 10th day of February, 2004**, at the Town Hall located at 540 Goddard Avenue, Ignacio, Colorado for the purpose of considering the adoption by reference of the "Model Traffic Code for Colorado Municipalities," 2003 edition, as the Traffic Ordinance of the Town of Ignacio, Colorado.

Copies of the Model Traffic Code are on file at the office of the Town Clerk and may be inspected during regular business hours. If enacted as an ordinance of the Town, the Model Traffic Code will not be published in full, but in accordance with state law, copies will be kept on file and also made available for distribution and sale to the public.

The 2003 "Model Traffic Code for Colorado Municipalities," is published by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 East Arkansas Avenue, EP 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulation for the Town. The purpose of the Ordinance and the Code adopted therein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

At its regular meeting following this hearing, the Town Board will consider passage of the adopting Ordinance.

This Notice given and published by the order of the Board of Trustees of said Town of Ignacio, Colorado.

Dated this 3rd day of February, 2004.

Published: 5th day of February, 2004

THE TOWN OF IGNACIO

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Safety and Traffic Engineering Branch
4201 East Arkansas Avenue, EP 700
Denver, Colorado 80222
(303) 757-9268 Voice
(303) 757-9219 Fax
E-mail: hayne.hutchinson@dot.state.co.us



DATE: April 10, 2003
TO: Colorado Municipalities and Counties
FROM: Hayne Hutchinson
Safety and Traffic Engineering Branch
SUBJECT: Model Traffic Code - 2003 Edition

The 2003 Edition of the Model Traffic Code has been adopted by the Transportation Commission. The Code reflects changes to the traffic laws by the Colorado General Assembly since the 1995 Edition.

The enclosed three copies are being sent to you as required by state statute. Pursuant to sections 42-4-110(1)(e) and 43-2-135(1)(g), C.R.S., for the Code to be applicable to State Highways in local jurisdictions please review the Appendix Parts A through G.

Additional copies may be purchased, by contacting CDOT at the address below, for \$6.00 plus shipping - check, cash, Visa or MasterCard. Purchase orders are accepted from local government agencies, please call first for additional information.

Colorado Department of Transportation
Bid Plans - Room 117
4201 East Arkansas Avenue
Denver, CO 80222-3406
Phone: 303-757-9313

ERRATA

Page 61 section 614(2) fourth sentence that begins "Local authorities" the ninth word "sing" should be "sign."

Page 62 section 615(3) first line insert the word "apply" between the words "not" and "if." To wit: (3) This section does not apply if the penalty....".

Many thanks to W.P. Hayashi, Esq., for catching the mistakes.

For additional errors and oversights please contact me at the address at the top of the page.

ORDINANCE 216

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE CHAPTER ENTITLED HEALTH.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal codes are being reviewed; and

WHEREAS, the establishment of what constitutes a healthy and orderly Town has been considered; and

WHEREAS, the needs of the town have made it necessary to revise the Health section of the municipal code; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 13th day of April, 2004.

TOWN OF IGNACIO, COLORADO:

By: Katharin P. Shuck
Mayor

Attest:

By: Deborah M. Valley Town Clerk

CHAPTER VII: HEALTH
(Ord 216 04-13-04)

7-1 Animals

7-1-2 Maltreatment of Animals Prohibited.

It shall be unlawful for any person to unnecessarily beat, injure or maltreat any animal.

7-1-3 Animals Allowed: Two dogs, cats, rabbits. (Ignacio Planning Code regarding exotic animals)

7-1-4 Maintenance of Premises Required.

Any person who owns or controls any lot, barn, stable, shed, building or other place where domestic animals are kept, shall keep said building and premises in a clean and sanitary condition and shall remove all manure from the premises at least once each week, and properly dispose. Citations will be complaint driven.

7-1-5 Dead Animals: If a citizen notices a dead animal on the public right of way they may contact the town personnel to dispose of such.

7-1-6 Cats: If any citizen wishes to catch stray cats they may borrow a trap from the town police and capture and dispose of them themselves. No town personnel will handle live stray cats.

7-1-7 Rabbits Restrained.

It shall be unlawful for any person who owns, harbors or keeps within the corporate limits of the Town any rabbits that are not in a secured building or pen. Failure to keep the rabbits securely enclosed in a building or pen, or to permit the same to run at large or to go upon the premises of another is unlawful.

7-1-8 Fowl, Swine, Sheep or Goats Prohibited.

It shall be unlawful for any person to keep within the corporate limits of the Town any fowl, hogs, pigs or other swine, sheep or goats.

7-1-9 Livestock

- (A) It shall be unlawful for any person to form a herd or keep any cattle, horses or other livestock within the corporate limits of the Town.
- (B) It shall be unlawful for any person to tether, lead or hold any horse, cattle or

other livestock on or along any street, sidewalk or alley in the Town in such manner that any such animal may graze upon or impede the full use of said streets, sidewalks or alleys.

(C) It shall be unlawful for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of said side streets, sidewalks or alleys.

(D) It shall be unlawful for any person to hitch a horse or any other animal to any fence or railing, tree or bush, whether private or public, without the permission of the owner thereof. It shall be unlawful for any person to hitch any such animal to any lamppost or fire hydrant of the Town.

(E) All animal droppings shall be property disposed of.

7-1-10 Run at Large Prohibited

(A) It shall be unlawful for any person who owns or controls any dogs, cats or other animals allowed to permit the running at large within the Town limits of any such animal. Any person who shall negligently permit any animal herein named to run at large shall be deemed guilty of an offense.

