CHAPTER 1 GENERAL PROVISIONS

Chapter 1 ARTICLE 1

GENERAL PROVISIONS

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1-1-1 **How Code Designated and Cited** The Ordinances embraced in this and the following chapters and sections shall constitute and be designated "The Code of the Town of Silverton, Colorado", and may be so cited. Such ordinances may also be cited as the "Silverton Municipal Code."

1-1-2 **Definitions and Rules of Construction** In the construction of the Code and of all ordinances of the Town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

(1) Town The word "Town" or "this Town" shall mean the Town of Silverton, Colorado.

(2) Board of Trustees The word "Board" or "Trustees" shall mean the Board of Trustees of the Town of Silverton.

(3) Code The term "Code" shall be deemed to mean "The Code of the Town of Silverton" as published and subsequently amended, unless the context requires otherwise.

(4) Person The word "person" shall include a firm, partnership, corporation, association or other organization acting as a group or unit as well as an individual.

(5) County The words "the county" shall mean the County of San Juan, Colorado.

(6) Day A day is the period of time between any midnight and the midnight following.

(7) Daytime, Nighttime "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

(8) In the town The words "in the town" shall mean and include all territory over which the town now has, or shall hereafter acquire, the jurisdiction for the exercise of it police powers or other regulatory

powers.

(9) Month The word "month" shall mean a calendar month.

(10) Oath The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

(11) Owner The word "owner" applied to a building or land, shall include any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety, of the whole or a part of such building or land.

(12) Preceding, Following The words "preceding" and "following" shall mean next before and next after, respectively.

(13) Property The word "property" shall include real, tangible, and intangible personal property.

(14) Real Property Real property shall include lands, tenements and hereditaments.

(15) Public Way The words "public way" shall include any street, alley, boulevard, parkway, highway, sidewalk, or other public thoroughfare.

(16) Street The word "street" shall mean and include any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

(17) Sidewalk The word "sidewalk" shall mean the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

(18) Tenant The word "tenant or "occupant" applied to a building or land, shall include any person who occupies the whole or a part of such building or land, whether alone or with others.

(19) Year The word "year" shall mean a calendar year unless otherwise expressed.

(20) State The words "the State" shall be construed to mean the State of Colorado.

(21) All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

(22) When an ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

(23) The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be don shall fall on Sunday or a legal holiday, the act shall be done upon the day following such Sunday or legal holiday.

(24) Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and

bodies corporate as well as individuals, shall be included.

(25) "Shall" is mandatory and "may" is permissive.

(26) The title of any section or subsection of the Code shall not be deemed to in any way restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection.

(27) In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice.

1-1-3 **Amendments** Any additions or amendments to this Code shall be adopted as ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this Code so that reference to it as "The Code of the Town of Silverton," shall be understood as including such additions or amendments.

1-1-4 **Severability** The provisions of this Code are hereby declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this Code shall continue in full force and effect, it being the legislative intent that this Code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that if any provision or part of this Code, or the application thereof to any person or circumstances, is held invalid, the remainder of this Code and the application thereof to other persons shall not be affected thereby.

1-1-5 **Repeal** All ordinances and parts of ordinances of a general and permanent nature adopted by the Town of Silverton before the effective date of this Code, are hereby repealed; provided however, that any ordinances establishing salaries, establishing any contract right, authorizing the issuance of any bonds or evidence of indebtedness of the Town of Silverton, relating to the annual appropriation of the annual tax levy, granting any franchise, annexing territory to the Town of Silverton, naming streets or alleys, creating or assessing any local improvement district, or authorizing the sale, purchase or lease of property by the Town of Silverton, shall not be considered to be ordinances of a general and permanent nature, and the same are not hereby repealed.

1-1-6 **Effect of Repealing Ordinances** The repeal of any provision of this Code shall not affect any right which has accrued, any duty imposed, any penalty incurred nor any action or proceedings as commenced under or by virtue of the provision repealed, nor the tenure of an office of any person holding office at the time when such repeal shall take effect. The repeal of any provision of this Code shall not revive any provision or any ordinance theretofore repealed or superseded.

1-1-7 **General Penalty: Continuing Violations** Whenever in this Code or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Code any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefore, any person who shall be convicted of the violation of any such provision of this Code or other ordinance or resolution of the Town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars ($300.00) or by imprisonment in jail not exceeding ninety (90) days or by both such fine and imprisonment. Every day any violation of this Code or any other ordinance or resolution of the Town or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense.

CHAPTER 2 ADMINISTRATION

Chapter 2 ARTICLE 1

GENERAL

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2-1-1 **Form of Seal** That a seal, circular in form, not exceeding two inches in diameter, the impression of which is as follows: in the center the words, "Seal. Incorporated Nov. 15, 1876," and around the outer edge thereof the words, "Silverton, Colorado," shall be, and the same is hereby declared and ordained to be, and accepted and adopted as the legal and official Seal of the Town of Silverton.

2-1-2 **Use of Seal Confirmed** The use of such seal and the impression thereof is hereby authorized and directed whenever and wherever the seal of the Town of Silverton shall be lawfully required; and the use of such seal and the impression thereof, heretofore made, and any seal and any impression, similar thereto, heretofore used and made whenever and wherever the seal of the Town of Silverton shall have been lawfully required, is hereby confirmed, ratified and approved.

2-1-3 **Oath of Office** That every officer of the Town of Silverton, whether elected or appointed, shall, before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and the Constitution of the State of Colorado, and to well and faithfully perform the duties of the office upon which he is about to enter.

2-1-4 **Officers Appointed** That the Board of Trustees shall, as soon as practicable after their organization each two years, appoint a Clerk and Recorder, a Treasurer, a Police Chief, Municipal Judge, Water Superintendent, Janitor and an Attorney, and whomever else the Board deems necessary, who shall, unless sooner removed, hold their respective office until one week after the next regular Town election and until their successors shall be appointed and qualified.

CHAPTER 2 ADMINISTRATION

ARTICLE 2
CORPORATE AUTHORITY, MAYOR

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2-2-1 **Mayor - Board of Trustees** The corporate authority of the Town of Silverton is by state law vested in a Board of Trustees, consisting of one Mayor and six Trustees, who shall be qualified electors residing within the limits of the corporation. Members of the Board are elected as provided for in Chapter IV, Elections and Recall, for a four year term. Specific authority thereto the Board is given the power to appoint such other officers as it may deem necessary for the good government of the corporation, prescribe their duties and fix their compensation.

2-2-2 **Mayor - Duties** The Mayor shall preside at all meetings of the Board of Trustees, and shall perform such duties as may be required of him by statute or ordinance. Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the Town. The Mayor shall be considered a member of the Board of Trustees, and shall have the same voting powers as any member of said board. The Mayor shall execute and authenticate by his signature such instruments, ordinances, or resolutions as may be required by statute or ordinance. (C.R.S. 31-4-302 & 31-16-104)

2-2-3 **Mayor Pro Tem** At its first meeting following a biennial election, the Board shall choose one of the Trustees as Mayor Pro Tem, and he shall be the Trustee who in the last regular election shall have been the highest vote getter, who, in the absence of the Mayor from any meeting of said Board or during the Mayor's absence from Town, or his inability to act, shall perform the Mayor's duties; and he shall so act in such capacity for the balance of his elected term of office. When performing the Mayor's duties, the Mayor Pro Tem votes and acts as a Trustee. (C.R.S. 31-4-303)

2-2-4 **Acting Mayor** In the event of absence or disability of both Mayor and Mayor Pro Tem, the Trustees may designate another of its members to serve as Acting Mayor during such absence or disability.

2-2-5 **Salary of Mayor** The salary of the Mayor of the Town of Silverton shall be not more than $120.00 per month through April, 2000. Beginning May 1, 2000, the salary of the Mayor of the Town of Silverton shall be paid in accordance with

the following schedule:

MONTHLY SALARY

Year of Service	Hours of Training				
	0-19	**20-39**	**40-59**	**60-79**	**80-99**
1	$300	$315	$331	$348	$360
2	$315	$331	$348	$360	$373
3	$331	$348	$360	$373	$386
4	$348	$360	$373	$386	$396
5	$360	$373	$386	$396	$406
6	$373	$386	$396	$406	$416
7	$386	$396	$406	$416	$422
8	$396	$406	$416	$422	$428
9	$406	$416	$422	$428	$434
10	$416	$422	$428	$434	$441
11	$422	$428	$434	$441	$448
12	$428	$434	$441	$448	$455
13	$434	$441	$448	$455	$462
14	$441	$448	$455	$462	$469
15	$448	$455	$462	$469	$476
15+	$455	$462	$469	$476	$483

The number of years of service shall be calculated to include all time the person has served in an elected position on the governing board, regardless of whether the position was that of Mayor or Trustee, and the calculation of the number of years of service shall include any years served prior to the effective date of this section. The number of hours of training shall be determined by the award of one training hour for each hour of class attended in the Colorado Municipal League's Municipal Elected Officials' Leadership Training Program or other training programs that receive prior Board approval for training credit. (amended 2/23/98)

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2-3-1 **Board of Trustees - Qualifications, Vacancies** The Board of trustees shall constitute the legislative body of the Town and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or possessed by the Town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

(a) Qualifications Each Trustee shall be a resident of the Town and a qualified elector herein. If any Trustee shall move from, or become, during the term of his office, a nonresident of the Town, he shall be deemed thereby to have vacated his office, upon the adoption by the Board of Trustees of a resolution declaring such vacancy to exist.

(b) Vacancies In case of death, resignation, vacation or removal for cause of any of the city officers during their term of office, the Board by a majority vote of all the members thereof, may select and appoint from among the duly qualified electors of the Town, a suitable person to fill the vacancy, who shall hold the office until the next biennial Town election.

2-3-2 **Procedure – Regular and Special Meetings**

(a) Regular Meetings The Trustees shall hold regular meetings on the second and fourth Monday of each month are the hour of 7:30 P.M., provided, however, that when the day fixed for any regular meeting of the Board falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All regular meetings of the Board will be held in the Board room of the Town Hall of the Town.

(b) Special Meetings The Mayor may convene the Board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor shall be served upon each member of the Board either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be

transacted thereat, except such as is stated in the notice. If the Mayor is absent from the Town, a special meeting may be convened by a majority of the Board.

(c) Quorum No action shall be taken unless a quorum is present. A majority of the Board shall constitute a quorum. A lesser number may adjourn from time to time and compel the presence of absent members. Any number of the Board, at any regular or special meeting, may, in writing, demand the attendance of absent members, which said demand shall be entered on the record forthwith by the Clerk, who shall thereupon notify the absent members of the time and place of the meeting.

(d) Agenda All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the Board, shall at least by the prior Thursday at 4:00 P.M. , prior to each meeting, be delivered to the Town Clerk, whereupon the Clerk shall immediately arrange a list of such matters according to the order of business. Each Trustee, the Mayor, and the Town Attorney, will be furnished with a copy of the order of business, together with a copy of the minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit.

(e) Order of Business The order of business of a Board meeting shall be as follows:

(1) Call to Order The Mayor shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Board to order. The Mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rule contained in “Robert's Rules of Order” unless otherwise provided by ordinance.

(2) Roll Call Before proceeding with the business of the Board, the Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

(3) Reading the Minutes Unless a reading of the minutes of a Board meeting is requested by a member of the Board, the minutes of the preceding meeting which have been furnished by the Clerk to each Trustee shall be considered approved if correct, and errors rectified if any exist.

(4) Reports of Officers Town officials and/or committees shall present such reports as may be required by the Board.

(5) Old Business The Board shall consider any business that

has been previously considered and which is still unfinished.

(6) New Business The Board shall consider any business not heretofore considered, including the introduction or reading of ordinances and resolutions.

(7) Petitions Petitions, remonstrance's, communications, and comments or suggestions from citizens present, shall be heard by the Board. All such remarks shall be addressed to the Board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officers. No person other than the individual speaking shall enter in the discussion without the permission of the presiding officer.

(8) Other Business Prior to adjournment, the Board shall, as it deems necessary, consider such business as is not specifically provided for herein.

(9) Adjournment The Board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate.

(f) Resolution or Motion Required - Roll Call Vote Every subject coming before the Board for its action shall be submitted by resolution or motion. The Clerk shall call the roll and the vote thereon shall be taken by ayes and nays; any vote on a resolution, ordinance, matters relating to expenditures, or other matters the Mayor deems appropriate shall be by a roll call vote.

(g) Vote Required The Mayor shall have the same voting powers as any member of the Board of Trustees. All ordinances, all resolutions or motions for the appropriation of money, all resolutions or motions to enter into contracts, and all appointments of officers shall require for their passage or adoption the concurrence of a majority of all members elected to the Board. In other matters a majority of the votes cast is sufficient for passage, except in the case of an ordinance calling for a special election or necessary for the immediate preservation of the public health or safety which must be adopted by an affirmative vote of three-fourths (3/4) of the members of the Board. (C.R.S. 31-4-302 & 31-16-105)

(h) Committees Any question pending before the Board may be referred to the appropriate committee, or to a special committee, for its consideration and report. When a question has been referred to a committee, such committee shall report thereon

with its recommendation at the next meeting. The standing committees shall consist of three members each and are as follows:

FINANCE, STREETS AND ALLEYS, LIGHTS AND PARKS, WATER AND SEWER, HEALTH AND CEMETERY, FIRE AND POLICE, ORDINANCE AND BUILDING, LICENSE AND INSURANCE

(1) Finance Committee The Finance Committee shall audit all reports, bills, and accounts and general supervision over the finance of the Town.

(2) Streets and Alleys The Streets and Alleys Committee shall have general supervision over all streets, alleys, sidewalks, and crossings and to see that the same are kept clean, repaired, and properly graded.

(3) Lights and Parks The Lights and Parks Committee shall have general supervision in all matters appertaining to the Town lighting plant.

(4) Water and Sewer The Water and Sewer Committee shall have general supervision over all matters appertaining to the water and sewer systems of the Town.

(5) Health and Cemetery The Health and Cemetery Committee shall have general supervision over all matters appertaining to the cemetery and the general health of the Town and shall be the execution committee of the Board of Health.

(6) Fire and Police The Fire and Police Committee shall have general supervision over all matters appertaining to the fire and police regulations of the Town.

(7) Ordinance and Building The Ordinance and Building Committee shall have general supervision over all building in the Town, and supervise generally the preparation and enforcement of necessary ordinances for the Town.

(8) License and Insurance The License and Insurance Committee shall have general supervision over all licenses and the issuance and regulation of licenses, and shall attend to the insurance of the Town property.

(9) Standing Committees All standing committees shall do and perform such other acts and duties as may

be required by the Board and the ordinances of the Town and such as shall reasonably come under their jurisdiction.

i) Suspension of the Rules Any of the provisions of this section may be temporarily suspended in connection with any matter under consideration be a recorded vote of three/fourths (3/4) of the members present, except that this shall not be construed to permit any action that is contrary to the state statute.

j) Appointments, How Made All appointments and selections of all officers and appointees by the Board of Trustees shall be by open ballot, and a concurrence of a majority of the whole number of members of such Board shall be required to make such appointment or selection, and the names of those who voted, and the vote each candidate received upon the vote resulting in an appointment or selection shall be recorded.

2-3-3 **Intergovernmental Contracts** The Board of Trustees shall have the authority on behalf of the Town to enter into contractual arrangements with one or more other local governments for the performance of any governmental service, activity or undertaking which could be performed by each of the local governments. Any such contract shall set forth fully the purposes, powers, rights, obligations and the responsibilities, financial and otherwise, of the contracting parties. Such contract may be approved by the Board by resolution or ordinance. (C.R.S. 29-1-202 1973).

2-3-4 **Oath and Bond** All officers elected or appointed in any capacity shall take an oath to support the Constitution of the State of Colorado. The Board of Trustees may provide that the payment of premises on surety bonds of any officer of the Town shall be made by the Town Treasurer from funds so designated by the Board. (C.R.S. 31-5-301 1973)

2-3-5 **Removal from Office** Any officer or appointee of the Town may be removed from office or suspended for a specific time, with or without pay, by a vote of two/thirds (2/3) majority of all Board members, but no such removal shall be made without a charge in writing, and an opportunity of a hearing being given, unless the officer against whom the charge is made shall have ceased to live within the limits of the Town. The following shall be hereby declared to be good grounds for removal from office:

A. Conduct unbecoming an officer.
B. Neglect of, or failure, or refusal to perform any duties of his or her office.
C. Incompetency.
D. Ceasing to reside within the limits of the Town.

E. Failure of the Mayor or any member of the Board of Trustees, or any officer of the Town, when by ordinance or stated policy he or she shall be required, to attend three (3) consecutive regular meeting of the Board of Trustees.

2-3-6 **Salary of the Trustees** The salary of each member of the Board of Trustees shall not be more than $120.00 per month through April, 2000. Beginning May 1, 2000, the salary of each Trustee shall be paid in accordance with the following schedule:

MONTHLY SALARY

Year of Service	Hours of Training				
	0-19	**20-39**	**40-59**	**60-79**	**80-99**
1	$250	$263	$276	$290	$300
2	$263	$276	$290	$300	$311
3	$276	$290	$300	$311	$322
4	$290	$300	$311	$322	$330
5	$300	$311	$322	$330	$338
6	$311	$322	$330	$338	$346
7	$322	$330	$338	$346	$351
8	$330	$338	$346	$351	$356
9	$338	$346	$351	$356	$361
10	$346	$351	$356	$361	$366
11	$351	$356	$361	$366	$371
12	$356	$361	$366	$371	$377
13	$361	$366	$371	$377	$383
14	$366	$371	$377	$383	$389
15	$371	$377	$383	$389	$395
15+	$377	$383	$389	$395	$401

The number of years of service shall be calculated to include all time the person has served in an elected position on the governing board, regardless of whether the position was that of Mayor or Trustee, and the calculation of the number of years of service shall include any years served prior to the effective date of this section. The number of hours of training shall be determined by the award of one training hour for each hour of class attended in the Colorado Municipal League's Municipal Elected Officials' Leadership Training Program or other training programs that receive prior Board approval for training credit. (updated 2/23/98)

ARTICLE 4
ADMINISTRATOR

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2-4-1 **Appointment** The Mayor and the Board of Trustees at their regular meeting after each biennial election may appoint some qualified person as Town Administrator. In case a vacancy should occur in the office of Town Administrator, the Mayor and Board may appoint a person to act as the Town Administrator until the Mayor and Board select and appoint another qualified person to the office. The Town Administrator is appointed pursuant to Section 31-4-304, C.R.S.

2-4-2 **Duties** The Town Administrator shall perform the following duties:

(a) Chief Administrative Officer to the Board of Trustees Works directly with the Board of Trustees and the Standing Committees of the Board to advise on various business matters before the Town; receives instruction and accomplishes tasks assigned by the Board.

(b) Chief Administrative Officer of the Town Administers the various programs, activities and personnel of the Town; responsible for the overall administration and conduct of Town business.

(c) Land Use and Zoning Administer land use, zoning, and hazard reduction regulations in accordance with Town Code provisions; provide staff support to the Zoning Board of Adjustment and San Juan Regional Planning Commission as directed by the Board of Trustees.

