

TOWN OF OPHIR, COLORADO

ORDINANCE NO. 2018-1

AMENDING ARTICLE VI OF THE OPHIR LAND USE CODE, PUBLIC FACILITIES ZONE DISTRICT, TO ADD CEMETERY AS A USE PERMITTED BY RIGHT AND AUTHORIZING THE ENACTMENT OF CEMETERY REGULATIONS

WHEREAS, pursuant to Colorado Revised Statutes § 31-15-401 and 31-23-301, *et seq.* as a Colorado municipality, the Town of Ophir has the power to enact regulations as necessary to provide for the public health, safety and welfare of the community and specifically to regulate the use of land; and

WHEREAS, a Cemetery exists within the Town of Ophir and the Cemetery is located in the Public Facilities Zone District; and

WHEREAS, the Ophir Regional Master Plan recognizes the existence of the cemetery and states that Ophir should “Develop and maintain an accurate survey of gravesites in the Ophir Cemetery a survey of the cemetery”; and

WHEREAS, a survey of the Cemetery has been completed (2006 Historical Archaeological Assessment of the Old Ophir Cemetery (5SM5314); and

WHEREAS, the Town of Ophir Planning and Zoning Commission has recommended adoption of the following Land Use Code amendments in order to allow Cemetery use as a use permitted by right in the Public Facilities Zone District; and

WHEREAS, the Ophir General Assembly desires to authorize the enactment of Cemetery regulations; and

WHEREAS, the Ophir General Assembly finds that adoption of this ordinance is necessary to protect the public health, safety and welfare of the Town of Ophir.

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR:

Section 1. Section 603 of Article VI of the Ophir Land Use Code, Public Facilities Zone District, is hereby modified by addition of the underlined words below, and deletion of an unnecessary word (redlined), to read in its entirety as follows:

§603. USES PERMITTED BY RIGHT. Public buildings, structures, and facilities, including but not limited to Town Hall, club facilities open to the public, playground, play field, tennis and basketball courts, offstreet

parking, water system facilities, utility structures and buildings, storage buildings for public equipment, the Ophir Cemetery, public trash storage, and uses expressly described in the Ophir Master Plan, as such uses are described and as the location of such uses are designated in the Ophir Master Plan.

Section 2 CEMETERY REGULATIONS.

The General Assembly may, following recommendation of the Planning & Zoning Commission, by resolution adopt cemetery regulations to govern the management, protection and rehabilitation of the Ophir Cemetery, including but not limited to location and placement of structures, graves, burial sites and headstones, vegetation management, and public uses within the Ophir Cemetery.

Section 3. EFFECTIVE DATE.

This Ordinance shall take effect upon publication of notice of final adoption.

Section 4. SEVERABILITY.

If any one or more sections or parts of this Ordinance is adjudged unenforceable or invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various provisions herein are severable.

Section 5. REPEALER.

All ordinances, resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution or part of any ordinance or resolution heretofore repealed.

Introduced, Read and Approved on First Reading by the General Assembly on the 20th day of February, 2018.

Approved and Adopted on Second and Final Reading by the General Assembly of the Town of Ophir on the 20th day of March, 2018.

By: _____
Corinne Platt, Mayor

Attest: _____
Lisa Rutledge, Town Clerk

Approved as to Form: Town Attorney