7-2 Dog Control. (Ord 115 4-10-89)

7-2-1 Definitions (Ord 115, 4-10-89).

As used in this ordinance the following terms mean:

Animal Control Authority - The person or persons designated to enforce this ordinance.

At Large - A dog shall be deemed to be at large when off the property of the owner and not under restraint.

Humane Manner - Care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Licensing Authority - The agency or department of the Town of Ignacio or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

Neutered/Spayed - Rendered permanently incapable of reproduction.

Nuisance - A dog shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner - A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

Person - Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Restraint - A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

Vicious Animal - A dog that constitutes a physical threat to humans or other domestic animals.

7-2-2 Licensing and Rabies Vaccination.(Ord 115, 4-10-89)

- (A) No person shall own, keep, or harbor any dog over four months of age within the Town of Ignacio unless such dog is vaccinated and licensed.
- (B) All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians.
- (C) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.
- (D) Application for a license must be made within 15 days after obtaining a dog over four months of age.

Written application for a dog license shall be made to the Town Clerk and shall include the name and address of the owner and the name, breed, color, age and sex of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

- (E) The licensing period shall be for one year. License period begins January 1 of each calendar year. License renewal may be applied for within 60 days prior to the expiration date. New residents must apply for a license within 30 days of establishing residence.
- (F) A license shall be issued after payment of a fee as approved by the Town Board of Trustees for each dog not neutered and each neutered/spayed dog. The license fee shall be pro-rated for any animals owned less than three (3) months before the license period renewal.
- (G) License fees shall be waived for certified dogs serving the blind or deaf or government-owned dogs used for law enforcement. Proof of certification must be supplied before fee is waived. All other licensing provisions shall apply.
- (H) Upon acceptance of the license application and fee, the Town Clerk shall issue a durable license tag including an identifying number, year of issuance, city, county, and state. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The Town of Ignacio shall maintain a record of all licenses issued, and such records shall be available to the Chief of Police or Animal Control Authority.

7-2-3 Owner Responsibility. (Ord 115, 4-10-89)

- (A) All dogs shall be kept under restraint and shall not be allowed to run at large.
- (B) Every vicious dog, as determined by the Animal Control Authority, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (C) No dog shall be allowed to cause a nuisance. The owner of every dog shall be held responsible for every behavior of such dog under the provisions of this ordinance.
- (D) Any person failing to comply with the provisions of 7-2-2 and 7-2-3 shall be cited into court and fines imposed by the judge.

7-2-4 Restriction on the Number of Dogs Allowed to be Kept per Residence. (Ord 93, 12-10-84)

It shall be unlawful for any person to keep, maintain, harbor or possess more than two dogs on the premises of any one residence, within the Town of Ignacio;

provided however that puppies shall not be counted as dogs for the purposes of this section until they reach the age of 8 weeks.

Owners with more than two dogs as of the date of this ordinance (4/13/04) shall be allowed to wait until the extra dogs die naturally, but may not replace the dogs that equal more than the allowed two dogs.

7-2-5 Procedure and Penalties for Persons Keeping More Than Two Dogs Upon Any Residence. (Ord 93 12-10-84)

Any person violating the provisions of Section 7-2-4 shall be given a notice of the violation which notice shall specify that the person shall have 15 days to comply with the provisions of Section 7-2-4. After fulfilling provisions of 7-2-4, if an owner still keeps 3 dogs, the Animal Control Authority may impound the 3rd animal and send it to an animal care facility. In addition to any other penalty which may be provided for in this code for the violation of this article, the Municipal Judge shall have the authority to require the owner of any dogs impounded under the provisions of this section to pay the costs of such impoundment and for the cost of the destruction of any such dogs, as required by the Animal Shelter.

7-2-6 Interference.(Ord 115, 4-10-89)

No person shall interfere with, hinder, or molest the Animal Control Authority in the performance of any duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to fines up to \$1,000 and/or one year in jail.

7-3 Impoundment and Redemption of Animals

7-3-1 Impoundment of any animal, including dogs

- (A) Any animal found running at large may be impounded by the Animal Control Authority in an animal shelter or other facility and confined in a humane manner. Immediately upon impounding the animal, the Animal Control Authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs not claimed by their owners within a period of three full days in which the shelter is open to the public may be disposed of by shelter personnel according to their policies.
- (B) When an animal is found running at large and its ownership is verified by the Animal Control Authority, the officer may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

- C) In the event the Animal Control Authority finds the animals to be suffering, they shall have the right forthwith to remove or cause to have removed any such animal(s) to a safe place for care or to euthanize them when necessary to prevent further suffering. The owner will be held responsible until full payment for all expenses so incurred are paid.
- (D) Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

7-3-2 Redemption of any animal, including dogs

- (A) Any animal impounded may be redeemed by the owner thereof within 3 days upon payment to the appropriate animal shelter in which the animal is held. The owner shall also pay the daily fee paid by the Town to the animal care facility for the number of days the animal has been held, provided that if any such animal has been previously impounded, the current year fee, plus the required daily fee will be charged. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.
- (B) Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee approved annually by the Town Board of Trustees plus all fees charged to the Town by the animal care facility.

No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

7-4 Definitions

7-4-1 For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Refuse has three meanings 1) Garbage: All offal, waste matter or vegetable matter from a kitchen, market or store and other worthless, offensive or filthy material and every refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise, that attends to the preparation, use, cooking, dealing in or storing meat, fish, fowl, fruit, or vegetables. 2) Rubbish. House dirt, ashes, rags, abandoned articles of clothing. 3) Trash: All bottles, tin cans, paper, fallen tree limbs.