(d) Grantsmanship Gain knowledge of, remained informed on, and advise the Town Board on the status and availability of federal, state, and private foundation grants and assistance programs; author, apply for, and administer various grants as directed by the Board of Trustees.

(e) Community and Economic Development Provide professional services in relation to community planning and development, economic development, and capital improvements planning; authors and administers various grants as directed by the Board of Trustees.

(f) Contract Administration Oversee the advertising, selection, contracting and administration of contracts executed by the Board of Trustees, including any grant contracts.

(g) Personnel Administration Responsible for personnel administration pursuant to adopted policies and procedures.

(h) Annual Budget Act as Budget Officer in accordance with the provisions of the Local Government Budget Law of Colorado; work with the Board of Trustees to evaluate and finalize the annual budget for the Silverton Town government.

(i) Risk Management Act as the Safety Coordinator as directed by resolution of the Board of Trustees; receive, investigate, and process all insurance claims; oversee the expenditure of all insurance funds paid to the Town; oversee the preparation and submittal of the annual applications for Casualty and Property Insurance and for Workmen's Compensation Insurance.

(j) Property Management Oversee the operation and maintenance of all Town Properties.

(k) Code Amendment and Enforcement Draft amendments to the Town Code; oversee the enforcement of Town Ordinances and regulations; advise Town employees relative to Code enforcement and the application of Code provisions.

(l) Town - County Cooperation and Communications Act as a liaison for the Town Board in establishing and maintaining communications, cooperation, and coordination of efforts between the Town and the County.

(m) Other Duties and Responsibilities Carries out other duties as assigned or as necessary for the proper conduct of Town government.

2-4-3 **Oath and Bond** The Mayor and the Board of Trustees may require that the Town Administrator take an oath of office and that the Town arrange to furnish a surety bond in the amount of $1000.00 conditioned upon the faithful performance of the duties of the Town Administrator.

ARTICLE 5
TOWN CLERK-TREASURER

2-5-1	**Appointment**	**2-12**
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2-5-3	**Oath and Bond**	**2-13**

2-5-1 **Appointment** The Mayor and Board of Trustees at their first regular meeting after each biennial election may appoint some qualified person as Town Clerk-Treasurer. In case a vacancy should occur in the office of the Clerk-Treasurer, the Mayor and the Board shall appoint a person to act as the Town Clerk-Treasurer until the Mayor and the Board select and appoint a qualified person to the office.

2-5-2 **Duties** The Town Clerk-Treasurer shall perform all duties of the respective positions of Town Clerk and Town Treasurer as provided for in the Colorado Revised Statutes and the Town Code. Duties include, but are not limited to:

a) Secretary for the Board of Trustees Attend all Board meetings, prepare the Boards agenda; maintain, and certify the public record of Board proceedings; publish all legal and public notices, proceedings, ordinances, and other items.

b) Maintain Town Records Maintain central files of Town records in accordance with state archival guidelines; maintain and revise Town Code books; maintain birth and death records for San Juan County in accordance with State guidelines.

c) Municipal Elections Conduct municipal elections in accordance with the Colorado Municipal Election Code.

d) Licensing Administering all Town licensing provisions as specified by Town Code and state statutes and regulations.

e) Cash Receipts Receive all revenues to all funds, properly credit the revenues to the appropriate accounts; deposit receipts on a daily basis.

f) Accounts Payable Receive all bills and claims for payment against the Town and process the same as authorized by the purchasing authority; assign account codes and issue all warrants in payment of approved bills.

g) Accounts Receivable Bill all accounts receivable

h) Payroll and Benefits Administer all payroll and employee benefits and all associated reports and records.

i) Warrants Paid Keep a register of all warrants redeemed and paid; properly account payments against accounts paid; keep and maintain a registry of all claims submitted for payment by the

Town.

j) Deposits and Investments Deposit all funds in one or more public depositories; ascertain that all deposit accounts are properly identified pursuant to the Public Deposit Protection Act; monitor and project cash flow needs to ascertain that the Town has adequate funds available to meet Towns needs.

k) Financial Records Maintain proper financial records of all transactions in accordance with generally accepted governmental accounting practices and procedures; render a detailed monthly account of the Treasury.

l) Reports Prepare monthly reports to the Board which accurately document year-to-date and current monthly expenditures for all funds, including an expenditure comparison to budget line items and total departmental budgets; report to the Board of Trustees annually, by March 1st of each year, a full and detailed account of all receipts, expenditures, and other financial transactions for the prior fiscal year and publish the same in accordance with state statute; complete and file various reports as required by Town, State, or Federal governments.

m) Other Duties and Responsibilities Carries out other duties and responsibilities as assigned or necessary for the proper conduct of Town business.

2-5-3 **Oath and Bond** Before entering upon the duties of the office, the Town Clerk-Treasurer shall take an oath of office and the Town shall arrange to furnish a surety bond in the amount of $7,000.00 conditioned upon the faithful discharge of the duties as Town Clerk-Treasurer.

ARTICLE 6
TOWN TREASURER
Repealed August 23, 1993

ARTICLE 7
TOWN ATTORNEY

2-7-1	**Appointment**	**2-14**
2-7-2	**Duties**	**2-14**
2-7-3	**Oath and Bond**	**2-14**

2-7-1 **Appointment** The Mayor and the Board of Trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as the Town Attorney and shall fix his compensation. In case a vacancy should occur in the office of Town Attorney, the Board appoint a qualified attorney at law for the balance of the unexpired term.

2-7-2 **Duties** The Town Attorney shall perform the following duties:

(a) He shall act as legal adviser to, and be attorney and counsel for , the Mayor and Board of Trustees. The Town Attorney shall be responsible solely to the Board. He shall advise any officer or department head of town in matters relating to his official duties when so requested by the Board and shall file with the Town Administrator a copy of all written opinions given by his office.

(b) He shall appear in behalf of the Town to prosecute ordinance violations and conduct all cases in municipal court. He shall also appear in all suits and proceedings in any court wherein the town is a party thereto, and he shall file with the respective court(s) copies of all such records and files relating thereto.

(c) He shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the Board, and he shall promptly give his opinion as to the legal consequences thereof.

(d) He shall call to the attention of the Board of all matters of law, including changes or developments therein, affecting the Town.

(e) He shall attend regular and special meeting of the Board of Trustees whenever requested to do so by the Board or the Mayor.

(f) He is authorized to make and execute for and in the name of the Town of Silverton any affidavit or bond that may be necessary in any suit or proceedings wherein the Town is a party.

(g) He shall perform other duties assigned by the Board or as necessary for the proper conduct of the legal affairs of the Town.

2-7-3 **Oath and Bond** Before entering upon the duties of the office, the Town Attorney shall take an oath of office and furnish a surety bond in the amount of $500.00, conditioned upon the faithful discharge of his duties as Town Attorney.

ARTICLE 8
PUBLIC WORKS DIRECTOR
Repealed August 23, 1993

ARTICLE 9
SALARIES OF TOWN OFFICERS

2-9-1	**Elected Officials**	**2-15**
2-9-2	**Appointed Officials and Employees**	**2-15**

2-9-1 **Elected Officials** The Board of Trustees shall fix the salaries and compensation of all appointive officers of the Town. The Town Board shall also have specific authority to raise or lower salaries of Trustees and Mayor. Salaries for Trustees and Mayor shall only be changed on vote of two-thirds (2/3) of the members of the Town Board.

2-9-2 **Appointed Officials and Employees** All appointed officers and employees of the Town shall receive such salary as shall be established by the Board of Trustees for the term of the appointment or employment.

ARTICLE 10
PERSONNEL AND HOLIDAYS
(repealed 09-02-80)

ARTICLE 11
RULES OF PROCEDURES

2-11-1	**Purpose and Applicability**	**2-16**
2-11-2	**Quasi-Judicial Hearings**	**2-16**
2-11-3	**Rights of Participants**	**2-17**
2-11-4	**Order of Procedure**	**2-17**
2-11-5	**Rules of Evidence**	**2-17**
2-11-6	**Deliberation and Notice of Decision**	**2-17**
2-11-7	**Judicial Enforcement and Review**	**2-18**
2-11-8	**Administrative Hearings**	**2-18**
2-11-9	**Commencement of Proceedings**	**2-18**
2-11-10	**Referral to Hearing Body**	**2-18**
2-11-11	**Public Notice**	**2-18**
2-11-12	**Preserving Order**	**2-18**
2-11-13	**Adjournments**	**2-19**

2-11-1 **Purpose and Applicability** The purpose of the rules of procedure contained herein is to provide a uniform, consistent and expeditious method of procedure for the conduct of all hearings held before the Board of Trustees, and/or Board, commission or official of the Town. The provisions of this ordinance shall be applied uniformly in all such hearings; provided, however, that any board, commission, or official may supplement the provisions of this ordinance by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provisions of this ordinance by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public.

2-11-2 **Quasi-Judicial Hearings** The provisions of Articles 2-11-2 through 2-11-7 shall be applicable only to those hearings where the Board of Trustees, board, commission or official is called upon to exercise a power of judicial or quasi-judicial nature, which, for the purposes of this ordinance, shall be deemed to consist of the following:

(a) Hearings before the Board of Trustees upon application for the issuance or hearings for the suspension or revocation of liquor or fermented malt beverage license, upon ordinance which zone or re-zone realty; and upon all appeals from the decisions of any city official, board or commission, where such an appeal is otherwise authorized and which requires an evidentiary hearing to determine such appeal.

(b) Hearing before the Board of Zoning Adjustment upon appeals from any decision of the Building Inspector or upon request for a variance or exception from the terms of any ordinance.

(c) Hearing before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the Town.

2-11-3 **Rights of Participants** All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

(a) The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters.
(b) The cross examination, upon request, of all witnesses by the interested parties.
(c) The stenographic, or other verbatim, reproduction of all testimony presented in the hearing, or adequate summary of such testimony.
(d) A clear decision by the hearing body which shall set forth the factual basis and reasons for the decision rendered.

2-11-4 **Order of Procedure** In all quasi-judicial hearings, the following order of procedure shall be followed:

(a) Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given.
(b) Presentation of evidence by the applicant, petitioner, appealing party or complainant.
(c) Presentation of evidence in support of the applicant, petitioner, appealing party or complainant by any other person.
(d) Presentation of evidence from any person opposing the application, petition, appeal or complaint.
(e) Presentation of evidence in opposition or rebuttal to the matters presented by the opposition.
(f) All documents or other items of physical evidence shall marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person.

2-11-5 **Rules of Evidence** The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved.

2-11-6 **Deliberation and Notice of Decision** Each hearing body is hereby authorized to deliberate upon the issues presented at the hearing in private, non-public sessions; provided that no decision shall be effective, except upon a vote of the members of the hearing body, conducted in an open session thereof, which shall be duly recorded in the minutes of the public body. Written copies

of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same.

2-11-7 **Judicial Enforcement and Review** Any party aggrieved by any decision rendered by the hearing body in quasi-judicial hearing, as well as department heads or authorized officials of Town , or the Town itself, may apply to have said decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

2-11-8 **Administrative Hearings** All other hearings before the Board of Trustees or any board or commission or official shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the Board to determined legislative policy or to enable any board, commission or official to make recommendations to the Board on pending legislation. Such hearing shall be conducted in compliance with the provisions of Sections 2-11-9 through 2-11-13 hereof and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views.

2-11-9 **Commencement of Proceedings** All proceedings conducted pursuant to the provisions of this ordinance shall be commenced in the manner provided by the ordinance or statute governing the matter.

2-11-10 **Referral to Hearing Body** Upon receipt by the Town Clerk or the secretary of any board, commission or other appropriate officer of the Town of any application, petition, notice of appeal, complaint, or other instrument initiating a hearing, the same shall be referred to the Board of Trustees, board, commission or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by said Board of Trustees, board, commission or official, who shall direct public notice thereof, to be given; provided, however, that the Board of Trustees or any board or commission may authorize its clerk or secretary to set a date, time and place for hearing upon receipt of such instrument without the necessity for action by the Board of Trustees, board, commission or official.

2-11-11 **Public Notice** Public notice of the date, time, and place of hearing of a public hearing shall be given in the manner provided by the ordinance or statute. In the absence of provisions specifically delineating the manner in which public notice is to be given, notice of the date, time, place and purpose of the hearing to be held shall be published once in that newspaper designated by the Board, not less than ten (10) days prior to the date of said hearing.

2-11-12 **Preserving Order** Each hearing body shall have the right to preserve order during the hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings as may be

necessary, and the hearing body may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the hearings. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person.

2-11-13 **Adjournments** After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned hearing shall recommence, without the necessity of any further published notice thereof.

ARTICLE 12
POLICE DEPARTMENT

2-12-1	**Creation; Composition**	**2-19**
2-12-2	**Departmental Rules and Regulations**	**2-19**
2-12-3	**Appointment, Powers and Duties of the Chief**	**2-19**
2-12-4	**Duties of Police Officers**	**2-20**
2-12-5	**Oath and Bond**	**2-21**
2-12-6	**Uniforms**	**2-21**
2-12-7	**Duty of Citizens to Aid**	**2-21**
2-12-8	**Extraterritorial Duty**	**2-21**
2-12-9	**Reserve Police: Appointment; Powers**	**2-21**
2-12-10	**Private Police**	**2-22**
2-12-11	**Private Police; Shield**	**2-22**

2-12-1 **Creation; Composition** There is hereby created a Police Department for the Town of Silverton which shall consist of one Chief of Police (Town Marshall) and as many policeman deputies as may from time to time be deemed necessary for the safety and good order of the Town.

2-12-2 **Departmental Rules and Regulations** The Police Department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board.

2-12-3 **Appointment, Powers and Duties of the Chief** At its first regular meeting following each biennial election, the Board of Trustees shall appoint a Chief of Police who shall be the head of the Police Department. It shall be the duty of the Chief of Police to:

(a) See that the ordinances of the Town are duly enforced and the rules and regulations of the Police Department obeyed, and to perform such duties as may be required by the Board. (C.R.S. 1973 31-3-305).

(b) Direct the operation of the Police Department, subject to the rules and regulations thereof.

(c) Arrest any person violating any of the Town ordinances and take such violator before the municipal court for trial.

(d) Take charge of the Town jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the Town and see that orders and sentences with reference to such are fully executed and complied with.

(e) Render such accounts of the Police Department, his duties and his receipts as may be required by the Board , and keep the records of his office open to inspection by the Board at any time.

(f) Before entering upon the duties of such office, the Chief of Police shall take and subscribe to an oath that he will support the Constitution and laws of the State of Colorado, Constitution of the United States and ordinances of the Town of Silverton, and that he will faithfully perform the duties of the office upon which he is about to enter. He shall be furnished a surety bond by the Town to be approved by the Board, in the amount of $1,000.00, conditioned upon the faithful discharge of the duties of his office. (C.R.S. 1973)

2-12-4 **Duties of Police Officers** All members of the Police Department shall have powers and duties as follows:

(a) They shall perform all duties required of Town Marshals.

(b) They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the Town, and shall pursue and arrest any person fleeing from justice in any part of the State.

(c) They shall be the enforcement officers of the Town and shall see that the provisions of this Code and the laws of the State of Colorado are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this Code or of the law of the State. Upon such arrest they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided, that they may incarcerate any person whom they shall arrest at a late or unusual hour of the night until the following morning, and provided further that in the special cases relating to traffic offenses they may release an arrested person upon his written promise to appear in court.

(d) They shall report such offenses as may come to their knowledge to the proper Town official or they shall report the same to the Police Magistrate, securing a warrant for the arrest of offenders when desirable.

(e) They shall execute and return all writs and process to them directed by the Municipal Judge in any case arising under a Town Ordinance, and they may serve the same in any part of the county in which such Town is situated.

(f) They shall observe the condition of the streets, sidewalks, and alleys of the Town, and of any obstruction, nuisance, or impediments therein, and shall take necessary measures to remove or abate the same. (C.R.S. 31-3-305 1973)

2-12-5 **Oath and Bond** Before entering upon the duties of his office, each police officer shall take and subscribe an oath that he will support the constitution and laws of the State of Colorado, the Constitution of the United States, and the ordinance of the Town of Silverton, and that he will faithfully perform the duties of the office upon which is about to enter. He shall also be furnished by the Town a surety bond in the amount of $1,000.00 to be approved by the Board, conditioned upon the faithful performance of the duties of his office.

2-12-6 **Uniforms** Every Police Officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the Board.

2-12-7 **Duty of Citizens to Aid** It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such police officer in the discharge of his duties.

2-12-8 **Extraterritorial Duty** The Chief of Police may in his discretion, upon request of the County Sheriff or person exercising the functions thereof in any other jurisdiction, assign police officers under his control, together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (C.R.S. 29-2-108 1973)

2-12-9 **Reserve Police: Appointment and Powers** The Mayor may upon any emergency, riot, pestilence, invasion or at any time he shall deem it necessary for the peace, good order or health of the Town, order the Chief of Police to appoint Reserve Policemen for a specified time, not exceeding two (2) days, without the approval of the Board. He may also, with the approval of a majority of the Board of Trustees, order the Chief of Police to appoint such number of Reserve Policeman as may be agreed upon by the Board, to serve upon days of election, public celebration and holidays, and said Reserve Policeman shall have and possess all the powers and privileges of regular policemen, during the time for which they may be appointed.

2-12-10 **Private Police** Any person desiring the services of a special policeman in or about his property or place of business, upon agreeing to defray all expenses of maintenance of such special policeman, upon application to the Board, may have any suitable person named for such special policeman duty appointed as such. Such special policeman shall take the usual oath of office and shall have the powers of a regular police officer in and upon the premises for which he may have been appointed, but not elsewhere. Provided, however, special police officers so appointed shall be under control of the Chief of Police. The person at whose instance such officer was appointed shall be responsible for the pay of such officer, and the Town shall in no case incur any liability whatever by reason of the appointment of such special policeman. No person appointed as a special policeman under the terms of this section shall be considered a member of the Police Department.

2-12-11 **Private Police: Shield** All special and reserve police officers shall wear a shield having inscribed thereon, "Special Policeman", while on duty. It shall be unlawful for any special police officer to wear his badge or shield when he is not performing the duties for which he was employed.

ARTICLE 13
EMERGENCY PROTECTION

2-13-1	**Purpose**	**2-22**
2-13-2	**Mayor's Authority**	**2-22**
2-13-3	**Powers of Mayor**	**2-23**
2-13-4	**Penalties**	**2-24**

2-13-1 **Purpose** The Town of Silverton will from time to time in the future, in all probability, have within its corporate limits fire, flood, civil disturbances and riots; and therefore, it is deemed in the best interest of the Town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of Silverton.

2-13-2 **Mayor's Authority** Emergency police powers shall be placed in the hands of the Mayor of the Town of Silverton and these powers should be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such period of time as the actual emergency exists and further that said powers shall only be invoked after a declaration and proclamation of an emergency.

2-13-3 **Powers of the Mayor** In addition to any and all powers enumerated in the Town Code, the Mayor shall have further emergency powers necessary to preserve the peace and order of the Town as follows:

(a) The Mayor, or in his absence the Mayor Pro Tem, shall have the power to declare an emergency to exist when, in his opinion, one or more of the following conditions exists:

(1) That there is extreme likelihood of danger or destruction of life or property due to unusual conditions.