Junk: To include, but not be limited to, discarded and unusable machinery, appliances, furniture, furnishing, sporting equipment, building or construction materials; and all other items commonly known as junk. This phrase shall specifically include any unlicensed automobile or portions of automobiles which are unused, unsightly, and valued only as "junk."

Debris: To include, but not be limited to, weeds, grasses, bushes, noxious growths, broken branches.

This section does not apply to garbage or waste material properly deposited in containers for removal as provided by the regulations of the town. Nor shall it apply to any junk, as that term is herein defined, which is properly stored by the property owner or lessee in a shed or garage or other building suitable for that purpose and not exposed to public view.

7-4-2 Powers of the Board of Trustees.

(A) The Board of Trustees of the Town may, from time to time by motion or resolution, prescribe regulation for the removal and disposition of refuse pursuant to this chapter, and shall have the right to fix rates for the removal and disposition of refuse. The Board of Trustees has the right to contract with any collector, pursuant to state law, for the removal of refuse within the Town, except for any commercial or industrial property which has a business license within the town. Except as otherwise specified, the Town or the Town's contractor shall collect, remove and dispose of all refuse from residences within the Town at least once a week.

(B) All persons in possession, in charge or in control of any dwelling for which refuse collection is required under this chapter shall have their refuse collected by the Town or the Town's contractor, and a fee shall be charged for such service which shall be set as provided herein.

7-4-3 Commercial, Industrial, Multifamily Disposal.

Every person in possession of any commercial property, industrial property or multiple dwelling unit within a single structure shall dispose of all refuse as often as required for the maintenance of healthful and sanitary conditions at such establishment.

7-4-4 Unlawful Disposal.

It shall be unlawful for any person to burn, dump, collect or in any manner dispose of refuse upon any street, alley, public place, stream or private property within the town. Compost piles shall not be prohibited.

It shall also be unlawful for any person to place any refuse or other waste material of any type in a waste dumpster or other receptacle owned, leased, or otherwise in control of any other person or entity.

7-4-5 Refuse Containers.

All containers shall be fly tight, water tight, and rodent proof. Wheeled trash containers of ninety (90) gallon capacity, shall be provided by the Town's contractor for each single-family dwelling. Appropriately- sized containers for any multiple unit dwellings or commercial properties shall be provided by the business license holder. All containers shall be used for the collection of refuse by each residence until such refuse is removed by the Town or its contractor

7-4-6 Placement for Collection.

- (A) Refuse containers or other items for collection shall be placed at the edge of the street in a location easily accessible to the town or town contractor for collection on designated collection days unless a customer does not abut an alley.
- (B) Customers who do not abut an alley shall place their containers, or other items for collection adjacent to an abutting street no later than 7:00 a.m. on the day of collection. Containers shall be removed from any street by the customer following collection on the same day the trash is collected.

7-4-7 Special Waste Collection Matters. (Ord 186 3-13-01)

No flammable, toxic, explosive or hazardous materials, used tires, materials contaminated with contagious diseases and no dead animals shall be placed in any cans, bags or containers for collection. Special arrangements must be made with the Town or its contractor for collection of such items or collection of other large or unusual loads. The Town or its contractor may refuse to collect such items or may charge an additional fee for doing so.

7-4-8 Collection License.

Except as provided in **Section 7-4-3**, it shall be unlawful for any person to collect, transport or convey refuse after it is collected in the Town without having first secured from the Board of Trustees a license or contract to perform such service. Such license or contract shall be granted only to persons conducting such refuse collection service in compliance with rules and regulations as outlined in the terms of the contract concerning the type of equipment and other conduct. Such regulations or requirements shall be imposed by the Board of Trustees and a copy of such regulations and requirements shall be made available at the Town Hall to any person applying for a residential refuse collection license.

7-4-9 Bills- Collection.

The Town Clerk shall be responsible for billing for trash services, collection of the same and deposit of the proceeds collected to the credit of the General Fund of the Town. Statements for all charges shall be rendered monthly to the owner of the property served, provided, however, the Board of Trustees may at any time change the monthly billing cycle, if necessary or desirable. Notification to property owners will be provided 30 days prior to a change in the billing cycle. All trash charges shall be billed to and shall be the responsibility of the owner of the property being served regardless of whether the property is occupied by the owner or is rented to a third party.

7-4-10 Penalties.

Accounts not paid in full by the due date will fall into a past due status. Accounts with a balance greater than \$20.00 will be assessed a flat \$5.00 late fee on the sixth day after the due date, as allowed by state statute.

(A) Delinquent Accounts.

In the event that any bill for trash collection is not paid when due, then the Town Clerk shall issue a notice by regular first class mail which informs the owner of the property that the payment is delinquent. If the account is a rental, the Notice will be mailed to the landlord.

(B) The past due amount must be paid prior to the last business day of the month to avoid discontinuance. Any accounts that are discontinued will also have their refuse containers removed. To have the refuse container returned to the dwelling, all past due amounts must be paid in full and a restoration of service fee, as approved by the Board of Trustees, will be charged during regular working hours and a higher fee will be charged after hours, week-ends and holidays.

If the person to whom such a notice is sent owes amounts for other utilities provided or collected by the Town, the Clerk may include a demand for those amounts in the demand for payment of trash bills.