(2) Unusual or extreme weather conditions, making use of town streets or areas difficult or impossible.

(3) Civil unrest, commotion or uprising is eminent or exists.

(4) There is a stoppage or loss of electrical power affecting a major portion of the Town.

(b) The emergency shall be declared in a proclamation of the Mayor, which proclamation shall be delivered to the Chief of Police, who shall then see that said proclamation is delivered to all news media within the Town and who shall also use public address systems throughout the Town and immediately notify the public of said proclamation and that violators will be arrested and subject to penalty.

(c) After declaration of such emergency, the Mayor shall have the authority to exercise any or all of the following powers:

(1) To call upon regular and auxiliary enforcement agencies and organizations within or without the Town to assist in preserving and keeping the peace and the preservation of life and property to the citizenry of Silverton.

(2) The power to close streets and sidewalks and to delineate areas within the Town wherein an emergency exists.

(3) To impose a curfew upon all or any portion of the Town thereby requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, fireman and Town authorized or requested enforcement officers and personnel may be exempted from such curfew.

(4) To order the closing of any business establishments

anywhere within the Town for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, malt beverages, gasoline or firearms.

(5) The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the Town of Silverton.

(d) The proclamation of specifying with exactness the area in which the emergency is declared to exist shall become effective upon its issuance and dissemination to the public by the appropriate news media.

(e) (1) Any emergency proclaimed in accordance with the provisions of this ordinance shall terminate after forty-eight (48) hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, upon declaration of a second or further emergencies to exist the emergency powers set forth herein may be exercised during such further emergency period or periods, but never for more than forty-eight (48) hours in one declared emergency period.

(2) No emergency period shall extend beyond the next regular, special or called meeting of the Boards of Trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the Board.

2-13-4 **Penalties** Any person who shall willfully fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the Proclamation of Emergency authorized herein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than three hundred ($300.00) dollars or by imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.

ARTICLE 14
FIRE DEPARTMENT

2-14-1	**Creation; Composition**	**2-25**
2-14-2	**Departmental Rules and Regulations**	**2-25**
2-14-3	**Appointment; Powers and Duties of Chief**	**2-25**
2-14-4	**Appointment and Duties of Firemen**	**2-26**
2-14-5	**Entry upon Adjacent Property**	**2-26**
2-14-6	**Equipment**	**2-26**
2-14-7	**Agreements with organized Fire District**	**2-27**
2-14-8	**Providing Fire Protection Outside the Town**	**2-27**
2-14-9	**Vehicles of Firemen**	**2-27**
2-14-10	**Fire Alarms**	**2-27**

2-14-1 **Creation: Composition** There is hereby created a volunteer Fire Department for the Town which shall consist of a Chief, an Assistant Chief, and as many firemen as may be deemed necessary from time to time by the Board.

2-14-2 **Departmental Rules and Regulations** The Fire Department shall be operated and managed in accordance with such departmental rules and regulations as they may, from time to time, adopt.

2-14-3 **Appointment: Powers and Duties of Chief** The Chief of the Fire Department shall be elected by the members of the Fire Department and shall serve for their elected term. It shall be the duty of the Chief to:

(a) Be accountable to the Board for the personnel, morale and general efficiency of the Department.

(b) Direct the operations of the Fire Department, subject to the rules and regulations thereof.

(c) Be present at all fires if possible and plan the attack and direct his subordinates. During the progress of a fire the authority of the Fire Chief in all matters connected with the management or direction thereof, or the disposition of property endangered by it, shall be absolute. All orders issued by him on such occasions must be respected, and any fireman or citizen refusing to obey the same shall be guilty of a misdemeanor.

(d) Conduct suitable drills or instruction in the operation and handling of equipment, first aid and rescue work, salvage, a study of buildings in the Town, water supplies and all other matters generally considered essential to good firemanship and safety of life and property from fire.

(e) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin and

circumstances of all fires.

(f) Inspect buildings and premises and serve written notice upon the owner or occupant to abate, within a specified time, any and all fire hazards that may be found. For the purpose of conducting such inspection, the Chief is hereby empowered to enter any and all buildings and premises within the Town at any reasonable hour. Any person served with a notice to abate any fire hazard shall comply therewith and promptly notify the Chief.

(g) Keep complete records of all fires, inspections, apparatus and equipment, personnel and other information about the work of the Department. He shall furnish the Board with such information as may be requested, and his records shall be open to inspection by the Board at any time.

(h) Annual Fire Report (reserved for future use)

(i) Demote, dismiss or expel any officer or member of the Department for neglect or refusal to perform departmental duties, subject to the right of any member so demoted, dismissed or expelled to appeal to the Board.

(j) Enforce or cause to be enforced all ordinances, laws and regulations of the Town and State, insofar as they pertain to fire and safety.

(k) Have an Assistant Chief elected from the membership of the Department.

2-14-4 **Appointment and Duties of Firemen** Firemen shall be elected at such time, and in such manner, as the membership may deem necessary. Those elected shall be able-bodied citizens residing within the Town limits, preferably property owners whose business activities are normally within the confines of the Town, and who have telephones in their homes. The firemen shall be subject to supervision by the Fire Chief or the Assistant Fire Chief and shall be accountable to the Chief or his Assistant only.

2-14-5 **Entry upon Adjacent Property** It shall be lawful for any fireman acting under the direction of the Chief or another officer to command to enter upon the premises adjacent to or in the vicinity of any building or other property that is on fire, for the purpose of extinguishing such fire, and no person shall hinder, resist or obstruct any fireman in the discharge of his duty as hereinbefore provided.

2-14-6 **Equipment** The Department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire. Recommendations of apparatus and equipment needed shall be made by the Chief, and after approval by the Board, shall be purchased in such manner as may be designated by the Board. All

equipment of the Department shall be safely and conveniently housed in such place or places as may be designated by the Board. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully take away or conceal any article used in any way by the Department. No fire apparatus or equipment shall be hired out or permitted to leave the fire station except in response to a call for aid at a fire within the corporate limits of the Town, or in response to a call for aid at an authorized fire protection service area or mutual aid under provisions of Article 2-14-7.

2-14-7 **Agreements with Organized Fire District** The Board may from time to time enter into agreements, for the joint use of facilities, buildings and equipment, with fire districts organized under the laws of the State of Colorado.

2-14-8 **Providing Fire Protection Outside the Town** The Town is hereby authorized to enter into agreements or contracts to furnish fire protection outside the Town or to enter into mutual aid agreements. The members of the Fire Department are authorized and directed to render fire fighting service to communities, organizations, owners or occupants of premises outside the corporate limits of the Town. Such service shall only be rendered subject to the terms of the agreement or contract entered into by the Town.

2-14-9 **Vehicle of Firemen** Each member of the Department driving a car shall be issued suitable insignia to be attached to the car. No person shall drive any vehicle over fire hose except upon specific orders from the Chief or other officer in charge where the hose is used.

2-14-10 **Fire Alarms** Suitable arrangements or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the Department so that they may promptly respond. It shall be unlawful for any person to maliciously turn in or cause to be turned in a false alarm.

ARTICLE 15
SOCIAL SECURITY FOR EMPLOYEES

2-15-1	**General**	**2-28**
2-15-2	**Enabling Act**	**2-28**
2-15-3	**Payments Made**	**2-28**
2-15-4	**Appropriation**	**2-29**
2-15-5	**Agreement**	**2-29**

2-15-1 **General** The extension of the Social Security System to employees and officers of the Town of Silverton, Colorado will be of great benefit, not only to the employees of the Town, by providing that said employees and officers may participate in the provisions of the Old-Age and Survivor's Insurance, but will also be of great benefit to the Town of Silverton by enabling it to attract and to retain in employment the best of personnel and thus increase the efficiency of its government.

2-15-2 **Enabling Act** The 38th General Assembly of the State of Colorado, in regular session, enacted in a statute known as House Bill No. 291, which is the Enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Department of Employment Security, State of Colorado, to act as the department to implement the coverage of employees and officers under the said Old-Age and Survivor's Insurance System. The Town of Silverton is hereby authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan or plans, and agreement, required under Section 5 of this Enabling Act and the Social Security Act, to extend coverage to employees and officers of the said Town of Silverton, exclusive of officers selected by popular election, and do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivor's Insurance System.

2-15-3 **Payments Made** The Clerk is hereby authorized and directed to establish a system of payroll deduction to be matched by payments by the Town of Silverton, to be paid into the Contribution Fund of the State through the Public Employees Social Security System (PESSS) and to make charges of this tax to the fund, or funds, from which wages or salary payments are issued to the employees of the Town of Silverton. Such payments are to be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that act. Payments made to the Department of Employment Security, State of Colorado, shall be due and payable on or before the 15th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of 1/2 or 1% per month until such payments are made.

2-15-4 **Appropriation** Appropriation is hereby made from the proper fund, or funds, of the Town of Silverton, Colorado in the amount necessary to pay into the Contribution Fund as provided in Section 5(c)(1) of the Enabling Act and in accordance with the Plan, or Plans, and agreement.

2-15-5 **Agreement** Authority is given to the Mayor and Clerk of the Town of Silverton to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with House Bill No. 291 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this Town of Silverton shall be in effect.

ARTICLE 16
ORDINANCES

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2-16-1 **Numbering** All ordinances hereafter passed by the Board of Trustees shall for the better identification thereof, be by the Town Clerk numbered in accordance with their respective place in the Silverton Municipal Code, according to the time of their passage, and for the purpose of determining and fixing such number, all amendments to all Ordinances shall bear a like number as the original Ordinance of which the same is an amendment, and the numbers given to the several Ordinances passed by the Board of Trustees and as printed in the published Silverton Municipal Code are hereby confirmed and shall hereafter be used and adopted when reference thereto shall be made in any subsequent Ordinance, or when any prosecution may arise there under, and the Town Clerk shall further place in red ink in the margin opposite any repealed or amended section of any Ordinance a note showing the same to be repealed or amended, as the case may

be, together with the number of the Code Book and page thereof where such amendment or repeal is found.

2-16-2 **Amendment** No Ordinance shall be amended by providing that designated words therein be stricken out and others inserted in lieu thereof, but the Ordinance or Section amended shall set forth in full as amended.

2-16-3 **Style** The style of all Ordinances hereafter passed by the Board of Trustees shall be: "Be it ordained by the Board of Trustees of the Town of Silverton:"

2-16-4 **Majority Vote** All Ordinances, and all amendments thereto, hereafter passed by the Board of Trustees of the Town of Silverton, shall require for their passage or adoption the concurrence of a majority of all the members whether elected, or appointed to fill a vacancy of said Board of Trustees, and on the question of the passage or adoption of all Ordinances, and all amendments thereto, the yeas and nays shall be called and recorded.

2-16-5 **Adoption of Ordinances** No Ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health, or safety, and then only by the affirmative vote of three-fourths (3/4) of the members of the Board. In all other cases, an ordinance shall be introduced and read at one regular meeting of the Board. If the ordinance receives the required vote on its second reading, it shall be duly adopted. Codes may also be adopted by reference as provided by State Law. (C.R.S. 1973 31-12-305)

2-16-6 **Publication** All ordinances, and all amendments thereto, shall after their passage or adoption be published in full in a public newspaper of general circulation, published within the limits of the Town of Silverton, in but one issue of either the daily or weekly edition thereof, and such ordinances and amendments shall not take effect and be in force until the expiration of thirty (30) days after they have been so published except for ordinances calling for special elections or necessary for the immediate preservation of the public peace, health or safety, which shall take effect in five (5) days. (C.R.S. 1963, as amended, 139-33-6)

2-16-7 **Record - Authentication** All ordinances, and all amendments thereto, shall, as soon as may be after their passage or adoption, be, by the Town Clerk and Recorder, recorded in a book to be kept for that exclusive purpose, to be known and designated as the Silverton Municipal Code; and all such ordinances and amendments shall be authenticated in such Silverton Municipal Code by the said Clerk and Recorder, under his hand and the seal of the Town, by means of his certificate in substantially the following form:

State of Colorado)
County of San Juan) ss.
Town of Silverton)
I, _____, Town Clerk and Recorder of the Town of Silverton, do hereby certify; That the last above and forgoing Ordinance, designated as Ordinance No._____, was introduced and read before the Board of Trustees of this Town at a regular meeting held before the adoption of said Ordinance, on, to-wit: the _____day of _____, A.D. 20__ and that at a regular meeting of said Board of Trustees, held on the _____ day of _____, A.D., 20_____, said Ordinance No._____ was passed and adopted by said Board of Trustees of the Town of Silverton by the following vote:
That thereafter the same was published in full in the _____ in its issue of the ___ day of _____, A.D., 20__ proof of such publication having been made to and filed by me on the ___ day of_____ A.D., 20___ as follows:

Proof of Publication

State of Colorado)
County of San Juan) ss.
_____being first duly sworn on his oath says: That he is (one of) the owner and publisher of the _____a public newspaper printed in whole (part) and published within the Town of Silverton, said County and State; that said newspaper has a general circulation in said Town; that Ordinance No. __ of said Town of Silverton a copy of which is hereto attached was published in full in the issue of said newspaper dated the ___day of____. A.D., 20__ and that said newspaper has been continuously and uninterruptedly published (daily or weekly) in said County during a period of twenty-six (26) consecutive weeks prior to the publication of said Ordinance, and has been established in said County for more than six months and is a newspaper with the meaning of the statutes of Colorado concerning legal notices.

Subscribed and sworn to before me, in San Juan County, Colorado, this _____day of _____,A.D., 20___ and I certify that my commission expires _____A.D., 20___.
SEAL

And I, the Clerk and Recorder of said Town as aforesaid, do further certify that I have carefully examined the copy of said Ordinance in said Proof of Publication referred to and thereto attached and have carefully compared the same with said Ordinance as recorded above, and do hereby certify that the same is a true and correct and exact copy and exact copy thereof.

Town Clerk and Recorder (Town Seal)

2-16-8 **Proof of Publication** Sworn proof of publication of all ordinances and amendments shall be made by the publisher or owner of the newspaper publishing the same in substantially the same form as set forth in Article 2-16-7 hereof, and shall be lodged with the Town Clerk by the Tuesday night following such publication and be filed by said Clerk as of the date of the receipt thereof

and carefully preserved in the files of his office.

2-16-9 **Minutes** Upon the introduction and reading of all Ordinances, and all amendments thereto, the Clerk shall make and preserve minutes thereof in the regular minutes of such meeting, referring to such ordinance by title only; and upon the question of passing or adopting the same, the Clerk shall call and record the yea and nay vote thereon, in the regular minutes of such meeting, and upon request, by motion of a majority of all the members of the Board of Trustees, the Clerk shall call and record the yea and nay vote upon each separate section of such ordinance or amendment, recording the same in the regular minutes of such meeting, but in such minutes of such passage and adoption it shall be sufficient to refer to such ordinance or amendment by number and title only.

2-16-10 **By Laws** All By Laws of a general or permanent nature, and all those imposing any fine, penalty or forfeiture, shall be taken and considered as, and deemed to be, ordinances, and shall be published, passed and adopted, printed, recorded and authenticated as such.

2-16-11 **Repeal** In repealing any ordinance it shall be a sufficient designation of such original ordinance, in the ordinance repealing the same, to refer to the same by number, title and date of the passage thereof, and no ordinance, or any part thereof, repealed by any other ordinance, shall be deemed to be revived by the repeal of the repealing ordinance.

2-16-12 **No Retroactive Effect** No suit, proceeding, right, fine or penalty instituted, created, given, secured, accrued or imposed under any ordinance or amendment previous to its repeal or modification shall in any wise be affected, released or discharged by such repeal or modification, unless such repealing ordinance or amendment shall expressly so provide.

2-16-13 **Construction of Terms** Words used in any ordinance importing the singular or plural number shall be construed to include both, whenever such construction may be applicable, and every word importing the masculine gender only shall be construed to apply to females as well as males, whenever the same is applicable. The word "person" in any ordinance shall be construed to apply and extend to firms and bodies politic and corporate, except where the subject matter and context of the ordinance is repugnant thereto.

ARTICLE 17
PUBLIC LIBRARY

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2-17-1 **Establishment** A public library is hereby created which shall be located at the corner of Reese Street and 11th Street or wherever else the Town Board so designates. Title to said property shall vest in the Board of Directors of the Public Library.

2-17-2 **Library Board** That the "Board of Trustees of the Public Library of the Town of Silverton" shall consist of four members plus the president, who shall be the duly elected Mayor of the Town of Silverton. Library Trustees shall be eighteen years of age and year-round residents of San Juan County. Library Trustees shall be elected by the members of the Silverton Town Board of Trustees at a regular meeting, following adequate notice of vacancy. In the case that an appointment is vacated, the Board shall reappoint an applicant to serve the remainder of the term. Each trustee shall serve for a term of three years, with terms staggered. A trustee may serve two, consecutive full terms. Such Library Board of Trustees shall have and exercise all the powers and authority and perform all the duties conferred, or which may be conferred, by the Statutes of the State of Colorado. Not more than one member of the Board of Trustees of the Town of Silverton shall be at any time a member of the Library Board of Trustees.

2-17-3 **Appropriation** The Board of Trustees of the Public Library shall appropriate for each fiscal year and include in the Annual Appropriation Bill not less than $1,250.00 for each year for the "Library Fund" for the purpose of maintaining such public library.

2-17-4 **Library Fund** That hereafter the Town Clerk and the Town Treasurer shall enter and keep in their respective books careful account of said Library Fund, and of all appropriations therefore, and all moneys received into or paid out of the same.

2-17-5 **Drawing Money** No money shall be paid out of such Library Fund except by warrant executed and authenticated in the same manner as other Town

warrants, and all such warrants shall be presented, kept, cancelled and recorded in the same manner as is or may be required by law and ordinance concerning other Town warrants.

2-17-6 **Authorizing Warrants** Bills for the Library shall be presented to the Board for payment, staying within its budgetary limit. Any unusual expense should be presented to the Board prior to the commitment.

2-17-7 **Offenders** No person shall commit any injury to the library building of such Public Library, or shall in any way injure, molest, or create a disturbance of the peace in such library or the reading room or any other room thereof, or shall in any way or manner injure, deface, molest or destroy the library buildings, or the grounds around and belonging to such building, or any other property either real or personal belonging to such library, or shall willfully or negligently injure or shall refuse to return to such library any book held by him and belonging thereto, according to the rules and regulations made by said Board of Directors, or shall fail or refuse to observe or comply with any rules or regulations adopted by the said Board of Directors of said Public Library. (amended 03-28-91)

CHAPTER 3 FINANCES

Chapter 3 ARTICLE 1

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3-1-1 **Fiscal Year Same as Calendar Year** The fiscal year of the Town of Silverton shall commence on the first day of January and end on the last day of December of each year. (CRS 1973 31-20-201)

3-1-2 **Annual Budget** Not later than the first regular meeting of the Board of Trustees in September of each year, the Budget committee or other duly authorized persons designated by the Board, shall submit to the Board the itemized annual budget for the ensuing fiscal year. The budget as approved by the Board shall be adopted and administered in accordance with the provisions of the Local Government Budget Law of Colorado. (CRS 1973 39-1-101)

3-1-3 **Rate of Tax Levy** The Board of Trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the Town of Silverton for municipal purposes, and shall direct the Town Clerk to officially certify the said levy to the County Commissioners of San Juan County as provided by and on the date specified in Colorado State Statutes. (CRS 1973 39-5-128)

CHAPTER 3 FINANCES

3-1-4 **Annual Appropriation** The Board of Trustees shall pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation ordinance for the next fiscal year. In such ordinance the Board shall appropriate such sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the Town, specifying the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. The total amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year. (CRS 1973 31-20-201)

3-1-5 **Publication of Financial Statements** The Board of Trustees shall, within twenty (20) days after the adjournment of each regular or special meeting, publish such of its proceedings as relate to the payment of bills, stating the name of the person to whom allowed and to whom paid. It shall also publish a statement concerning all contracts awarded and rebates allowed. (CRS 1973 31-20-202)

3-1-6 **Deposits: Investments** The Town Treasurer shall deposit all of the funds and moneys which come into his possession by virtue of his office as town treasurer in one or more responsible banks located in the State of Colorado which have been designated by written resolution of the Town Board. The Town Board may also authorize the Town Treasurer, by written resolution, to invest in all or any part of such funds in securities which are authorized for such investment by state law. (CRS 1973 31-20-307)

3-1-7 **Annual Audit** The Board of Trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the Town in accordance with the requirements of state law. (CRS 1973 29-1-601)

3-1-8 **No Contract Beyond Appropriation** No contract shall be hereafter made by the Board of Trustees, or any committee or member thereof, and no expense shall be incurred by said Board, or any committee, member or department thereof, whether the object of the expenditure shall have been ordered by the Board of Trustees or not, unless and appropriation shall have been previously made concerning such expense.

3-1-9 **Town Clerk Receives Money** That the Town Clerk shall receive all moneys belonging to the corporation, and shall keep his books and accounts as hereinafter prescribed. He shall give every person paying money into the treasury a receipt thereof specifying the date of payment and upon what

account paid; and he shall also file statements of such receipts with the Town Board at the date of his monthly reports.

3-1-10 **Claims Against Town** That all claims and accounts against the Town of Silverton shall be fully itemized. All such claims and accounts shall be filed with the Town Clerk, and he shall carefully preserve all such claims and accounts so filed.

3-1-11 **Allowance of Claims** All claims filed against the Town shall, before being allowed by the Board, be referred to the Finance Committee for investigation and report, and reported upon. Claims may be referred to the Finance Committee at any meeting of the Board; but, except under suspension of the rules, the Board of Trustees shall not finally allow claims at any meetings except at the first regular meeting in each calendar month, or adjourned sessions thereof, and the last meeting of the retiring Board before the newly elected Board assumes its duties.

3-1-12 **Town Clerk's Finance Books** The Town Clerk shall keep an accurate and permanent record of all claims or bills allowed against and approved for payment by the Town, in order of payment, and shall show the fund, account, department, or line item from which each bill is paid. The Clerk shall also keep an accurate and permanent record of all monies received by the Town, in order of payment, and shall show the fund, account, department, or line item to which each receipt is credited. All accounting shall be done in accordance with Colorado State Statutes and generally accepted accounting procedures.

3-1-13 **Town Treasurer's Finance Books** The Town Treasurer shall keep a separate and accurate account of each fund, the debits and credits thereto, and the balance thereof.

3-1-14 **Warrants** All warrants drawn upon the Treasurer must be signed by the Mayor and countersigned by the Clerk, under the Town Seal; and each warrant shall state the amount, date and number thereof, the particular fund or appropriation, when appropriate, to which the same is chargeable and the person to whom payable; and no money shall be drawn from the Town Treasury except upon warrant.

3-1-15 **Warrants - Order of Payment** All warrants drawn upon any fund in the hands of the Town Treasurer shall be paid out of such fund in the order in which the same shall be presented for payment. When any warrant shall be presented to the Treasurer for payment and there shall not be sufficient money in the proper fund to pay the same, he shall duly register each warrant and shall

endorse thereon the date of presentation and "Not paid for want of funds," and sign his name to such endorsement; after which such presented warrant shall draw interest at six percent (6%) per annum, and shall be redeemed, as provided by statute.

3-1-16 **Treasurer to Pay by Check** The Treasurer shall pay out no money except by check. He shall number all checks consecutively, and enter upon the stub of each check drawn, the date, amount and name of payee, and the number of the warrant for which drawn. He shall carefully preserve all stub books of such checks for inspection of the Board, its officers and committees.

3-1-17 **Treasurer's Monthly Report** The Treasurer shall, at the end of each and every month, and oftener if required by the Board, render an account to the Board of Trustees, showing the state of the treasury at the date of such account, and the balance of money in the Treasury (and in each fund and appropriation). He shall also accompany such account with a statement of all moneys received in the treasury, and on what account during the preceding month, together with statement of all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the Clerk and filed with his said account in the Clerk's office upon every day of such statement; the Town Clerk shall return all warrants paid by him stamped "Paid", with the date of payment.

3-1-18 **Treasurer's Annual Report** The Treasurer shall report to the Board of Trustees, as often as required, a full and detailed account of all receipts and expenditures of the corporation as shown by his books up to the time of said report; and he shall annually, by December 31 of each year, make out and file with the Clerk a full and detailed account of all such receipts and expenditures and all of his transactions as such Treasurer during the preceding year, and shall show in such account the state of the treasury and of each fund thereof, at the close of the year.

3-1-19 **Finance Committee Examine Books** The Finance Committee shall at the time of each Treasurer's monthly report, carefully investigate such report and such books, warrants, vouchers and other files and records of the Treasurer's and Clerk's offices as may be necessary to ascertain whether such report is correct; and shall report thereof at the next regular meeting to the Board of Trustees. And said committee shall also, at the close of each fiscal year, carefully investigate the books and accounts of the Treasurer and Clerk, and the condition of the Treasury, and report to the Board as to whether such books and accounts are correct. In making such examination, the committee shall first ascertain, by actual investigation of the bank deposits -- and actual count of any cash items in

the Treasurer's possession, the amount of cash in the Treasury. All reports of the Finance Committee, concerning such books, accounts and the conditions of the treasury, shall be made in writing, signed by at least two members of the committee, and shall be filed by the Clerk and kept with the Treasurer's reports.

ARTICLE 2
OCCUPATION TAX
(REPEALED IN SEPTEMBER, 2005)

ARTICLE 3
UTILITIES OCCUPATION TAX
(POSSIBLY REPEALED)

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3-3-1 **Policy and Purpose** That the Board of Trustees hereby finds, determines and declares that considering the nature of the utility business and occupations as hereinafter defined, and the relations thereof to the municipal welfare, as well as the relation thereof to the expenditures required of the Town, and all other matters proper to be considered thereto, the classification of said business and occupations as separate businesses and occupations is reasonable, proper, uniform and non-discriminatory. The amount of tax hereby imposed by this

ordinance is reasonable, proper and non-discriminatory, and necessary for the just and proper distribution of expenditures required to be made by the Town with respect to such businesses and occupations.

3-3-2 **Utilities Defined** That the utility businesses and occupations subject to this ordinance shall be those utilities defined as "public utilities" by the laws of the State of Colorado, except for the utilities providing local telephone exchange service, and said utility being taxed in accordance with sections 3-3-11 through 3-3-18, inclusive.

3-3-3 **Tax Levy** That there is hereby imposed upon all utility companies except as hereinafter excluded which maintain facilities and carry on functions and operations within the Town of Silverton a tax on the business and occupation of installing, maintaining and operating such utility within the Town and of supplying services to the inhabitants of the Town. The amount of tax levied hereby shall be equal to three per cent (3%) of the gross revenues received by such utility arising from the supplying, furnishing, distributing and selling of artificial or natural gas, or a mixture thereof, electricity, or electrical energy, and any other utility service defined as such under 3-3-2 of this ordinance, within the cooperate limits of the Town, as now or hereafter established.

3-3-4 **Filing Statement and Payment of Tax** That for the purpose of ascertaining the amount of the tax to be paid as required by this ordinance, it shall be the duty of such utility companies, and the president, secretary, treasurer, manager, officer or agent having general control of the business of each utility company in said Town, to transmit within forty-five (45) days after the end of each calendar quarter, a statement under oath to the Town Treasurer showing the gross receipts received, as prescribed in Section 3-3-3 of this ordinance, during said quarter, and said statement shall be accompanied by a payment to the Town Treasurer of the amount of the tax for said quarter, and the statement and payment shall become delinquent sixty (60) days after the end of the quarter.

3-3-5 **Failure to Pay** That if any utility company, subject to the provisions of this ordinance, shall fail to pay the taxes as herein provided, the full amount thereof shall be due and collected from such company and the same together with an addition of ten per cent (10%) of the amount of taxes due shall be and is hereby declared to be a debt due and owing from such company to the Town of Silverton. The Town Attorney of the Town of Silverton upon the direction of the Board of Trustees shall commence and prosecute to final judgement and determination in any court of complete jurisdiction an action at law to collect the said debt in the name of the people of the State of Colorado, Town of

Silverton.

3-3-6 **Penalties** If any officer, agent or manager of a utility company which is subject to the provisions of this ordinance shall fail, neglect or refuse to make or file any quarterly statement or payment in the amount herein prescribed, the said officer, agent, manager, or person shall, on conviction thereof, be punished by a fine of not more than three hundred dollars ($300.00) or imprisoned not to exceed ninety (90) days, and or both so fined or imprisoned, provided, that each day after said quarterly statement or payment shall become delinquent during which the said officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement or payment shall be considered a separate and distinct offense.

3-3-7 **Inspection of Records** That the Town of Silverton, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the utility companies which are subject to the provisions of this ordinance and to make copies of the entries or contents thereof.

3-3-8 **Exclusions** That the provisions of this ordinance shall not apply to any utility business and occupation operating within the Town of Silverton pursuant to any ordinance of the Town in effect at the time of the adoption of this ordinance, and shall not apply to any common carriers and to any utility owned and operated by the Town.

3-3-9 **Local Purposes** The tax herein provided is upon occupations and businesses in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this ordinance be construed to mean that any utility company is issued a franchise by the Town of Silverton.

3-3-10 **Credit Against Tax** The provisions of this ordinance shall not apply to any utility, business, or occupation maintaining facilities or carrying on functions and operations within the corporate limits of the town under a franchise granted by the town, the terms of which said franchise provide the franchise fee or tax payable in connection therewith shall be in lieu of all other fees and taxes which may, from time to time, be imposed by the town upon the conduct or operation of a business or occupation within the corporate limits of the Town.

3-3-11 **Levy of Tax** There is hereby levied against every telephone utility which is engaged in the business of furnishing local exchange telephone service within the Town of Silverton, a tax on the privilege of engaging in such business. The

amount of such tax for the portion of 1978 remaining after the effective date of this ordinance shall be $6.82 for each telephone account for which local exchange telephone service is provided within the Town on July 15, 1978, and, for years subsequent to 1978, $2.75 annually for each such account, as provide in Section 3-3-12 of this ordinance.

3-3-12 **Payment of Tax** Beginning on January 1, 1981, the tax levied by this ordinance shall be due in two equal installments, payable on January 31 and July 31 of each year. A statement showing the total number of telephone accounts for which local exchange telephone service was provided within the Town on July 15 of each year shall be filed with the Town Clerk on July 31 of that year by each telephone utility subject to the tax imposed herein. In the event that the total number of telephone accounts has increased or decreased from July 15 of the previous year to July 15 of the current year, the July 31 payment shall reflect this increase or decrease as adjusted for the entire year.

3-3-13 **Inspection of Records** The Town of Silverton, its officers, agents or representatives shall have the right, at any reasonable time, to examine the books and records of any telephone utility which is subject to the tax imposed by this ordinance, and to make copies of the entries or contents thereof.

3-3-14 **Local Purpose** The tax provided herein is upon the affected occupations and businesses in their performance of local functions and is not a tax upon those functions relating to interstate commerce.

3-3-15 **Failure to Pay or File**

(a) If any telephone utility subject to this ordinance fails to pay the taxes as provided herein, the full amount thereof shall be due and collected from such company, and the same, together with an additional of ten per cent (10%) of the taxes due, shall be and is hereby declared to be a debt due and owing from such utility to the Town.

(b) If any officer, agent or manager of a telephone utility which is subject to the provisions of this ordinance shall fail, neglect, or refuse to file any statement required by this ordinance within the time herein prescribed, such officers, agent or manager shall be punished, on conviction thereof, by a fine of not less than twenty-five dollars ($25.00) nor more than three hundred dollars ($300.00); provided that each day after such statement becomes delinquent during which the said officer, agent or manager shall so fail, neglect or refuse to file such statement shall be considered a separate offense.

3-3-16 **Certain Offenses and Liabilities to Continue** All offenses committed and all liabilities incurred prior to the effective date of this ordinance shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrued under the terms and provisions of 3-3-3 on or before the effective date of this ordinance, shall be and remain unconditionally due and payable, and shall constitute a debt to the Town, payable in conformity with the terms and provisions of said ordinance 3-3-3 prior to the adoption of this ordinance; and all of said terms and provisions of 3-3-3 shall be and remain in full force and effect for the purpose of collection and payment of any and all such taxes due and payable there under, notwithstanding the provisions of this ordinance.

3-3-17 **Tax in Lieu of Other Occupation Taxes** The tax herein provided shall be in lieu of all other occupational taxes, or taxes on the privilege of doing business within the Town, on any telephone utility subject to the provisions of this Ordinance.

3-3-18 **Effective Date** This ordinance shall take effect on September 13, 1978, and the first payment of the tax levied by this ordinance shall be due on October 1, 1978.

3-3-19 through 3-3-33 A CATV Franchise with Trico Telecom, Inc. (Granted August 28, 1978; repealed August 4, 1981)

CHAPTER 3 FINANCES

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3-4-1 **Definitions: Exemptions** The word "supplies" for purpose of this Section shall include all supplies, materials, and equipment used by the Town of Silverton or any of its departments, agencies, commissions, bureaus, or institutions. The word "supplies" shall not include contractual services which are in their nature unique and not subject to competition, such as professional services.

3-4-2 **Purchase Authorization** No purchase shall be made without first securing a purchase order from the Town Clerk.

3-4-3 **Standards** The provisions of this section are intended to enable the Board of Trustees to conduct purchasing in the most efficient manner possible. In connection with any particular contract for or in connection with the use of supplies commonly required by the Town of Silverton, the Board of Trustees may compile a set of standards and specifications which will reasonably meet the needs of the Town of Silverton in respect to economy, strength, safety, sanitation, and health.

3-4-4 **Contracts** Contracts with the Board of Trustees shall be let to the lowest reliable and responsible bidder. Bids on supplies for which standards and specifications shall have been established pursuant to this Article shall be examined in accordance with such standards and specifications. All bids may be rejected. Each bid, with the name of the bidder, shall be entered on record, and each record, with the successful bid, if any indicated, shall be preserved for a period of five (5) years and open to public inspection. Bond for the proper performance of each contract may be required by statute. If a bond is required, the form and legal sufficiency shall be subject to the approval of the Town

Attorney. All contractors shall supply to the Town all invoices necessary for the Town to obtain its sales tax rebates.

3-4-5 **Bidding Procedure: Formal** Formal advertisement by publication shall precede the letting of any contract for supplies which is estimated to amount to $500.00 or more. Such advertisement or notice shall give the specifications of the supplies to be purchased or refer to the standards and specifications, theretofore established pursuant to this section and shall state the amount of bond, if any, required. All bids in response to such advertisements or notices shall be submitted in duplicate in sealed form and shall be publicly opened at the time specified in the advertisement or notice. After examination and tabulation the results shall be subject to inspection by competing bidders.

3-4-6 **Bidding Procedure: Informal** Any contract for supplies which is estimated to amount to less than $500.00 may be let by informal procedure upon notice calculated to inform potential bidders in a manner calculated to achieve maximum competition among bidders and maximum economy to the Town.

3-4-7 **Open Market** Purchases of supplies may be effected on the open market, notwithstanding the provisions of Sections 3-4-5 and 3-4-6 hereof, in such instances as will in the opinion of the Board of Trustees serve the best interest of the Town of Silverton, if the supplies to be purchased are within one or more of the following categories:

(a) Supplies of limited availability, to-wit; supplies indispensable to the Town which are obtainable, for practical purposes, from only one single source.

(b) Supplies urgently required, to-wit; supplies indispensable to the Town which of necessity must be purchased to contend with emergency situations.

(c) Supplies which are perishable, to-wit; supplies which cannot be purchased by ordinary procedures by reason of imminent spoilage or decay.

(d) Supplies required by reason of practicality, to-wit; supplies required in respect to uniformity of equipment presently in operation, uniformity of decorative and semi-decorative fixtures and supplies, and in respect to preferences based on particular individual usage or professional advice.

However, all purchases under this section shall be made in the most economical manner possible.

3-4-8 **Purchase Without Competitive Bidding** The Board of Trustees or the officer in charge of any department may purchase supplies to an amount not exceeding

an estimated $500.00 without competitive bidding. Purchases made under authority of this section shall pertain to articles or items of use, special or unique to their user, or shall be related to emergency conditions.. However, all such purchases shall be effected with maximum economy to the Town.

3-4-9 **Financial Interest** Neither the Board of Trustees nor any employee of the Town of Silverton shall have any personal beneficial interest either directly or indirectly in any purchase made by the Town nor in any firm, corporation, or association furnishing or bidding on any such purchase, except upon full disclosure of said interest to the Board.

3-4-10 **Contractor's Bonds** Any person or persons, company or companies, firm or firms, corporation or corporations entering into a contract with the Town for the construction of any public building or the prosecution or completion of any public work, or for repairs upon any public building or public work, shall be required before commencing work, to execute, in addition to all bonds that may now or hereafter be required to them, a penal bond, with good and sufficient surety or sureties, to be approved by the Board of Trustees, conditioned that such contractor or contractors shall promptly make payments of all amounts lawfully due to all persons supplying or furnishing him or them, or his or their contractor or subcontractors with labor or materials, used or performed in the prosecution of the work provided for in such contract, and will indemnify the Town to the extent of any and all payments in connection with the carrying out of such contracts which said Town may be required to make under the law.

CHAPTER 3 FINANCES

ARTICLE 5
CIGARETTE TAX

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3-5-1 **License Required** At any time on or after the adoption of this Chapter it shall be unlawful for any person, firm, corporation or association to exercise, carry on or engage in the occupation of selling cigarettes in the Town without having a license therefore as herein provided.

3-5-2 **Definitions** As herein used, certain words, unless the context indicates otherwise, shall have the following meanings:

(a) Cigarettes Any roll for smoking made wholly or in part of tobacco irrespective to size or shape and whether or not such tobacco is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(b) Package The individual package, box or other container in which cigarettes are normally sold at retail or intended to be sold.

(c) Wholesale Dealer Any person who sells cigarettes to retail dealers or other persons for purposes of resale only.