7-4-11 Remedies for Nonpayment.

- (A) The Town may maintain an action in a court of competent jurisdiction for amounts due plus interest at the rate of 18% per annum.
- (B) It is unlawful to fail to pay the charges assessed by this Section and the Town may prosecute any person liable for the charges and failing to pay for a violation of this Section.

7-5 Weeds and Debris. (Ord 105 4-13-87)

7-5-1 Duty of Property Owner.

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow weeds, grass, bushes, deleterious, noxious or unhealthy growths to lie, grow or be located upon any such property or along any street or avenue adjoining such property between the property line and the curb line thereof, or on or along any alley adjoining said property between the property line and the center of such alley; and the owners of agricultural lands shall be required to keep weeds removed from that portion of the subject property that is within twenty feet (20') of any subdivision or area that is being kept free of weeds.

7-5-2 Accumulation of Refuse Prohibited. (Ord 186 3-13-01)

It shall be unlawful for the owner, agent, lessee or occupant of any lots, tracts or parcels of land within the Town to allow *REFUSE*: garbage, rubbish, trash, JUNK, as defined, and used tires (Ord 186, 3-14-01) or debris to accumulate upon such property within the Town.

7-5-3 Determination and Notification of Violation; Right to Hearing.

Whenever the Town Manager or designee shall be informed that any premises or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, shall cause an investigation to be made into the premises and shall make findings with reference to such investigation.

If, as a result of such investigation, it is found by the Town Manager that the premises, tract of land or property within the Town is covered with weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris, constitutes a fire hazard or is a hazard to the public comfort, health, peace or safety, the Town Manager shall prepare a notification of his findings to the owner of such property, as reflected in the records of the County Assessor.

That notice shall also order and direct the owner, occupant or agent in charge of such property or premises to remove such weeds, grass, bushes, noxious growth, ruins, rubbish, wreckage or debris from such premises within ten (10) days after the receipt of the notification from the Town Manager or within ten (10) days after the posting of such notification on the premises specified in the notice.

The owner, occupant or agent shall remove all the weeds, grass, bushes, noxious growth, ruins, refuse, rubbish, wreckage or debris within the time provided in the notification from the Town Manager and in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations or, request from the town maintenance to do the work for a fee or, file within such time period a written objection with the Town Manager requesting a hearing concerning the notification and obligation resulting from the actions of the Town Manager.

Upon receipt of a request for a hearing, the Town Board or its designee shall schedule a hearing to hear the objections of the owner to the notification. If it is determined following the hearing that the actions of the Town Manager were proper, the owner shall have ten (10) days to comply with the order.

If the owner, occupant or agent of the property which is the subject matter of a notification from the Town Manager fails to remove the weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris from the subject property as required herein or pay the town maintenance to do so, the Town shall remove such weeds, grass, brush, noxious growth, ruin, rubbish, wreckage or debris at the cost and expense of the owner of such property and the reasonable cost of such removal shall constitute a lien against the lot, parcel of land or premises from which it was removed and such lien shall be subject to enforcement and foreclosure in the manner provided under applicable laws.

7-5-4 Notification of Violation.

The notice of violation provided for this Section shall be served upon the owner, occupant or agent in charge of the property or premises which is the subject matter of such notification of violation. If the owner, as shown by the real estate records of the County Assessor, occupant or agent in charge of the real estate of premises cannot be served within the Town, a copy of said notification shall be posted upon the premises and a copy of the notice shall be sent to the owner at the address shown in the records of the County Assessor. The notification shall become effective upon the date of service, if personal service is accomplished. Otherwise, the effective date of the notification shall be the posting date or the date of mailing, whichever shall occur first.

7-6 Undesirable Plants

7-6-1 Undesirable Plants (Ord 130 12-9-91)

Russian, Spotted and Diffuse Knapweed and Leafy Spurge are declared to be undesirable plants to be controlled in accordance with this ordinance.

7-6-2 Declaration of Nuisance

Leafy spurge, Russian Knapweed, spotted Knapweed, and Diffuse Knapweed, and all other plants designated undesirable plants by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the Town of Ignacio, and as the Board of Trustees, in its sole discretion, deems necessary.

7-6-3 Removal of Undesirable Plants Required by Property Owner

Property owners within the Town of Ignacio shall be responsible for the elimination of undesirable plants from their property in accordance with the notification process outlined in 7-5-3 and 7-5-4.

Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations.

7-6-4 Enforcement

The Town shall have the right to enter upon any premises, lands, or places, whether public or private, during reasonable business hours or upon proper notice for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose, implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of C.R.S. 35-5.5-109.

7-7 Drinking Water Report

7-7-1 Reporting

The town shall meet the requirements of the Clean Water Act with respect to publishing an annual water quality report and collecting monthly bacteriological samples for testing by a state or state approved lab.

7-8- Appeals and Severability

7-8-1 Compliance

It shall be unlawful for any person to violate the provisions of this Section and such violation may be punished by fine or imprisonment as provided in this code in addition to any other remedy provided for herein.

7-8-2 Repeals (Conflicting Ordinances).(Ord 115, 4-10-89)

All other ordinances of the Town of Ignacio which are in conflict with this Chapter are hereby repealed to the extent of such conflict.

7-8-3 Severability.(Ord 115, 4-10-89)

If any part of this Chapter shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

7-8-4 Safety Clause.(Ord. 115, 4-10-89)

The Town of Ignacio hereby finds, determines and declares that this code is necessary for the immediate preservation of the public health, safety and welfare of the Town of Ignacio and the inhabitants thereof.