(d) Retail Dealers Any person other than a wholesale dealer engaged in the business of selling cigarettes.

(e) Dealer Any wholesale dealer or retail dealer as herein defined.

3-5-3 **Scope of License** The license fee for carrying on the business of selling cigarettes shall consist of two parts.

(1) A license registration fee, and

(2) An occupational tax, as follows:

(a) The license registration fee for wholesale dealers shall be $5.00.

(b) The license registration fee for retail dealers shall be $1.00, except as hereinafter provided.

3-5-4 **Application** Every application for a license hereunder shall be in such form and shall contain such information as may be prescribed by the Town Clerk. Every license issued hereunder shall authorize the sale of cigarettes only at a single place of business, and every license registration certificate shall be prominently displayed at all times at such place of business. Each such license shall give authority to a dealer to sell only at the place designated in the license registration certificate.

3-5-5 **Expiration of License** All license registration certificates issued hereunder shall expire at midnight of the last day of the year in which issued.

3-5-6 **Inspection** Any police officer of the Town or officer of the Town or any person designated for that purpose by the Mayor, or Board, shall have the right at any and all times to enter upon the premises of any dealer licensed hereunder for the purpose of seeing whether the provisions of this ordinance are being complied with or not and shall also have the right to inspect all records to be kept under regulations to be promulgated by the Town Clerk hereunder.

3-5-7 **Revocation: Suspended** The Board shall have the power, at any time, upon violation, by any holder or holders of a license to be issued hereunder of this ordinance, or of any of the regulations lawfully prescribed hereunder by the Town Clerk or for violation of any other ordinance or statute, to suspend or revoke any such license, after notice shall first have been given to the holder or holders of such license and a hearing had before the Board; Ten days written notice mailed to the last known address of the holder or holders of such license and a hearing had before the Board. Any device or method employed by the holder of any such license for the evasion of the payment of said tax shall be sufficient cause for such suspension or revocation.

3-5-8 **Summary Action** Whenever any cigarettes are discovered upon which stamps have not been affixed as provided by this ordinance (and which ought to have been stamped under the provisions of this ordinance), any police officer or any authorized representative of the Mayor or Board is hereby empowered forthwith to seize and take possession thereof together with the vending machine and receptacle, if any, in which they are held for sale.

3-5-9 **Remedies are Cumulative** All the remedies herein enumerated for violation of this ordinance shall be cumulative and the institution and prosecuting of any one or more of them shall not prevent the enforcement of any other remedy.

3-5-10 **Ultimate Burden on Consumer** It is the intention of this ordinance that the occupation tax provided for in this ordinance is to be and shall be ultimately collected from and paid by the ultimate consumer. It shall be the duty of each wholesaler, in selling any cigarettes to any retailer, to make a separate and distinct charge for the tax provided for herein; and to collect from such retailer the full amount of such tax without any deduction, discount, or allowance, and on any and all statements or bills furnished, supplied or delivered by such wholesaler to any retailer the amount of such tax shall be listed separately. It shall be the duty of every retailer to collect from each person to whom he sells any cigarettes as are when such sale is made, the full amount of the tax provided for herein without any deduction, discount or allowance on any and all such cigarettes so sold by such retailer.

3-5-11 **Collection Mandatory** It shall be unlawful for any wholesaler or any retailer, his agent or employee, to sell cigarettes without collecting in addition to the price charged therefore the tax provided for in this ordinance.

3-5-12 **Public Representations** It shall be unlawful for any wholesaler or any retailer, his agent or employee, to advertise or hold out or state to the public or to the public or to the consumer, directly or indirectly, that the tax provided for in this ordinance, or any part thereof, will be assumed or absorbed by such wholesaler or retailer, or that the same will not be collected from the person or persons who purchased such cigarettes.

3-5-13 **Town Clerk to Enforce** The Town Clerk is hereby authorized and empowered to provide regulations to be promulgated by him to insure the compliance with the enforcement of this ordinance, and he may require such records to be kept, or such business practice to be followed to enable him to investigate, check and determine whether the wholesalers and retailers are complying with the terms and provisions hereof, and the books and records of all wholesalers and retailers shall at all times be open to the inspection and examination of said Town Clerk and to the law enforcing departments, agents and employees of the Town.

3-5-14 **License to Designate Place of Business: Transfer** Every license hereunder shall designate the place of business at which the holder thereof may sell cigarettes provided, however, if a licensed dealer shall change his place of business he may obtain a new license upon paying a transfer fee of One Dollar

($1.00) in case a licensed dealer shall sell his business, his license may be transferred to the purchaser upon payment of a transfer fee of One Dollar ($1.00) and upon the execution by the purchaser of an application thereof in substantially the same form as an original application for a license hereunder.

ARTICLE 6
LIQUOR AND BEER DISPENSER TAXES

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3-6-1 **Definitions** As herein used, certain words, unless the context indicates otherwise, shall have the following meanings:

(1) Malt Liquor shall include beer and shall be construed to mean any beverage obtained by the alcoholic fermentation or any infusion or decoction of barley, malt, hops, or any other similar products or any combination thereof in water, containing more than 3.2% alcohol by weight.

(2) Spirituous Liquors shall be construed to mean any alcoholic beverage obtained by distillation mixed with water and other substances in solution and includes among other things brandy, rum, whiskey, gin, and every liquid or solid patented or not, containing alcohol and which are fit for use for beverage purposes. Any liquid or solid containing beer or wine in a combination with any other liquor except as above provided shall not be construed to be malt or vinous liquors, but shall be construed to be spirituous liquors.

(3) Vinous Liquors shall include wine and fortified wines not exceeding 21% of alcohol by volume and shall be construed to mean alcoholic beverages obtained by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

(4) 3.2% Beer Malt liquor as herein defined containing not more than 3.2% of alcohol by weight.

(5) Medicinal Liquors Any liquor sold by a duly licensed pharmacist or drug store solely on a bona fide doctor's prescription.

(6) Operator means a person licensed by law to sell malt, vinous, or spirituous liquors, other than medicinal liquors, for beverage purposes at retail, and who is engaged at any time during the calendar year in such operation in the Town.

3-6-2 **Classification** The various classes of licenses pertaining to the manufacture, sale, and distribution of malt, vinous, and spirituous liquors shall be as set forth by the state licensing authority in the Colorado Liquor Code.

3-6-3 **Declaration of Policy and Purpose** The Board of Trustees hereby finds, determines and declares that, considering the nature of the business of selling at retail 3.2% beer, malt, vinous or spirituous liquors for beverage purposes, and the relations of such business to the municipal welfare, as well as the relation thereof to the expenditures required by the Town and a proper, just and equitable distribution of tax burdens within the Town, and all other matters proper to be considered in relation thereto, that the classification of said business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax imposed by this section is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town.

3-6-4 through 3-6-7 (reserved for future use)

3-6-8 **Failure to pay Tax an Offense** Failure to comply with the terms of this section by payment of taxes, securing and posting a receipt therefor, and to otherwise comply with the terms of this section, shall constitute an offense and violation of this code; delinquency for each calendar month shall constitute a separate and distinct offense; but no conviction for such violation shall work as a revocation of the license of the defendant issued under the laws of the State of Colorado.

3-6-9 **License Fees and Taxes** No town license shall be issued hereunder until the applicant has complied with all provisions of this ordinance and the Colorado Liquor Code, has received a license from the state licensing authority, and has paid to the Town of Silverton the necessary fees and taxes as set forth herein:

(a) State license fees shall be set forth in the Colorado Liquor Code, Section 12-47-123 (1973)

(b) Local license fees shall be as set forth in the Colorado Liquor Code, Section 12-47-139 (1973)

(c) In addition to the above fees, the following occupational taxes shall be levied upon the issuance of each liquor license:

1)	Retail Liquor Store License	$125.00
2)	Hotel and Restaurant License	$175.00
3)	Tavern License	$175.00
4)	Liquor License Drug-Store	$125.00
5)	Beer and Wine License	$125.00
6)	Beer and Wine License-Resort Hotel	$150.00
7)	3.2% Beer License	$ 50.00
8)	Club License	No Charge
9)	Extended Hours License	No Charge

(d) Also in addition to the above fees, for all new liquor license applications and all transfer of ownership applications, a fee of $40.00 shall be paid at the time of application to cover actual and necessary expense.

3-6-10 **Additional Requirements** All new liquor license and all transfers of liquor licenses which may be granted shall include the stipulation that the liquor license owner or liquor establishment manager attend and show proof of attendance at a liquor code and responsibility class. This class will be sponsored by the San Juan County Sheriff's Department and the States Liquor Inspector for this region. Cost for the class if any will be minimal. Failure of the owner or manager to show such proof will be grounds for the Board of Trustees to withdraw that establishment's liquor license. Proof of attendance must be provided to the Board within one (1) year of issuance of said license, or approval of transfer.

ARTICLE 7
SALES TAX

3-7-1	**Purpose**	**3-19**
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3-7-9	**Pre-existing 4% Sales Tax Not Affected**	**3-22**

3-7-1 **Purpose** The purpose of this Article is to impose a sales tax on the sale of tangible personal property at retail within the Town as authorized and provided in Section 29-2-105(1)(d), C.R.S., and any successor statute thereto. This sales tax is in addition to the current sales tax imposed within the Town of Silverton jointly by the Town and San Juan County, Colorado pursuant to the terms of Ordinance _____, adopted by the Town of Silverton on November 14, 1994, the Memorandum of Agreement between San Juan County and the Town of Silverton dated August 8, 1994 and San Juan County Resolution 94-10, all as are re-codified in Section 3-7-9 below.

3-7-2 **Definitions** For purposes of this Article, the definitions of words herein contained shall be as said words are defined in Section 39-26-102, C.R.S., or any successor statute, and said definitions are incorporated herein by reference.

3-7-3 **Licenses for Retailers**

A. It shall be unlawful for any person to engage in the business of selling tangible personal property or providing taxable services without first having obtained a license therefore. Such license shall be granted and issued without fee by the Town Clerk and shall be in force and effect until revoked.

B. Such licenses shall be granted only on application stating the name and address of the person desiring such a license, the name of such business location, including the street and number of such business, and such other facts as may be reasonably required by the Town Clerk.

C. In case business is transacted at one or more separate premises by one person, corporation or firm, a separate license for each place of business shall be required, unless such places of business are contiguous with each other and operated as a unit.

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

E. Any person engaged in the business of selling at retail or providing taxable services in the Town of Silverton, Colorado, without having secured a license therefore, shall be guilty of a violation of this ordinance.

F. No license shall be required for any person engaged exclusively in selling commodities which are exempt from taxation under this section.

G. It shall be the duty of each licensee on or before January 1 of each year during which this ordinance remains in effect, to obtain a renewal thereof if the licensee remains in the retail business or liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the Town Clerk to refuse such renewal except revocation for cause of the licensee's prior license.

3-7-4 **Levy and schedule of sales tax; collection and administration**

A. There is hereby imposed on all sales of tangible personal property at retail and the furnishing of taxable services as provided in Section 39-26-104, C.R.S., a tax equal to one percent (1%) of the gross receipts. The tangible personal properly and services taxable by this Article shall be the same as the tangible personal property and services taxable pursuant to Section 39-26-104, C.R.S., and any successor statute thereto, subject to the exemptions specified Section 29-2-105(1)(d), C.R.S. The imposition of the tax on individual sales shall be in accordance with the schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the Town. If any vendor, during any reporting period, shall collect as a tax an amount in excess of one percent (I%) of the vendor's total taxable sales, the vendor shall remit to the Director of Revenue the full amount of the tax herein imposed and also such excess.

B. The amounts subject to tax under this Article shall not include the state sales and use tax imposed by Article 26, Title 39, C.R.S.

C. The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of Article 26, Title 39, C.R.S., and all rules and regulations promulgated by the Director of Revenue shall govern the collections, administration and enforcement of the sales tax imposed by this Article.

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

3-7-5 **Consummation of sales**

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

B. In the event a retailer has no permanent place of business in the Town, or has more than one (1) place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, C.RS., and by the rules and regulations promulgated by the State Department of Revenue.

3-7-6 **Exemptions; Credits** There shall be exempt from taxation under the provisions of this Article all of the following retail sales of tangible personal property and services:

(1) All sales exempted under Section 29-2-105(1)(d), C.R.S., and any successor statute.

(2) Food purchased with food stamps or funds provided by the special supplemental food program for women, infants and children. For purposes of this Subsection, *food* shall have the same meaning as provided in Section 39-26-102(4.5), C.R.S.

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

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

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

(4) The sale of construction and building materials if such materials are picked up by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other acceptable documentation evidencing that a local use tax has been paid or is required to be paid. For purposes of this Subsection, the term *construction and building materials* shall have the same meaning as provided in Section 29-2-105(2), C.R.S.

(5) The sale of tangible personal property at retail or the furnishing of

services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule municipality equal to or in excess of the rate provided in this Article. A credit shall be granted against the Town's sales tax with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid by the purchaser or user to the previous statutory or home rule municipality. The amount of the credit shall not exceed the rate provided in this Article.

3-7-7 **Violations and Penalty**

A. It shall be unlawful for any person, business, organization or other entity subject to the terms of this Article to fail to collect or submit to the State Department of Revenue the sales tax levied in Section 3-7-4, or to violate any of the provisions of this Article.

B. Violations of this Article shall be punished by a fine up to one thousand dollars ($1,000.00) or by a term of imprisonment up to one (1) year, or by both such fine and imprisonment.

3-7-8 **Effective Date** This Ordinance shall only become effective if it is approved by a majority of the qualified electors voting at the Regular Election of the Town of Silverton on November 4, 2008. If approved by the qualified electors, the effective date of this Ordinance shall be January 1, 2009.

3-7-9 **Pre-existing 4% Sales Tax Not Affected** Pursuant to the Memorandum of Agreement between the Town of Silverton and San Juan County, dated August 8, 1994, and by ordinance adopted by the Town of Silverton on November 14, 1994, the Town has in place a 3% sales tax that is suspended and not applied provided the 4% County Sales tax is applied in its stead to residents of the Town of Silverton. This 4% sales tax was approved by the qualified electors on the 1st day of November, 1994. This Ordinance hereby ratifies and continues in effect the existing 4% sales tax as outlined in this section.

ARTICLE 8
SUPPLEMENTARY BUDGETS

3-8-1	**Supplementary Budget for the Calendar Year 1974**	**3-22**
3-8-2	**An ordinance Appropriating Additional Sums of Money to Defray Expenses, 1975**	**3-23**

3-8-1 **Supplementary Budget for the Calendar Year 1974** for the Town of

Silverton, Colorado, and providing for Appropriation of Sufficient Funds to Support Said Budget.

(a) That the 1974 appropriations for the General Fund and the Water Fund is hereby increased from $76,950 and $22,800, respectively to $81,950 and $27,800 respectively.

(b) That the sum of $5,000 and $5,000 is hereby transferred from unappropriated surpluses in the General Fund and Water Fund, respectively.

3-8-2 **<u>An ordinance Appropriating Additional Sums of Money to Defray Expenses</u>** In Excess of Amounts Budgeted for the Town of Silverton, Colorado.

(a) That the 1975 appropriation for the General Fund is hereby increased from $86,055 to $104,055.

(b) That the 1975 appropriation for the Water and Sewer Debt Service Fund is hereby increased from $31,000 to $34,040.

(c) That the sum of $18,000 is hereby transferred from the unappropriated surplus in the General Fund and the sum of $3,000 is hereby transferred from the unappropriated surplus of the Water and Sewer Debt Service Fund.

(d) It is hereby declared that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health and safety and shall become effective five days after the first publication.

ARTICLE 9
DELINQUENT CHARGES PROCEDURE

3-9-1 **Delinquent Charges Procedure** **3-23**

3-9-1 **<u>Delinquent Charges Procedure</u>** In addition to any other method provided for in this Chapter, or in any other specific section of the Silverton Municipal Code, the Town of Silverton may elect to cause any and all delinquent charges, taxes, or assessments made or levied to be certified to the Treasurer of San Juan County, to be collected and paid over by the Treasurer of San Juan County in the same manner as taxes are authorized to be paid over. C.R.S. 1973 31-20-105.

CHAPTER 3 FINANCES

ARTICLE 10
ANNUAL APPROPRIATION ORDINANCE

3-10-1	**Annual Appropriation Ordinance, 1976**	**3-24**
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3-10-3	**Appropriation Ordinance, 1978**	**3-24**
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3-10-5	**Appropriation Ordinance for Year Ending December 31, 1980**	**3-25**

3-10-1 **Annual Appropriation Ordinance, 1976** There is hereby appropriated for the fiscal year ending December 31, 1976, for the respective objects and purposes hereinafter specified the following:

(a)	General Fund Purposes:	
	General Government	$31,910
	Public Safety	$19,260
	Health	$ 25
	Parks	$ 1,200
	Streets and Alleys	$30,000
	Library	$ 8,700
	Cemeteries	$ 100
	Contingencies	$ 5,067
(b)	Water and Sewer Operating Fund Purposes:	
	Operations and Maintenance	$82,000
(c)	Capital Outlay Fund Purposes:	
	Supplies and Capital Outlay	$ 7,600
(d)	Debt Service Fund Purposes:	
	Debt Service	$48,117
(e)	Federal Revenue Sharing Purposes:	
	Equipment	$ 7,800
(f)	Firemen's Pension Fund Purposes:	
	Insurance and Pension Payments	$ 850
(g)	Police Pension Fund	---0---

3-10-2 **Appropriation Ordinance, 1977** There is hereby appropriated to the several departments and funds for the fiscal year ending December 31, 1977, the amounts set forth and specified in the budget attached hereto; and the revenue for the fiscal year ending December 31, 1977, is hereby allocated to the several departments and funds in the amounts as set forth and specified in the budget attached hereto.

3-10-3 **Appropriation Ordinance, 1978** There is hereby appropriated to the several

departments and funds for the fiscal year ending December 31, 1978, the amounts as set forth and specified in the budget attached hereto; and the revenue received for the fiscal year ending December 31, 1978, is hereby allocated to the several departments and funds in the amounts as set forth and specified in the budget attached hereto.

3-10-4 **Appropriation Ordinance, 1979** There is hereby appropriated to the several departments and funds for the fiscal year ending December 31, 1979, the amounts as set forth and specified in the budget attached hereto, and the revenue received for the fiscal year ending December 31, 1979, is hereby allocated to the several departments and funds in the amounts as set forth and specified in the budget attached hereto.