7-8-5 Effective Date

This chapter/article shall become effective on April 13, 2004.

Town of Ignacio
Board of Trustees

ORDINANCE 215

AN ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO setting policy for adjusting utility rates, service fees, license fees, court fines and assessments.

WHEREAS, the Town Board of Trustees desires to have a consistent process by which to adjust rates, fees, fines and other assessments and;

WHEREAS, the Town Board of Trustees has determined that from time to time adjustments must be made to such fees, fines and assessments.

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

It shall be the policy of the Town of Ignacio to give at least a thirty (30) day public notice of an intention to raise any utility rates, service fees, license fees, court fines and assessments. Notice of such proposed changes will be announced in the Town Utility Newsletter or published in a newspaper of local circulation as required for license fees, and a public hearing will be held the day of the proposed change.

All utility rates will be changed by ordinance, which will become effective 30 days after the post-adoption publication.

Service fees charged to the general public for various services will be adjusted by amending the existing fee schedule, which was initially approved by the Board by Resolution 03-1998 as Exhibit A.

Court fines and assessments will be adjusted by amending Exhibit A of Ordinance 214 as may be required by the Ignacio Town Board of Trustees.

License fees for regulating businesses will be adjusted by amending the existing fee schedule, which was initially approved by the Board by Resolution 03-1998 as Exhibit A. Notification of an increase will be published in a newspaper of local circulation and public hearing process.

ADOPTED AND ORDERED PUBLISHED THIS 13TH DAY OF JANUARY, 2004.

Attest: *Jeananne Valdez*
Town Clerk

Robbie Durrell
Mayor, Town of Ignacio

ORDINANCE 214

A ORDINANCE BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO approving a fine schedule for violations brought before the Ignacio Municipal Court.

WHEREAS, the Board has previously adopted a fine schedule and must adjust fines periodically; and

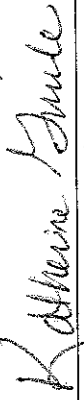
WHEREAS, it is encumbered upon the town hall office staff to collect the payment for violations brought before the Ignacio Municipal Court;

WHEREAS, the fines set as per Exhibit A (Attached) are of a reasonable amount.

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

The Town of Ignacio does hereby adopt the fine schedule attached and as amended by Board approval from time to time as Exhibit A.

APPROVED AND ORDERED PUBLISHED THIS 13TH DAY OF JANUARY, 2004.



Mayor, Town of Ignacio

Attest: 

Town Clerk

**IN THE MUNICIPAL COURT IN AND FOR
THE TOWN OF IGNACIO
COUNTY OF LA PLATA
STATE OF COLORADO**

ORDER

IT IS ORDERED that the Clerk of the Municipal Court may accept, on behalf of the Town of Ignacio, set forth below as full payment for violations brought before the Ignacio Municipal Court:

1.	PARKING VIOLATION	\$20.00
2.	PARKING IN HANDICAP ZONE	\$50.00
3.	PARKING VIOLATION (FIRE HYDRANT)	\$25.00
4.	ILLEGAL TURN	\$25.00
5.	WRONG WAY ON ONE WAY STREET	\$25.00
6.	FAILURE TO STOP AT STOP SIGN	\$50.00
7.	FAILURE TO SIGNAL	\$25.00
8.	OBSTRUCTED VIEW	\$25.00
9.	SPEEDING: FROM 1-9 MPH OVER FROM 10-19 MPH OVER	\$50.00 \$100.00
10.	IMPROPER EXHAUST / EXCESSIVE NOISE	\$25.00
11.	DRIVING WITHOUT HEADLIGHTS WHEN REQUIRED	\$25.00
12.	FAILURE TO YIELD RIGHT OF WAY - VEHICLE	\$30.00
13.	FAILURE TO YIELD RIGHT OF WAY - PEDESTRIAN	\$40.00
14.	CARELESS DRIVING	\$100.00
15.	ALLOWING DOGS TO RUN AT LARGE SECOND OFFENSE	\$25.00 \$75.00
16.	FAILURE TO LICENSE DOG	\$25.00
17.	DISORDERLY CONDUCT	\$75.00
18.	DISTURBING THE PEACE	\$75.00
19.	OPEN CONTAINER	\$50.00
20.	POSSESSION OF MARIJUANA	\$100.00
21.	FAILURE TO OBTAIN BUSINESS LICENSE	\$50.00
22.	FAILURE TO APPEAR	\$50.00
23.	TRESPASS	\$50.00
24.	ASSAULT / HARASSMENT	\$100.00
25.	PUBLIC URINATION/ DEFECATION	\$50.00
26.	THROWING MISSILES/ LITTERING	\$50.00
27.	MAINTAINING A PUBLIC NUISANCE	\$50.00
28.	PUBLIC NUDDITY	\$50.00
29.	UNNECESSARY NOISE	\$50.00
30.	JUVENILE OFFENSES (CRIMINAL) 1ST OFFENSE SECOND OFFENSE	\$35.00 \$50.00
31.	ALL OTHER MOVING TRAFFIC VIOLATIONS	\$50.00