3-10-5 **Appropriation Ordinance For Year Ending December 31, 1980** There is hereby appropriated to the various funds and spending agencies for the fiscal year ending December 31, 1980, the revenues received during said year, allocated from each fund to each fund in the amounts set forth below:

General Fund	$383,191
Enterprise Fund	$296,827
Federal Revenue Sharing	$ 16,929
Conservation Trust Fund	$ 1,059
Special Improvement District	$ 16,394
Firemen's Pension Fund	$ 47,612
Policemen's Pension Fund	$ 72,413

ARTICLE 11
ANNUAL BUDGET ORDINANCES

3-11-1	**Budget Adopted for the Fiscal Year Ending December 31, 1977**	**3-25**
3-11-2	**Budget Adopted for the Fiscal Year Ending December 31, 1978**	**3-26**
3-11-3	**Budget Adopted for the Fiscal Year Ending December 31, 1979**	**3-26**

3-11-1 **Budget Adopted for the Fiscal Year Ending December 31, 1977**
WHEREAS, a proposed budget has been submitted to the Board of Trustees of the Town of Silverton for the fiscal year ending December 31, 1977, a copy of which is attached hereto and by reference made a part hereof, and
WHEREAS, notice of date set for consideration and adoption of such budget has been published in the Silverton Standard and the Miner on October 7, 1976, and
WHEREAS, no objections have been made concerning said budget and no amendments have been made thereof;

NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Silverton, that the said budget is hereby adopted for the fiscal year ending December 31, 1977.

3-11-2 **Budget Adopted for the Fiscal Year Ending December 31, 1978**

WHEREAS, a proposed budget has been submitted to the Board of Trustees of the Town of Silverton for the fiscal year ending December 31, 1978, a copy of which is attached hereto and by reference made a part hereof, and
WHEREAS, notice of date set for consideration of such budget has been published in the Silverton Standard and the Miner on October 20, 1977 and
WHEREAS, no objections have been made concerning said budget and no amendments have been made thereof;
NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees and the Town of Silverton that the said budget is hereby adopted for the fiscal year ending December 31, 1978.

3-11-3 **Budget Adopted for the Fiscal Year Ending December 31, 1979**

WHEREAS, a proposed budget has been submitted to the Board of Trustees of the Town of Silverton for the fiscal year ending December 31, 1979, a copy of which is attached hereto and by reference made a part hereof, and
WHEREAS, notice of date set for consideration and adoption of such budget has been published in the Silverton Standard and the Miner on October 26, 1978, and
WHEREAS, an objection has been made concerning said budget and the following amendment has been made thereto; an amendment has been made to the General Fund increasing the amount budgeted for library operating and maintenance to $3600 and reducing the ending fund balance to $39,336.
NOW, THEREFORE BE IT ORDAINED by the Board of Trustees of the Town of Silverton that the said budget is hereby adopted for the fiscal year ending December 31, 1979.

ARTICLE 12
CABLE TELEVISION SYSTEM FRANCHISE

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3-12-1 **Definition** When used in this ordinance, unless the context otherwise requires the following terms and their derivatives shall have the meaning herein given (and when not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural):

A. "Town"	means the Town of Silverton
B. "Board"	means the governing body of the Town
C. "Grantee"	means San Juan Cable TV, Inc., its successors and assigns the grantee of rights under this ordinance.
D. "Person"	means any natural person, company or entity of any kind.
E. "Franchise Area"	means that area within the corporate limits of the Town as now and hereafter constituted.
F. "Street"	means the surface of and the space above and below any public street, way, place, right-of-way, road, highway, freeway, bridge, tunnel, lane, path, bike-path, alley, court, sidewalk, parkway, drive, communications or utility easement, by whatever name called, now or hereafter existing as such within the franchise area.
G. "Property of Grantee"	means all property owned, installed or used by the Grantee in the conduct of a CATV business in the Town.
H. "CATV"	means cable television system.
I. "Cable Television System"	means a system composed of, without limitation, antenna, cables, wires, lines, towers, wave guides, or any other

conductors, converters, equipment or facilities, designed, constructed or wired for the purpose of producing, receiving, amplifying and distributing by coaxial cable radio, television or other electronic or electrical signals to and from persons, subscribers and locations in the franchise area.

J. "Basic CATV Service" means the distribution of broadcast television signals by the Grantee.

K. "Subscriber" means any person or entity receiving and paying for basic CATV service.

L. "Basic Subscriber Revenues" means all remuneration received directly by the Grantee from subscribers in payment for regularly furnished basic CATV service, but shall not include any taxes on services furnished by the Grantee imposed on any subscriber or user by any government, governmental unit, political subdivision, agency or instrumentality, and collected by the Grantee.

3-12-2 **Grant of Authority** There is hereby granted by the Town to the Grantee the right and privilege to engage in the business of operating and providing a CATV system in the Town, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street or streets laid out or dedicated and all extensions thereof and additions thereto in the franchise area, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other property as may be necessary and appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, including but not limited to any public utility or other Grantee franchised or permitted to do business in the Town.

3-12-3 **Non-Exclusive Grant** The right to use and occupy said streets for the purpose herein set forth, shall not be exclusive in the Grantee.

3-12-4 **Term of Franchise** This franchise and rights herein granted, having commenced and continued in force and effect for one (1) year following the effective date (September 21, 1982), is hereby renewed, upon application by the Grantee to the Town, for a term of fifteen (15) years, (September 21, 1998), provided all conditions of the franchise are met by the Grantee. The amount of the franchise fee established in Section 3-12-10 of this Article shall continue in effect for three (3) years (September 21, 1986), at which time the franchise fee shall be renegotiated.

3-12-5 **Conditions of Street Occupancy**

A. All transmission and distribution structures, poles, lines, and equipment installed or erected by the Grantee within the franchise area shall be so located as to cause minimum interference with proper use of streets and with the rights and reasonable convenience of property owners who adjoin any of said street. The CATV system shall be constructed and operated in compliance with applicable governmental construction and electrical codes.

B. In case any disturbance of any street or paved area, the Grantee shall at its expense and in a manner approved by the Town, replace and restore such street or paved area in as good a condition as theretofore.

C. The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street, or other public place, or remove from the street or other public place, any property of the Grantee when lawfully required by the City by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, gas or water pipes, or any other type of structures or improvements by the Town; but, the Grantee shall in all cases have the right of abandonment of its property, subject to Town ordinances, and if public funds are available to any utility company for the purpose of defraying the cost of any of the foregoing, such funds shall also be made avai1ble to the Grantee.

D. The Grantee shall, on the request of any person holding a building moving permit issued by the Town, temporarily raise or lower its wires to permit the moving of buildings, provided:

(i) the expense of such temporary raising or lowering of wires is paid by said person, including, if required by Grantee, making such payment in advance; and

(ii) the Grantee is given not less than three (3) business days advance notice to arrange for such temporary wire changes.

E. The Grantee shall have the authority to trim trees overhanging any streets in the franchise area so as to prevent branches from coming in contact with the Grantee's wires and cables, except that at the option of the Town, such trimming may be done by it or under its supervision and direction at the Grantee's expense.

F. Subject to any applicable state or federal regulations or tariffs, the Town shall have the right to make additional use, for any public purpose, of any poles or conduits controlled or maintained exclusively by or for the Grantee in any street, provided (i) such use by the Town does not interfere with the use by the Grantee; and (ii) the Town holds the Grantee harmless against and from all

claims, demands, causes of actions, suits, actions, proceedings, damages, costs or liabilities of every kind and nature whatsoever arising out of such use of said poles or conduits.

3-12-6 **Safety Requirements**

A. The Grantee shall at all times employ ordinary care and shall install and maintain in use commonly accepted methods and devices for preventing failures and accidents which are likely to cause damage, injuries or nuisances to the public.

B. All structures and all lines, equipment and connections in, over, under and upon all streets of the franchise area shall be kept and maintained in a safe and suitable condition and in good order and repair.

3-12-7 **System Construction and Extension**

A. The Grantee is hereby authorized to extend the system within the franchise area to the extent that such extension is or may become technically and economically feasible. Cable installation shall begin and be substantially completed no later than one (I) year following the effective date of this ordinance.

B. Whenever the Grantee shall have received written request for service from at least fifteen (IS) subscribers within 400 cable meters (1300 cable feet) of its aerial trunk cable or from at least twenty-five (25) subscribers with in 400 cable meters (1300 cable feet) of its underground trunk cable, it shall extend its system to such subscribers solely for the usual connection and service fees for all subscribers, provided that such extension is technically and economically feasible. The 400 meters shall be measured in extension length of Grantee's cable required for service located within the public way or easement and shall not include length of necessary drop to the subscriber's home or premises.

C. No person in the Grantee's service area shall be arbitrarily refused service; but in recognition of the capital costs involved in unusual circumstances, including, without limitation, instances when the distance from distribution cable to connection of service to subscribers is more than 45 meters (150 cable feet) or when a subscriber density exists less than the density specified hereinabove, service may be made available on the basis of costs of materials, labor, and easements, in order to prevent inequitable burdens on cable subscribers in more densely populated areas.

D. For all residential structures hereinafter erected which are to be served by underground utilities, the developer of the subdivision or development acquire CATV service for this development under the following conditions; but otherwise the Grantee shall not be obligated to construct CATV system in such new development:

Developer shall perform all trenching and back filling necessary for the provision of cable television service, including furnishing of any imported back fill material required, and will furnish and install for the Grantee any necessary distribution conduit and substructures, including pedestals, required in accordance with the Grantee's plans and specifications. Developer may enter into a written agreement with the Grantee whereby such costs may be reimbursed to the developer by Grantee at the rate of fifty percent (50%) of basic subscriber revenues generated from CATV service supplied within the development over a period not to exceed three (3) years. In addition to providing plans and specifications to the developer, the Grantee shall inspect the facilities required hereunder, and certify to the Town prior to final approval of the subdivision or development that the f.1cilities required herein are properly installed. The Town shall have the right to review and require its approval of the maps and specifications provided by the Grantee. The cost of that portion of an extension to a subdivision or development from the Grantee's existing facilities in excess of 60 meters (200 feet) outside the boundaries of the subdivision or development shall be borne by the developer. Facilities installed hereunder shall be owned, operated, and maintained by Grantee.

3-12-8 <u>Operational Standards: Force Majeure</u>

A. The Grantee shall operate and maintain its cable television system in full compliance with the standards set forth by the Federal Communications Commission, shall produce a picture, whether in black and white or in color, that is undistorted, free from ghost images, and accompanied with proper sound on typical standard production TV set's in good repair, and as good as the state of the art allows; shall transmit signals of adequate strength to produce good pictures with good sound at all outlets without causing cross-modulation in the cable or interfering with other electrical or electronic systems; shall limit transmission and reception failures to a minimum by locating and correcting malfunctions promptly, but in no event longer than three (3) working days after notice; and shall demonstrate by instruments and otherwise to subscribers that a signal of adequate strength and quality is being delivered and meets all relevant specifications of F.C.C. and other applicable federal, state and local regulations.

B. The facilities used by the Grantee shall be capable of distributing color TV signals, when the signals the Grantee distributes are received in color.

C. The Grantee shall have no obligation to construct or extend the system, nor to provide, repair, replace, maintain or operate CATV service, for any cause beyond Grantee's control, including, without

limitation, acts of God, fire, flood, earthquakes, hurricane, unavoidable casualty, extraordinary delays in transportation, strikes, lockouts, picketing, boycotts, embargoes, government orders or other requirements, acts of civil or military authorities, governmental restrictions, regulations or controls. enemy or hostile governmental action, civil commotion, energy shortages, acts or omissions of carriers, or activities or other emergency conditions including weather conditions incompatible with good quality workmanship.

D. The Grantees shall maintain a local business office or agent which subscribers may telephone during regular business hours without incurring added message or toll charges, so that complaints regarding cable television operations may be promptly reported to the Grantee.

E. The Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Such interruptions, insofar as possible, shall be proceeded by notice and shall occur during periods of minimum use of the system.

3-12-9 **Rates** The Grantee shall maintain on file with the Town Clerk a schedule setting forth all rates and charges to be made to subscribers for basic CATV service, including connection and service charges. Such rates may not be increased without the approval of the Board of Trustees. Notice of changes in rates and charges shall be filed with the Town Clerk at least sixty (60) days in advance of the effective date thereof, and the Board shall render its decision with respect to any request by the Grantee for a rate increase within thirty (30) days of the date of such request, or the rate increase shall take effect automatically. Such Board approval shall not be unreasonably withheld. Monthly rates and service charges may not be increased more than once during any 12-month period.

3-12-10 **Franchise Payments** The Grantee shall pay the Town, on or before each March 31st, a franchise fee of 1% of basic subscriber revenues received for cable television operations in the Town for the preceding calendar year, and no other fee, charge or consideration. Sales tax or other taxes levied on a per subscription basis and collected by the Grantee shall be deducted from the gross annual basic subscriber revenues in computing any sums due the Town. The Grantee shall provide an annual summary report showing gross annual basic subscriber revenues received during the preceding year, and the Town, its officers, agents, or representatives shall have the right at all reasonable hours and times to examine the books and records of the Grantee, and to make copies of the entries or contents therein.

3-12-11 **Indemnification of Town**

A. The Grantee shall at all times protect and hold the Town harmless

from all claims, actions, suits, liability, loss, expense or damages of every kind and description, including investigation costs, court costs and reasonable attorney's fees, which may accrue to or be suffered or claimed by any person or persons arising out of the negligence of the Grantee in the ownership, construction, repair, replacement, maintenance and operation of cable television system and by reason of any license, copyright, property light or patent of any article or system used in the construction or use of said system, provided the City gives the Grantee prompt notice of any such claims, actions, and suits, without limitation, in writing. The Grantee shall maintain in full force and effect during the life of any franchise, public liability and property damage insurance for an amount of at least three hundred thousand dollars ($300,000) single limit liability from the time of commencement of construction of the CATV system.

B. All such insurance may contain reasonable deductible provisions not to exceed One Thousand Dollars ($1000) for any type of coverage. The Town may require that any and all investigation of claims made by any person against the Town arising out of any use or misuse of privileges granted to the Grantee hereunder shall be made by, or at the expense of the Grantee or its insurer. The Grantee may bring its obligations to carry any insurance required hereby within the coverage of any so-called blanket policy or policies of insurance now or hereafter carried, by appropriate amendment, endorsement or otherwise, provided, however, the interests of the Town shall be as fully protected hereby as if the Grantee had obtained individual policies of insurance.

3-12-12 **Approval of Transfer** The Grantee shall not sell or transfer its plant or system to another, other than a person controlling, controlled by or under common control with the Grantee, nor transfer any rights under this franchise to another without approval of the Board of Trustees. No sale or transfer of the Grantee's assets used in the performance of this franchise shall be effective until the vendee, assignee or lessee has filed in the office of the Town Clerk an instrument duly executed reciting the effect of such sale, assignment or lease, accepting the terms of the franchise and agreeing to perform all the conditions thereof. Such Board approval shall not be unreasonably withheld and neither this Section nor other Sections of this franchise shall preclude the mortgaging, hypothecating, or assigning of rights in the system, or the pledge of stock by the Grantee for the purpose of financing.

3-12-13 **Miscellaneous Provisions**

A. When not otherwise prescribed herein, all matters herein required to be filed with the Town shall be filed with the Town Clerk.

B. The Grantee shall assume the cost of publication of this franchise

ordinance when such publication is required by law. A bill for publication costs shall be presented to the Grantee by the Town Clerk.

C. The Grantee shall provide without charge one outlet or basic CATV service to each governmental office building, fire or police station, public library, and public school building that is passed by its cable. The distribution of the cable facility inside such buildings and the extent thereof shall be at the option, duty and expense of the building.

D. In the case of any emergency or disaster, the Grantee shall, upon request of the Town make available its facilities to the Town for emergency use during the emergency or disaster period.

E. On or before January I, 1983, the Grantee shall pay to the Town of Silverton the sum of $2,000.00, such monies to be non-refundable and allocated as follows: $1,500.00 shall be considered as a prepayment of the franchise fees due and payable as provided in Section 3-12-10, and $500.00 shall be considered as a contribution to offset costs incurred by the Grantor pursuant to this agreement.

F. Upon expiration of the franchise, if the Grantee shall not have acquired an extension renewal thereof and accepted same, it may have and it is hereby granted, the right to enter upon the streets or other property of the Town, for the purpose of removing therefrom any and all of its property of otherwise. In so removing said property, the Grantee shall refill, at its expense, any excavation that it shall make and shall leave said streets in as good condition as that prevailing prior to the Grantee's removal of its property.

3-12-14 **Compliance with Applicable Laws and Ordinances** The Grantee shall, at all times during the term of this permit, be subject to all lawful exercise of the police power by the Town and to such reasonable regulations as the Town, State or United States government shall provide. Should the F.C.C. modify the provisions of their rules and regulations relating to the Federal-local-regulatory relationships, the Town shall then amend this ordinance within six (6) months of the effective date of the modification, to be in conformance with said modification. The Town reserves the right to adopt from time to time in addition to the provisions herein contained such ordinance as may be necessary to the exercise of police power. Such regulation shall be reasonable and not in derogation of the rights herein granted, nor in conflict with the laws of the State or other local or Federal laws or regulations.

3-12-15 **Violations: Penalties**

A. From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install or maintain within any

public street in the Town, or within any other public property of the Town, or within any privately-owned area within the Town which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the Town, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained, and unless such franchise is in full force and effect.

B. It shall be unlawful for any person to make any connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the franchised CATV system within this Town for the purpose of enabling anyone to receive any television signal, radio signal, picture, sound or other transmission, without payment to the Grantee.

C. It shall be unlawful for any person, without the consent of the owner, willfully to tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, sound or other transmission.

D. Any person violating or failing to comply with any of the provisions of this Section shall be guilty of a misdemeanor and for each day of violation or failure to comply may be punished by a fine not to exceed one hundred dollars ($100.00), imprisonment for a term not to exceed thirty (30) days, or both.

E. If at any time the Grantee's cable and/or other equipment is disturbed, damaged, or severed the cost of repair shall be paid by the party responsible for said damage. The Grantee may charge the responsible party for the time and materials expended for repair of said damage. The Town will cooperate with the Grantee to assist in enforcing any charge or penalty rising from cable severing or other damage to Grantee's property.

3-12-16 <u>Failure to Comply with Franchise Terms</u>

A. The Town reserves the right to terminate this franchise and all rights and privileges of the Grantee in the event that the Grantee:

l. Violates any provision of this franchise or any rule, order, or determination of the Town made pursuant to this permit;

2. Becomes insolvent, unable or willing to pay its debt, or is adjudged bankrupt,

3. Attempts to evade any of the provisions of this permit or practices any fraud or deceit upon the city;

4. Fails to begin cable installation under this permit, and to substantially complete such installation within one (I) year.

5. Fails to comply with all mandatory requirements of the enabling ordinances relative to CATV.

B. Any inquiry, proceeding, investigation or other action to be taken or proposed to be taken by the Town in regard to the operations of the Grantee's cable television system shall be taken only after thirty (30) days written notice to the Grantee of such action or proposed action, and the Grantee has been given an opportunity to respond in writing and at any hearing which may be specified by the Town.

C. The notice required by this section shall state clearly the action or proposed action to be taken, the time provided for response and the person or persons in authority to whom such response should be addressed, and such other procedures as may be specified by the Town. If a hearing is to be held, the notice shall give the date and the time of such hearing, whether public participation will be allowed and the procedures by which such participation may be obtained. The Company shall be a necessary party to any hearing conducted in regard to its operations.

3-12-17 **Separability** If any part of this ordinance is for any reason held invalid by the decision of any court or regulatory body of competent jurisdiction, such decision shall not affect the validity of the remaining portions. The invalidity of any portion of this ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required of the Grantee. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

3-12-18 **Effective Date** This ordinance shall take effect and be in force five (5) days from and after its publication following passage, that is; it shall become effective on September 21, 1982.