REQUIRED COURT APPEARANCE

RECOMMENDED FINE

1.	RECKLESS DRIVING	\$150.00
2.	ACCIDENT WITH PERSONAL/PROPERTY DAMAGE	\$100.00 (+ Rest)
3.	THEFT (TO INCLUDE SHOPLIFTING)	\$100.00 (+ Rest)
4.	SPEEDING 20 MPH OVER LIMIT	\$150.00
5.	BATTERY	\$150.00 (+Rest)
6.	DOG AT LARGE - 3RD OFFENSE	\$100.00
7.	CRIMINAL MISCHIEF	\$100.00 (+Rest)
8.	THEFT BY CHECK	\$100.00 (+Rest)
9.	THEFT OF UTILITIES	\$100.00 (+Rest)
10.	VICIOUS DOG	\$100.00 (+Rest)
11.	SPILLING ON HIGHWAY/DAMAGE TO HIGHWAY	\$100.00 (+Rest)

MATTERS NOT SPECIFICALLY ADDRESSED IN THIS FINE SCHEDULE, SHALL BE AT THE DISCRETION OF THE MUNICIPAL COURT JUDGE.

ALL MATTERS AND CASES COMING BEFORE THE IGNACIO MUNICIPAL SHALL ALSO BE ASSESSED A COURT COST OF \$20.00.

ORDINANCE # 213

An ordinance appropriating additional sums of money to defray expenses in excess of amounts budgeted for the Town of Ignacio, Colorado.

WHEREAS, the Town's General Fund started the year with a healthy beginning balance of \$178,109 and received \$37,210 in unanticipated revenues from business license, liquor license, building permits, animal license, contractor license, SUCAP YS 02-01 grant, mineral lease, sanitation collection fees, court costs, plan/zone fees, court fines, and building space rental, not assured at the time of the adoption of the budget, and,

WHEREAS, the Town's General Fund expenses are expected to be \$36,040 higher than anticipated due to website design, office equipment repair & maintenance, miscellaneous expense, Chamber of Commerce expenses, office supplies, small equipment purchase of computer desk and files; vehicle repair & maintenance, other repair & maintenance (radio repairs) animal control, office supplies, uniforms, books, membership fees, Camp Courage, and higher cost of gas, oil, etc. for police department; commercial trash, street repairs, street lights, and higher cost of gas, oil, etc. for public works; ground improvement for recreation; ground improvement, trails, and beautification for parks, not planned at the time of the preparation of the budget, and,

NOW THEREFORE, be it ordained by the Town Board of Trustees of the Town of Ignacio, Colorado:

Section 1. That the 2003 appropriation for the General Fund is hereby increased from \$1,099,893 to \$1,135,933 for the purpose of website design, office equipment repair & maintenance, miscellaneous expense, Chamber of Commerce expenses, office supplies, small equipment purchase of computer desk and files; vehicle repair & maintenance, other repair fees, maintenance (radio repairs) animal control, office supplies, uniforms, books, membership fees, Camp Courage, and higher cost of gas, oil, etc. for police department; commercial trash, street repairs, street lights, and higher cost of gas, oil, etc. for public works; ground improvement for recreation; ground improvement, trails, and beautification for parks. The expenses will be covered by unanticipated revenues and beginning balance.

ADOPTED, this 9th day of December, A.D., 2003

Katherine Gurule
Katherine Gurule, Mayor Pro-Tem

DATE December 9th, 2003

ATTEST Serran Valdez
Town Clerk

ORDINANCE # 212

AN ORDINANCE APPROPRIATING SUMS OF MONEY TO THE VARIOUS FUNDS AND SPENDING AGENCIES, IN THE AMOUNTS AND FOR THE PURPOSES AS SET FORTH BELOW, FOR THE TOWN OF IGNACIO, COLORADO FOR THE 2004 BUDGET YEAR.

WHEREAS, the Board of Trustees has made provisions for revenues in an amount equal to or greater than the total proposed expenditures as set forth in said budget, and;

WHEREAS, it is not only required by law, but also necessary to appropriate the revenues provided in the budget to and for the purpose described below, so as not to impair the operation of the Town.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO;

Section 1. That the following sums are hereby appropriated from the revenues of each fund, to each fund, for the purpose stated.

GENERAL FUND:	
Current operating expenses:	\$1,183,371
Transfers:	\$ 70,578
Total:	\$1,253,949

CAPITAL IMPROVEMENT FUND:	
Capital projects:	\$ 10,000
Transfers:	\$ 80,000
Total:	\$ 90,000

IRRIGATION SYSTEM IMPROVEMENT FUND:	\$ 16,790
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DEBT SERVICE FUND:	\$190,153
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WATER FUND:	
Operating expenses:	\$ 178,174
Transfers:	\$ 0
Total:	\$ 178,174

GAS FUND:

Operating expenses:	\$ 554,802
Transfers:	\$ 3,600
Total:	\$ 558,402

CONSERVATION TRUST FUND:

\$123,400

ADOPTED THIS 9TH DAY OF DECEMBER A.D. 2003.

ATTEST: *Jeannette Valdez*
 Town Clerk

Katherine Gurule
 Katherine Gurule, Mayor Pro-Tem

ORDINANCE NO. 211

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE IVES BUILDING TO THE IGNACIO VOLUNTEER EMERGENCY SQUAD (HEREAFTER IVES), AND AUTHORIZING OFFICERS OF THE TOWN TO EXECUTE APPROPRIATE DOCUMENTS TO COMPLETE THE CONVEYANCE.