3-12-19 **Emergency Clause** This ordinance is necessary for the immediate preservation of the public health, safety, convenience, and general welfare.

(NEEDS TO BE REPEALED, DUPLICATE ARTICLE 13's)
ARTICLE 13
STREET RAILWAY FRANCHISE

3-13-1	***Grant of Authority***	***3-37***
3-13-2	***Right to Install Poles and Overhead Wires***	***3-37***
3-13-3	***Town Right to Use Franchise Poles***	***3-38***
3-13-4	***Safe Operation***	***3-38***
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3-13-6	*Non-Exclusive Franchise*	*3-39*
3-13-7	*Fares, Schedules, and Service*	*3-39*
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3-13-10	*Construction Specifications*	*3-40*
3-13-11	*Termination of Business, Removal of Property*	*3-40*
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3-13-15	*Addendum to Trolley Franchise*	*3-41*

3-13-1 ***Grant of Authority*** *It is hereby granted to the Silverton Street Railway Company Inc. (hereinafter Company), its successors and assigns, for a period of 25 years, with rights of renewal for additional periods of time as shall be mutually agreed upon between the Town and Company, from and after the effective date of this ordinance the right to construct, erect, maintain and operate in, upon, along, across, above, over and under such streets, alleys and public ways of the Town of Silverton a street railway system in such a manner as is customary in the industry, and in such locations as are agreeable with the Company and the Town of Silverton. Such installation of aforementioned street railway to consist of tracks, poles, wires, boarding and debarkation areas, signage, and all other necessary equipment or installations necessary to the successful operation of said street railway. Such street railway shall be well maintained by the Company, and at no time shall any fixtures or equipment in any way interfere with any water hydrant, street light, water main, sewer main, service lines, utilities, or other normal devices or fixtures necessary for normal operation of the Town of Silverton's services.*

3-13-2 ***Right to Install Poles and Overhead Wires*** *While it is anticipated that battery powered cars will be operable and provide acceptable service; if, within one year of beginning of battery powered car service, that type of service is deemed unacceptable by the Company, the Company shall have the right to install poles and overhead wire to provide electric power to its cars. Construction of overhead wire and poles shall be completed within 18 months from the time the Company has determined that battery powered service is unacceptable as set forth above. If such poles and wires are to be erected, the Company shall be required to meet with the Town Board to negotiate additional bond limits prior to the erection of poles and wires. Such bond limits will, at a minimum, cover 100% of the estimated cost to the Town of removing the Company's tracks, poles and wires in the event this franchise shall terminate for any reason. Any overhead wire will be a minimum of 18 feet over all roadways, using acceptable insulators, and wires, as is customary in*

the industry. All cars will have safe braking systems, safe wiring, and safe charging systems for batteries (for so long as battery powered cars may be utilized). The safety of the riding, walking and driving public will be of the utmost concern by the Company at all times. All street railway cars of whatever type will obey all traffic speed limits, signal devices, traffic signs and regulations.

3-13-3 ***Town Right to Use Franchise Poles*** ***The Town shall have the privilege during the life of the franchise of maintaining upon the poles of the Company, if poles are in fact erected within the Town limits, wire, lights, signs. or other fixtures or devices which are mutually agreed upon by the Town and the Company. The Town shall at all times comply with the rules of the Company concerning such use of its poles, as well as any sign codes or other codes or regulations which might effect such use of said poles. Any such wires, lights, signs, fixtures or devices shall in no way impede the Company's use of its poles. The Town shall be solely responsible for any wires, lights, signs, fixtures or devices affixed to such poles and will hold the Company free from liability for such use of the Company's poles. The Company shall also be held blameless during the installation or removal of any wires, lights, signs, fixtures or devises which are placed upon said poles by the Town in accordance with this section.***

3-13-4 ***Safe Operation*** ***The Company shall at all times during the life of this franchise be subject to all lawful exercise of the police power of the Town, County or State of Colorado; and to such regulation there under as the laws may provide. The Company cars shall obey regulations of the Town and will allow boarding and alighting by passengers and employees only when stopped. The cars will have an adequate warning bell, will stop for pedestrians in crosswalks and will have adequate lights if operated at night and be safe at all times. The Company shall maintain in full force and effect, and furnish to the Town proof of, during the life of the franchise, public liability and property damage insurance for the amount of not less that $500,000.00 per person and $1,000,000.00 per accident from the time of commencement of construction of the street railway system. The Town shall be named additionally insured upon any such policy of insurance. The Town shall be held harmless at all times by the Company and shall incur no liability for any Company actions or negligence; or for any liabilities brought against the Company and the Town based upon the actions of the Company during the entire life of the franchise and any extensions thereto. The Town shall notify the Company within five (5) days of any claim, demand or suit brought against it based upon operation or activities of the street railway. The Company will indemnify the Town for all expenses incurred in the defense of such suits or claims, including attorney fees expended by the Town for such defense.***

3-13-5 ***<u>Notification to Interrupt Company Business</u>*** ***Any person, utility, company or entity desirous of, for any reason, temporarily removing overhead wire, track or any other equipment of the Company for moving of equipment or buildings, installation of pipes, wires, or underground facilities, repairs, or alterations of any kind shall notify the Company 72 hours before any permission may be given by either the Town or the Company. Such interruption of the Company's business shall be done during the night hours or at times when the Company is not using its facilities, if possible. If it is not possible during these "off" hours, such person, company or entity shall not only reimburse the Company for the removal and replacement of its facilities, or do so itself to the satisfaction of the Company, but shall reimburse the Company for business losses as well in the event the Company suffers an unreasonable interruption in its service as a result of such removal.***

3-13-6 ***<u>Non-Exclusive Franchise</u>*** ***It is expressly understood by and between the Town and the Company that this is a non-exclusive franchise.***

3-13-7 ***<u>Fare, Schedule, and Service</u>*** ***The Town shall grant the Company rights to set its own fares, schedules, and in general conduct its business as any other business conducts itself with proper maintenance, safety, and regard to customer's wishes. The basic route of Empire (Blair) Street, 7th Street, Reese Street, and 14th Street shall not be enlarged upon without the Town's permission. The Company will operate trolley cars during such times as the narrow gauge train operates into Silverton and, at its choice, longer if it desires. The Company agrees to cooperate with the Fire Department or other emergency services in any way possible through stopping of service, transporting at no charge, use of Company facilities at no charge or in any way being helpful in any emergency. The Town will not allow the tracks to be blocked by any other than emergency vehicles, and agrees to aid in normal passage of company vehicles. The Town may dictate color, style, seating capacity or boarding and deboarding places of company vehicles. The Company will have all electrical pickup wires 18 feet above roadways, make tracks safe and convenient for rubber-tired vehicle crossings at intersections and on all streets including concrete slabs between nails to be installed at all intersections.***

3-13-8 ***<u>System Extension</u>*** ***The Town agrees not to interfere with the Company if it ever decides to extend its lines out of the Town limits or to cooperate in any way with the narrow gauge railway serving the Town so long as extensions comply with the terms of this franchise and all Town Ordinances. The Company agrees to keep its tracks at grade level so as not to impede vehicular traffic, snow plowing, or grading of the Town's streets. The Company agrees to finish***

construction of the street railway within three (3) years of the granting of this franchise or it is effectively voided mutually by both parties. The Company agrees to protect itself, the Town, and its riders with a liability policy to be in effect at all times after construction begins, a copy of such insurance will be made to the Town on a yearly basis. The Company agrees to control its riders and will not allow them to become a nuisance to any residents of the Town. The Company agrees not to have any exterior advertising on its vehicles other than its own and also agrees not to have loud whistles, bells, or any other device to call attention to itself other than as a warning to pedestrians or vehicles as may be in the way of the Company trolleys. No trolley cars shall be operated after midnight or before 7:00 A.M. without permission from the Town.

3-13-9 ***Franchise FeesThe Company shall pay the Town or its assigns a franchise fee of 2% of its gross operating revenues from any source, be it advertising, fares, or group rates. The fee shall be paid monthly and the Company books shall be available for inspection by the Town for verification of revenues. There will be no minimums in the franchise fee paid the Town by the Company.***

3-13-10 ***Construction Specifications This ordinance shall include as a part hereof an addendum containing construction specifications for the street railway system as established by the Town, its engineer or other designated representative and the State Highway Department. All construction by the Company will meet or exceed such specifications.***

3-13-11 ***Termination of Business, Removal of Property The Company agrees that if it ever ceases business, or this franchise is effectively terminated for any reason by the Town, all its poles and tracks belong to the Town, or they shall be removed by the Company at its sole expense upon Town request. In this event, the Company will leave the streets and public ways of the Town as they were when such tracks, poles and wires were installed; or in such condition as said streets and public ways may be at the time such removal takes place. The Company will post with the Town an irrevocable letter of credit, or a performance bond, in an amount sufficient to guarantee the provisions of this section.***

3-13-12 ***Obsolete Equipment, Removal upon Request If poles and wires are installed by the Company, but are later determined to be obsolete by the Company, or are no longer used by the Company in the method of operation of its street railway; the Company shall be responsible to remove such poles and wires within the six (6) months after request for such removal is made by the Town; or after they are determined to be obsolete by the Company. If such***

poles and wires are not removed by the by the Company within six (6) month period called for herein, the Town shall have the right to make demand upon the Board of the Company, or upon its letter of credit, in order to effect such removal.

3-13-13 ***<u>Additional Fees</u>*** ***The Company will pay to the Town, in addition to all franchise fees required hereunder, the sum of $100.00 for each water and/or sewer service line, or tap, which must be installed beneath the tracks of the Company. The parties agree that the total number of lines which may be required is 15 upon the basis route of the Company. This payment of $100.00 per tap is agreed to be adequate consideration for the additional labor and expense to be incurred by the Town due to the location of trackage upon public streets and shall be non-refundable to the Company, and will be paid by the Company to the Town upon notice that such line, or tap, is about to be installed. The Company agrees that the Town will incur no liability for any settling of streets after necessary excavations for sewer and water line repairs or installations providing that the Town has made all reasonable efforts to prevent such occurrence.***

3-13-14 ***<u>Emergency Clause</u>*** ***This ordinance is necessary for the preservation of the public health, safety, and welfare.***

3-13-15 ***<u>Addendum to Trolley Franchise</u>***

1. ***The Silverton Street Railway Company (SSR Co.) will pay for the Town's Consulting Engineer to review plans and to conduct any field work deemed as necessary by the Public Works Director.***
2. ***The SSR Co. will bring: Blair Street from 14th to 7th, Seventh (7th) Street from Empire Street to Reese Street, Reese Street from 7th to 14th Street, and Fourteenth (14th) Street from Reese to Blair to grade in accordance to Town specifications as set forth in the Public Improvement Development Standards and Specifications with approved road base material.***
3. ***All tracks shall be laid to the grade specified in the Public Improvement Development Standards and Specifications.***
4. ***The space between rails at each intersection shall be filled with wood, concrete, or synthetic crossing material to insure a smooth crossing.***
5. ***The tops of the ties for the tracks shall be a minimum six inches below grade.***
6. ***The SSR Co. will provide all necessary warning signs as requested by the Public Works Department.***
7. ***Dates for each phase of construction to be set prior to the start***

of construction.

8. *Minimum height for all overhead wires to 18 feet from grade to the street.*
9. *The SSR. Co. shall pay at the time of installation to the Town of Silverton a fee of one hundred dollars ($100.00) per water or sewer service line that must be laid beneath the tracks of the SSR. Co. to offset the additional cost of providing such service to the following properties, to be in effect no longer than the terms of the franchise:*

BLOCK LOT	*WATER TAP*		*OWNER*
19	*9-11*	*No*	*George Bradbury*
21	*5-6*	*No*	*Irene Glanville*
21	*7-8*	*No*	*Lew Parcell*
30	*1*	*No*	*Mike Andreatta*
			Effie Andreatta
30	*2-3*	*No*	*Frank Anesi*
35	*1-2*	*No*	*Ruth Holmgren*
35	*3-4*	*No*	*Joe Girodo*
44	*9-10*	*No*	*Tom Hart*
69	*23-24*	*No*	*Rich Perino*

CHAPTER 3 FINANCES

ARTICLE 13
SAN MIGUEL POWER ASSOCIATION INC., FRANCHISE

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3-13-1 **Definitions** As used herein, the term "Town" shall mean the Town of Silverton, Colorado; the term "Association" shall mean San Miguel Power Association, Inc., a Colorado corporation, its successors and assigns; and the term "Park" or "Park Land" shall mean a recreation area designated as "Park" or "Park Land" by official action of the Board of Trustees either within the town limits, or as operated as a town park but located outside the town limits.

3-13-2 **Grant of Authority** Subject to all of the terms and conditions set forth herein, there is hereby granted by the Town to the Association the franchise right, privilege and authority to construct, purchase, acquire, locate, maintain, operate and extend into, within and through said Town, its plants, works, systems and facilities for the purchase, exchange, transmission and distribution of electrical energy for lighting, heating, cooling, power or similar utility purposes, with the right and privilege for the period hereinafter specified. Further, there is hereby granted by the Town to the Association the franchise right to sell, furnish and distribute said electricity to the Town and its inhabitants by means of conduits, wires, cable, poles and structures, or otherwise, on, over, under, along and across all streets, alleys, viaducts, bridges, roads, lanes, public ways and other public places in the Town, and on, over, under, along and across any extension, connection with or continuation of the same, and on, over, under, along and across all new streets, alleys, viaducts, bridges, road, lanes, public ways and other public places as may be hereafter laid out, opened, located or constructed within the territory now or hereafter included in the boundaries of the Town,

subject to the Town's prior right of usage for municipal purposes, and subject to zoning, subdivision and building code requirements which are now, or may hereafter, be codified as Town ordinances, regulations or development standards, which ordinances, regulations or development standards may not increase the burdens placed on the Association herein without its written approval thereto.

3-13-3 **Manner of Use and Repair** The Association is further granted the right, privilege and authority to excavate in, occupy and use all streets, alleys, viaducts, bridges, roads, lanes, public ways and other public places under the supervision of properly constituted authority for the purpose of bringing electrical energy into, within and through the Town and supplying electrical energy to said Town and its inhabitants and in the territory adjacent thereto; provided, however, that the Association shall so locate extensions to its present facilities or new facilities as to cause minimum interference with the rights or reasonable convenience of property owners whose property adjoins any of said streets, alleys or other public ways or places. The Association shall use due care not to interfere with or damage any water mains, sewers, taps, or other structures and shall be responsible for repairing at its expense, all damage done to said streets, alleys and other public ways or places, water mains, sewers, taps, or other structures.

3-13-4 **Exclusion from Franchise** This ordinance does not grant to the Association the right, privilege or authority to use or occupy any parks or park land of the Town which is currently or which may in the future may be designated by the Town as parks or park land, except to the extent that the Association is currently using or occupying said parks or park land, and as otherwise may be approved by the Town upon request by the Association for such use or occupancy. The Association may not expand its use or occupancy of parks or park land except upon specific written consent given by the Town; provided, however, that nothing herein contained shall limit or restrict the Association's right to maintain, renovate, repair or replace any of the Association's facilities or equipment currently occupying said parks or park land.

3-13-5 **Indemnification** The Association shall indemnify the Town from all liability or damage and all reasonable expenses necessarily accruing against the Town arising out of the negligent exercise by the Association of the rights and privileges hereby granted; provided, however, that the Association shall have had notice of the pendency of any action against the Town arising therefrom and shall be permitted at its own expense to appear and defend or assist in the defense of the same.

3-13-6 **Changes** If at any time it shall be necessary, in the opinion of the Town, to change the position of any pole, conduit, service connection, conductor or other facility of the Association located in the dedicated streets or alleys pursuant to the granting of this or any prior franchise, such changes shall be made by the Association at the Town's expense and shall be completed within a reasonable time.

3-13-7 **Underground Services** If a request is made by the Town that any extensions of new services into areas within the town limits not presently being served by the Association or into areas which may be annexed to the town by action of the Board of Trustees in the future be placed underground by the Association, the cost of any such underground services shall be borne as follows: the Association shall bear that portion of the cost of such service based upon the estimated cost to construct such services above ground; the Town shall bear the difference in cost to construct such service underground. Nothing in this section shall limit or restrict the right of either the Town or the Association to require payment of such costs by the developer, owner, or customers to whom such services are to be provided.

3-13-8 **Quality of Service** The kind and quality of service to be furnished by the Association hereunder shall conform to standard electrical engineering and operating practices and shall be equivalent to that furnished to other municipalities served by the Association.

3-13-9 **Rates and Regulation** The Association shall furnish electrical energy within the Town limits or any addition to the Town and to the inhabitants and any persons or entities doing business in the Town or any addition thereto at the rates and under the terms and conditions set forth in the rate schedules, standards for rules and regulations and service connection and extension policies as are effective from time to time within the Association, all of which are to be in conformance with the laws of the State of Colorado. The Association may, from time to time, promulgate such rules, regulations, terms and conditions governing the conduct of its business, including the utilization of electrical energy and payment therefore, and interference with, or alteration of any of the Association's property upon the premises of its customers, as shall necessary to insure continuous and uninterrupted service to each and every one of its customers, and governing the proper measurement of such electrical energy and payment therefore. The Association shall keep on file in its office, available to the public, a copy of its rate schedules, standards for service, rules and regulations and service connection and extension policies currently in effect.

3-13-10 **Franchise Payment** For the rights and privileges granted by the Town to the Association hereunder, and so long as the Association shall exercise the rights and privileges granted hereby, the Association agrees to collect from its customers within the town limits and pay quarterly to the Town a sum equal to two percent (2%) of the adjusted gross revenue derived by the Association from the sale and use of electrical power and energy within the town limits from September 1, 1991 through June 30, 1992; and the sum of three per cent (3%) thereafter for the term of this franchise, said payment to be in lieu of any municipal, occupation or license tax upon the Association, its property or its business. The term "adjusted gross revenue" as used herein shall be construed to mean any revenue of the Association derived from the sale and use of power or energy within the Town limits during the term hereof, less revenue derived from the sale of electric power and energy to industrial customers as classified in the Association's books of account, and after adjustment for the net write-off of uncollectible accounts and any corrections of bills rendered. The quarterly payment herein specified shall be made not later than the twenty-fifth (25th) day of the month following each calendar quarter. Each payment shall be supported by a statement, verified by a duly authorized representative of the Association as to its truth and correctness, showing the adjusted gross revenues for the period covered by said payment. The books of the Association showing adjusted gross revenues derived from the sale and use of electrical energy within the Town limits shall be open for inspection by the Board of Trustees of the Town or its authorized representatives at all reasonable times for the purpose of verifying the reported adjusted gross revenues.

3-13-11 **Term** This franchise shall become effective upon proper passage hereof by the Town, and upon such passage shall be effective and be retroactive to

September 1, 1991. It shall remain in full force and effect for a period of twenty-five (25) years from and after said effective date, or through August 31, 2016.

3-13-12 **Acquisition by Town** It is understood that the Town reserves the right to purchase or condemn the electrical distribution system of the Association in any manner provided by law.