WHEREAS, the Town is the owner of a parcel of real property and improvements that are currently occupied by the Ignacio Volunteer Emergency Squad (the IVES Property), and

WHEREAS, the Board of Trustees finds that the IVES Property is not being held for any town governmental purpose, and

WHEREAS, the Board finds that the conveyance of the property to the Ignacio Volunteer Emergency Squad is in the best interests of the Town and will benefit the health and welfare of the citizens of the Town and the immediate area, and

WHEREAS, conditions have been imposed on the conveyance to protect the interests of the Town and the public, and

Whereas, the Board of Trustees has the authority to convey the IVES Property by Ordinance, and

WHEREAS, the Board desires to authorize certain officers of the Town to execute all documents reasonably necessary to complete the conveyance,

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

1. The Board hereby approves and ratifies the Agreement between the Town and IVES dated December 9, 2003.
2. The Board hereby authorizes the sale and conveyance of the property described as Lots 18, 19, 20 and the North 15 feet of Lot 21 adjoining said Lot 20, all in Block 07 of the ASPAAS FIRST ADDITION to the Town of Ignacio, according to the plat thereof filed for record June 7, 1910 as Reception No. 57476, to the Ignacio Volunteer Emergency Squad on the terms and conditions more fully described in the above referenced Agreement between the parties.
3. The Mayor and the Town Clerk are hereby authorized to execute any and all documents reasonably required to complete the conveyance of the IVES Property to the Ignacio Volunteer Emergency Squad, including, but not limited to contracts, amendments to contracts, closing instructions, settlement sheets, deeds, assignments, bills of sale, covenants, affidavits, or other customary closing documents.

APPROVED BY THE BOARD OF TRUSTEES on this 9th day of December, 2003.

THE TOWN OF IGNACIO, COLORADO

By: *Katherine Sanchez*
Mayor

ATTEST

Georgann Valdez
Town Clerk



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 1 of 2 ODC R \$11.00 D \$0.00 Lapl City, CO

ORDINANCE NO. 211

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO AUTHORIZING THE SALE AND CONVEYANCE OF CERTAIN REAL PROPERTY COMMONLY KNOWN AS THE IVES BUILDING TO THE IGNACIO VOLUNTEER EMERGENCY SQUAD (HEREAFTER IVES), AND AUTHORIZING OFFICERS OF THE TOWN TO EXECUTE APPROPRIATE DOCUMENTS TO COMPLETE THE CONVEYANCE.

WHEREAS, the Town is the owner of a parcel of real property and improvements that are currently occupied by the Ignacio Volunteer Emergency Squad (the IVES Property), and

WHEREAS, the Board of Trustees finds that the IVES Property is not being held for any town governmental purpose, and

WHEREAS, the Board finds that the conveyance of the property to the Ignacio Volunteer Emergency Squad is in the best interests of the Town and will benefit the health and welfare of the citizens of the Town and the immediate area, and

WHEREAS, conditions have been imposed on the conveyance to protect the interests of the Town and the public, and

Whereas, the Board of Trustees has the authority to convey the IVES Property by Ordinance, and

WHEREAS, the Board desires to authorize certain officers of the Town to execute all documents reasonably necessary to complete the conveyance,

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

1. The Board hereby approves and ratifies the Agreement between the Town and IVES dated December 9, 2003
2. The Board hereby authorizes the sale and conveyance of the property described as Lots 18, 19,20 and the North 15 feet of Lot 21 adjoining said Lot 20, all in Block 07 of the ASPAAS FIRST ADDITION to the Town of Ignacio, according to the plat thereof filed for record June 7, 1910 as Reception No. 57476, to the Ignacio Volunteer Emergency Squad on the terms and conditions more fully described in the above referenced Agreement between the parties.
3. The Mayor and the Town Clerk are hereby authorized to execute any and all documents reasonably required to complete the conveyance of the IVES Property to the Ignacio Volunteer Emergency Squad, including, but not limited to contracts, amendments to contracts, closing instructions, settlement sheets, deeds, assignments, bills of sale, covenants, affidavits, or other customary closing documents.

ditto

APPROVED BY THE BOARD OF TRUSTEES on this 9th day of December, 2003.

THE TOWN OF IGNACIO, COLORADO

By: Katharine Gruber
Mayor

ATTEST

Suzanna Valdez
Town Clerk

ORDINANCE 210

AN ORDINANCE OF THE TOWN OF IGNACIO, COLORADO, AMENDING THE CHAPTER ENTITLED FIRE REGULATION.

WHEREAS, the Town of Ignacio, Colorado has adopted municipal codes; and

WHEREAS, the municipal codes are being reviewed; and

WHEREAS, the establishment of what constitutes fire regulation is designed to provide for a safe, and orderly Town; and

WHEREAS, the needs of the town have made it necessary to revise the Fire Regulation section of the municipal code; and

WHEREAS, the Board of Trustees desires to continually upgrade the accuracy and efficiency of services to the community;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF IGNACIO, COLORADO, THE MUNICIPAL CODE CHAPTERS ARE AMENDED AS ATTACHED.

Adopted and ordered published this 9th day of December, 2003.

TOWN OF IGNACIO, COLORADO:

By: *Katherine Smalley*
Mayor

Attest:

By: *Benjamin Valdez* Town Clerk

CHAPTER VI: Fire Regulation (Ord 100 5-27-86, Ord 210 12-9-03)

6-1 Code of Regulations.

6-1-1 Application to New and Existing Conditions.

The provisions of this Code of Regulations adopted for the safeguarding of life and property within the Town of Ignacio, Colorado, from fire, explosion and other conditions hazardous to life and property, shall apply equally to new and existing conditions except that existing conditions not in strict compliance with these regulations shall be permitted to continue where the exceptions do not constitute a district hazard to life or property in the opinion of the Town Building Official.

6-1-1.5 Fire Chief Defined. (Ord 100 5-27-86 this is listed as 4-1-2.5)

Whenever the term Town Fire Chief or Town Fire Marshal is used in the Code of the Town of Ignacio, it shall mean the Chief of the Los Pinos Fire Protection District. The Chief of the Los Pinos Fire Protection District acting as the Town of Ignacio Fire Chief or Fire Marshal is hereby given authority to enforce any and all fire safety ordinances of the Town of Ignacio by summoning any person violating fire safety ordinances of the Town of Ignacio into municipal court or by enforcing of such ordinances by any other lawful method. The Town's Building Official may delegate any power granted to him under Chapter V of the Code of the Town of Ignacio to the Town's Fire Chief.

6-1-2 Standards Applied.

All matters within the intent of this Code not covered in detail by these regulations herein adopted shall comply with nationally recognized good practice. Compliance with the Fire Prevention Code, *1997 Edition of the Uniform Fire Code.*

6-1-3 Entrance for Inspection.

The Town Building Inspector or the Town Fire Chief may at all reasonable hours enter any building or premise, except the interior of dwelling houses, for the purpose of making any inspection which he may deem necessary to be made which may be liable to cause fire, explosion or other conditions that may endanger life or so long as all such inspections are reasonably made.

6-1-4 Remedy of Dangerous Conditions; Dangerous Conditions Defined.

Whenever the Building Inspector or Fire Chief shall find upon any premises dangerous or hazardous conditions which exist, or will exist, he shall order such conditions to be immediately remedied in such manner as he may specify. Dangerous conditions shall include, but not be limited, to the following:

- (A) Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous material being stored or otherwise present within the Town limits of the Town of Ignacio, Colorado.
- (B) Defective or improperly installed equipment for handling or using combustible or explosive or otherwise hazardous materials, including defective equipment or conditions for the use of natural gas or other gasses, gasoline, oils or similar combustible materials.
- (C) Dangerous accumulations of rubbish, waste paper, boxes, shavings or any other highly flammable materials.
- (D) Accumulations of dust or waste materials in air conditioning systems or of grease in kitchen or other exhaust ducts.
- (E) Obstructions on, or inadequate fire escapes, stairs, passageways or doors that are liable to interfere with egress of occupants in case of fire or explosions.
- (F) Improper storing of gasoline, greases, oils, dynamite and similar hazardous materials.

6-1-5 Permit Requirement.

A written permit shall first be had and obtained from the Fire Department located within the Town of Ignacio, Colorado, before doing any of the hereinafter listed acts:

- (A) Before burning any building, automobile, bonfire, rubbish fire or any other fire unless same is done in a proper receptacle or incinerator.
- (B) Before storing any hazardous chemical, large supplies of ammunition, dynamite, gasoline, greases, toxic materials, poisonous gasses or other highly dangerous or flammable materials.

A permit shall first be obtained from the Town Staff of the Town of Ignacio which is approved by the Building Inspector showing any new use of a building follows

current fire and safety regulations and older buildings are continuing to conform to fire and safety regulations.

(A) Before a new use and periodically with older buildings, and before a new permit shall be issued or an older building continues its current use, any group of 25 people or more which shall occupy any building, as an assembly place, place of entertainment or similar functions, that building shall have sufficient exit doors. During periods of occupancy, no exit door shall be locked, bolted or otherwise fastened, so that the door cannot be opened from the inside by use of an ordinary latch or by pressure, and all such doors shall swing to the outside of the building, with sufficient aisleways, markings, lighting, and stairways, all to be approved by the Building Inspector.

6-1-6 Storage of Gasoline.

All bulk plants, service stations and similar installations which commonly handle gasoline will store same in underground storages covered by at least three (3) feet of soil, concrete or similar materials. Bulk storage of gasoline trunk shall be any amount greater than fifty (50) gallons. No gasoline trunk shall be parked unattended upon any public highway or street in the Town of Ignacio at any time.

6-1-7 Appeal Procedure.

Whenever the Building Inspector shall disapprove an application or refuse to grant a permit or shall demand any action of any person to comply with these regulations, and such persons so desires, the said person may appeal from the decision of said Building Inspector to the Town Council direct, within thirty (30) days, and the Town Council shall rule on the matter and their decision shall be final within the Town authority.

6-1-8 Penalties for Violation.

Any person, or corporation who shall violate any of the provisions of these regulations, or the decision of the Building Inspector shall be guilty of a misdemeanor, punishable by a fine not more than *One Thousand Dollars (\$1,000)* or by imprisonment of not more than 90 days, or by both such fine and imprisonment. The imposition of one penalty for any violation does not excuse the violation and the person shall be required to correct or remedy such violation or damage within a reasonable time, each of the days that the prohibited conditions continues to exist or is maintained shall constitute a separate offense.

6-1-9 Disclaimer of Liability.

The adoption of the regulations and this Chapter shall not be construed to hold the municipality responsible for any damages to person or property by reason the inspection or failure to inspect, or the granting of a permit or disapproval of a permit that may arise from a fire, explosion or similar disaster to be controlled by this Chapter.

6-2 Fire Limits of the Town of Ignacio.

6-2-1 Fire Limits Established.

All that portion of the Town of Ignacio within the following limits shall be and the same hereby is constituted the fire limits of said Town, viz: the Town of Ignacio town limits including any portion thereof annexed from time to time.