3-13-13 **Assignment** Nothing in this franchise shall be so construed as to prevent the Association from assigning all of its rights, title or interest gained or authorized hereunder.

3-13-14 **Severability** If any provision of this franchise, or the application thereof to any person or circumstance, is held invalid, except for the requirement to pay franchise charges, such invalidity shall not effect other provisions or the application of this franchise which can be given effect without the invalid provisions or application, and to this end the provisions of this franchise are severable.

ARTICLE 14
LODGER'S FEE

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3-14-1 **Definitions** The following words, terms and phrases, when used in this Ordinance shall have the following meanings, except where the context clearly indicates a different meaning:

"Camping Facility," shall mean any site, location or facility designed to allow for the use of, the parking of or the location of a tent, travel trailer, camper, truck camper, recreational vehicle, motor home, fold out trailer or other temporary shelter primarily for the use of transient persons, regardless of whether such facility provides for connection or hook ups to utilities or other facilities or whether such a facility is rented on a daily, weekly or monthly basis, excluding camping facilities which are rented to a Seasonal Worker.

"Lodging Unit," shall mean an accommodation in an establishment engaged in

the business of furnishing overnight rooms or other accommodations primarily for transient persons, including but not limited to any hotel room, motel room, lodging room, motor hotel room, guest house, guest quarters, room in a bed and breakfast or other room or similar accommodation, regardless of whether such unit is rented on a daily, weekly or monthly basis, excluding lodging units which are rented to a Seasonal Worker.

"Owner" shall mean the owner, operator or manager of Lodging Units or Camping Facilities within the Town.

"Seasonal Worker" shall mean a person employed within the Town limits for a period of not less than sixty (60) consecutive days who presents a notarized affidavit from their employer, certifying to the person's employment status and anticipated time period of employment, to the lodging owner in conjunction with entering into a monthly rental agreement for a lodging unit or a camping facility.

3-14-2 **Imposition of Fee** A fee of two dollars ($2.00) per night for each occupied Lodging Unit within the Town and one dollar ($1.00) per night for each occupied Camping Facility within the Town is hereby imposed and shall be collected and remitted to the Town as provided herein. The Lodging fee is imposed to defray the costs incurred by the Town to provide municipal services that directly benefit the Owners of Lodging Units and Camping Facilities in the Town.

3-14-3 **Registration of Facilities** Within thirty days after the effective date of this Ordinance, and no later than January 15 of each year thereafter, the Owner of any Lodging Unit or Camping Facility in the Town as defined herein shall be required to register such business with the Town Clerk to assist in the implementation of this Ordinance. Each such Owner shall complete and submit a Lodging Registration Form with the Town Clerk, which shall include the name, address and phone number of Owner; the name, address and phone number of the Lodging or Camping Facility; the number of rooms, units or camping facilities; and any other information deemed necessary by the Clerk. It shall be unlawful for any person to fail to register the described properties with the Clerk as required herein.

3-14-4 **Reports and Remittance of Fee** No later than the 15th day of each month, the Owner of Lodging Units or Camping Facilities in the Town shall account for and report the number of occupied Lodging Units or Camping Facilities during the prior month to the Town on forms approved by the Town for such purpose, and at the time of that submission, the Owner shall remit the fees imposed in section 3-14-2 for the prior month to the Town. It shall be unlawful for any Owner to fail to report the number of occupied units, to give false

information on the report, or to fail to remit the fees due as required herein.

3-14-5 **Audits** The Town Clerk-Treasurer or a designated agent shall have the authority to conduct an audit of any Lodging or Camping business in a manner reasonably designed to assure that the reports submitted by any Owner are accurate. The Clerk-Treasurer shall have the authority to review accounting records including registration information, provided however, the Owners shall not be required to provide the Town with any information regarding individual customers that is confidential or not subject to disclosure under state or federal law.

3-14-6 **Use of Lodger's Fee** The Lodger's fees collected by the Town are intended to raise revenues to provide municipal services directly related to the Lodging and Camping businesses and such fees shall be placed in a special fund to be expended solely on those services, including but not limited to support of the Silverton Visitor's Center, special events, and marketing efforts to attract tourists and other visitors to Silverton. The Board of Trustees shall approve a line item budget and an appropriation for the expenditure of the Lodger's fee for the purposes described herein as part of the Town's annual budget process.

3-14-7 **Enforcement and Penalty** The Town shall have the right to collect or recover all sums due under the provisions of the Ordinance by action in any court of competent jurisdiction, and any such remedy shall be cumulative with and shall not exclude any other remedy available to the Town. Any failure to comply with the terms of this Ordinance shall constitute a violation and any person convicted of such a violation may be fined an amount not to exceed three hundred dollars ($300.00) or imprisoned for a period not to exceed ninety (90) days, or both.

CHAPTER 4 ELECTIONS and RECALL

Chapter 4 ARTICLE 1

GENERAL

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4-1-2 Removal of Officers **4-2**

4-1-1 **Election Procedure**

(a) Each regular election shall be held on the first Tuesday in April in the even numbered years and all special elections called by the Board of Trustees for any purpose shall be in the manner prescribed by the Colorado Municipal Election Code of 1965.

(b) Four-Year Terms for Trustees At the April 4, 1972 election, six trustees were elected. The three (3) candidates for Trustees receiving the highest number of votes were elected for four-year terms, and the other three (3) candidates for trustee receiving the next highest number of votes were elected for two-year terms. At the next subsequent regular election and at each regular election thereafter three trustees shall be elected to serve four-year terms.

(c) Four-Year Terms for Mayor At the April 4, 1976 election, and at the regular election every four years thereafter, a mayor shall be elected to serve a four-year term.

(d) Vacancies The Board of Trustees shall have power, by appointment to fill all vacancies in the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. When a vacancy or vacancies exist in the office of trustee and successor or successors are to be elected at the next election to fill the unexpired term or terms, the three (3) candidates for trustee receiving the highest number of votes shall be elected to four-year terms and the candidate or candidates receiving the next highest number of votes, in descending order, shall be elected to fill two-year terms.

(e) Precincts The Town of Silverton, Colorado, is hereby divided into two election precincts. The First Precinct shall consist of and include all that territory within the limits of said Town which lies East of Greene Street. The Second Precinct shall consist of and include all of that territory within the limits of said Town which lies West of Greene Street.

4-1-2 **Removal of Officers** By the concurrent vote of four (4) members of the Board of Trustees, the Mayor, or any member of the Board, or any elective officer of the Town, may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given, unless the officer against whom the charge is made shall have moved out of the limits of the Town. When any elective officer shall cease to reside within the limits of the Town, it shall be deemed a good ground for a removal from office. (C.R.S. 1973, 31-3-306)

ARTICLE 2
RECALL

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4-2-1 **Recall of Officials** Every elective officer of the Town of Silverton may be recalled from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure provided for in this Section.

4-2-2 **Petition Procedures** The procedure to effect the recall for an elective officer of the Town shall be as follows:

(a) A petition signed by electors entitled to vote for a successor of the incumbent sought to be recalled, equal in number to forty per cent (40%) of all ballots cast in the last preceding Town election demanding an election of the successor to the officer named in said petition.

(b) The petition shall be filed with the Town Clerk.

(c) Such petition shall contain a general statement, in not more than two-hundred (200) words of the grounds on which recall is sought.

(d) Any recall petition may be circulated and signed in sections;

provided each section shall contain a full and accurate copy of the title and text of the petition.

(e) Each signer must add his signature, the date of signing, and his place of residence, giving his street number, if any.

(f) The person circulating such sheet must make and subscribe an oath on said sheet that the signatures thereon are genuine, and a false oath, willfully do made and subscribed by such person, shall be perjury and punished as such.

4-2-3 **Protest Procedure** All petitions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers who shall be deemed and held to be qualified electors, unless a protest in writing under oath shall be filed with the Town Clerk by a qualified elector.

(a) Such protest must be filed within fifteen (15) days after the petition is filed.

(b) The protest must set forth specifically the grounds of such protest.

(c) The Clerk shall forthwith mail a copy of such protest to the persons named in such petition as representing the signers thereof, together with a notice fixing a time for hearing such protest not less than five (5) nor more than ten (10) days after such notice is mailed.

(d) All hearings shall be held before the Clerk and all testimony shall be under oath.

(e) Such hearings shall be summary and not subject to delay and must be concluded within thirty (30) days after such petition is filed.

(f) The result of the hearing shall be certified to the persons representing the signers of such petitions.

(g) The finding as to the sufficiency of the petition may be reviewed by any state court of general jurisdiction in the county.

4-2-4 **Insufficient Petition** In case the petition is not sufficient it may be withdrawn by the person or a majority of the persons representing the signers of such petition, and, within fifteen (15) days thereafter, may be amended and refiled as an original petition.

4-2-5 **Sufficient Petition** When such petition is sufficient, the Clerk shall forthwith submit said petition, together with a certificate of its sufficiency to the Board of Trustees. The Board shall thereupon order and fix the date for holding an election, not less than thirty (30) days nor more than sixty (60) days from the date of the submission of said petition. If a Town election is to be held within ninety (90) days after the date of submission of said petition, the recall election

shall be held as a part of said election.

4-2-6 **Resignation of Officer** If such officer shall offer his resignation, it shall be accepted, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law; but the person appointed to fill such vacancy shall hold his office only until the person elected at the recall election shall qualify. If such officer shall not resign within five (5) days after the sufficiency of the recall petition shall have been sustained, the Board of Trustees shall make, or cause to be made publication of notice for the holding of such election, and the same shall be conducted, returned, and the result thereof declared in all respects as in the case of other Town elections.

4-2-7 **Official Recall Ballot** On the official ballot at such elections shall be printed in not mare than two hundred (200) words, the reasons set forth in the petition for demanding the officer's recall, and in not more than three hundred (300) words there shall be printed, if desired by him, the officer's justification of his course in office. If such officer shall resign at any time subsequent to filing of the official ballot, the recall election shall be called notwithstanding such resignation.

(a) There shall be printed on the official ballot, as to every officer whose recall is to be voted on, the words "Shall (name of person against whom recall petition is filed) be recalled from the office of (title of office)?" Following such question shall be the words "Yes" and "No" on separate lines with a blank space at the right of each, in which the voter shall indicate, by marking a cross (X), his vote for or against such recall.

(b) On such ballots, under each question, there shall also be reprinted the names of those persons who have been nominated as candidates to succeed the person sought to be recalled; but no vote cast shall be counted for any candidate for such office, unless the voter also voted for or against the recall of such person sought to be recalled from office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office.

4-2-8 **Result of Election** If a majority of those voting on said question of the recall of any incumbent from office shall vote "No", said incumbent shall continue office. If a majority shall vote "Yes", such incumbent shall thereupon be deemed removed from office upon the qualifications of his successor. If the vote had in such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office thereby vacated shall be declared elected for the remainder of the term, and a certificate of election shall be forthwith issued to him by the canvassing board. In case the persons who

received the highest number of votes shall fail to qualify within fifteen (15) days after the issuance of a certificate of election, the office shall be deemed vacant, and shall be filled according to law.

4-2-9 **Nomination of Candidates** Candidates for the office may be nominated by petition, as now provided by law, which petition shall be filed with the Town Clerk not less than fifteen (15) days before the recall election.

4-2-10 **Recall After Six (6) Months** No recall petition shall be circulated or signed against any officer until he has actually held his office for at least six (6) months, unless he holds his office by virtue of appointment to fill a vacancy.

4-2-11 **Second Petition** After one recall petition and election, no further petition shall be filed against the same officer during the term for which he was elected, unless the petitioners signing said petition shall equal fifty per cent (50%) of the ballots cast at the last preceding Town election. (C.R.S. (1973) 31-5-201)

CHAPTER 5 MUNICIPAL COURT

Chapter 5 ARTICLE 1

CREATION, COMPOSITION AND JURISDICTION

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5-1-1 **Definitions** As used in this article the following terms shall have the following meanings:

(1) Municipal Court The term "municipal court" shall mean the municipal court of the Town of Silverton.

(2) Municipal Judge The term "municipal judge" shall mean the presiding judge of the municipal court of the Town of Silverton.

5-1-2 **Municipal Court Created** A municipal court in and of the Town of Silverton is hereby created and established.

5-1-3 **Appropriations** The Board of Trustees shall annually appropriate an amount sufficient to pay the salary of the Municipal Judge, Assistant Municipal Judge, the Town Attorney's office, and in addition to pay for the clerical help, office help, office expense, and expense of supplies necessary to carry out the provisions of this ordinance.

5-1-4 **Municipal Judge, Appointment** The court shall preside over by a presiding Municipal Judge, appointed by the Board for a two-year term, or until a successor is appointed and duly qualified. The Municipal Judge shall perform no other duties during the hours that Court is in session except such as may be

approved by the Board on motion or resolution. The Board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence of the presiding judge. The presiding judge shall supervise and direct the court's operations. Any Municipal Judge may be removed by the Board for cause.

5-1-5 **Qualification** The Board may, by ordinance or resolution duly considered and adopted, establish from time to time such qualifications for the office of Municipal Judge as it may deem fit and proper and consistent with the procurement of persons of judicial temperament and ability. The Municipal Judge shall be a resident of the county.

5-1-6 **Oath and Bond** Before entering upon the duties of his office the Municipal Judge shall take and subscribe, before a judge of a court of record, and file with the Board an oath or affirmation that he will support the Constitution of the United States and the Constitution and Laws of the State of Colorado and the ordinances of the Town of Silverton and will faithfully perform the duties of his office. Said Municipal Judge shall be bonded by the Town in the amount of $1,000 which shall be approved by the Board and be conditioned on the faithful performance of the duties of the office of Municipal Judge, and for the faithful accounting for and payment of all monies coming into his hands by virtue of said office.

5-1-7 **Salary** The annual salary of the Municipal Judge shall be set by the Board, and payable as other salaries to municipal employees. The Board shall from time to time budget and appropriate monies necessary for the compensation of the Municipal Judge.

5-1-8 **Presiding Judge's Powers** The presiding Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the municipal court. Such rules and regulations shall be reduced to writing.

5-1-9 **Ex Officio Clerk** The Judge shall also be Ex Officio Clerk of the court unless a separate Clerk of the municipal court shall have been appointed by the judge by and with the consent of the Board.

5-1-10 **Acting Municipal Judge** In case of the temporary absence, sickness, or other inability of the Municipal Judge to act, the Board of Town Trustees may appoint some competent person to act as such Municipal Judge until the disability of the Municipal Judge is removed. Such appointment must be in writing.

CHAPTER 5 MUNICIPAL COURT

5-1-11 **Jurisdiction and Powers of Court** The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as in such ordinances provided; it shall have power to compel attendance of witnesses and to punish for contempt of such court by fine, not to exceed one hundred dollars ($100), or by jail sentence not to exceed five (5) days, and shall have all powers incident to a court of record in relation to same.

5-1-12 **Examine Complaints: File Reports** The Municipal Judge shall receive and examine affidavits and complaints, at all times, for the violation of any Town ordinance, and shall issue a summons or warrant in every case where there is probable cause to believe that an offense has been committed. He shall file monthly reports with the Town Clerk of all monies collected by him, either in the way of fines or otherwise, and shall on the last day of each month pay to the Town Treasurer all monies in his hands; the reports shall state the number of cases filed in his court, how the same were disposed of, and other matters of information concerning his office.

5-1-13 **Sessions of Court** There shall be regular sessions of court for the trial of cases and the Municipal Judge shall hear and determine complaints for the violation of any Town ordinances where there is probable cause to believe that an offense has been committed; provided, however, it shall be lawful for said Municipal Judge to hold a special session of court at any time, including Sundays, holidays and night court, if in the discretion of the Judge a special session is deemed advisable.

5-1-14 **Hours** The court shall be open during such hours as are set by the Municipal Judge with the consent and approval of the Board, including such night sessions as the Board shall approve. In case of any conflict between the Municipal Judge and the Board as to such hours, the decision of the Board shall govern. The municipal court shall be closed on Sundays and holidays except for special sessions.

5-1-15 **Traffic Cases Separately** Insofar as it is practicable, traffic cases shall be heard separately from other cases. Where traffic cases and other cases are set for the same court session, traffic cases shall be heard first.

ARTICLE 2
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5-2-1 **Rules of Procedure** Any rules of procedure contained herein, or promulgated by the Municipal Judge, that conflict with the Rules of Procedure for Municipal Courts as promulgated by the Supreme Court of the State of Colorado shall be invalid and of no force and effect.

5-2-2 **Commencement of Action** An action for the violation of any ordinance of the Town shall be brought to the name of the people of the State of Colorado as plaintiff against the person who is alleged to have violated the ordinances as defendant, and shall be commenced by the filing of a complaint or by the issuance of a summons or citation, or by both summons and a complaint. Each act or series of related acts committed by the same person, constituting a violation of any of the provisions of this Code, may be consolidated for the purpose of filing a complaint, issuing and serving summons and subpoenas, trial and appeal, but the judge shall impose a separate fine or penalty for each offense of which the defendant is convicted.

5-2-3 **Content of Complaint or Summons, Warrant, Subpoenas**

(a) Every complaint or summons shall state the name of the defendant, the number of the chapter and section alleged to have

been violated, the type of offense to which each of said sections relates, the date and place of each alleged violation, that the defendant is known or believed to have committed such offense and that the defendant is required to appear to answer the charge on a date and at a time and place designated in the complaint or summons. The complaint or summons, except as provided herein, shall be signed by the person alleging the violation and the complaint shall be verified by the complainant unless he is a police officer or a member of the personnel of the court acting in his official capacity. Each warrant shall state the name of the defendant, the section and chapter alleged to have been violated, the date and place of the alleged violation, and that the defendant is alleged to have committed the offense. Each subpoena shall state the name of the case, the name of the witness to whom the subpoena is directed, and that the witness is required to appear to give testimony on the date and at the time and place stated in the subpoena.

(b) It shall be sufficient to charge a violation of the provisions of this Code in any summons or complaint by reference to the section and sub-section, if any, providing for such violation.

(c) Upon the filing of a verified complaint by a person not a police officer, or a member of the personnel of the court acting in his official capacity, the Judge, court clerk or any authorized agent of the court may issue a summons, or the Judge may issue a warrant against the defendant named in the complaint.

5-2-4 **Witnesses** The Defendant and the Town of Silverton shall be entitled to compel the attendance of any witnesses, subject to the jurisdiction of the Municipal Court. Upon a written request, subject to the jurisdiction of the court, it shall cause to be served upon such witness a subpoena compelling his attendance at a given time in the Municipal Court for the purpose of giving testimony. All witnesses shall be entitled to a fee of five dollars ($5.00) per day, and such witness fees shall be paid by the party requesting the attendance of the witness and taxed as cost of the suit. (C.R.S. 1973 13-10-111)

5-2-5 **Deliverance of Summons or Subpoena**

(a) Any summons or subpoena issued in accordance with this chapter shall be served in any case by any police officer in the Town or in any particular case by any person specifically designated by the court for that purpose.

(b) Any person who shall fail to appear in response to any summons or subpoena served on him shall be guilty of a violation of this

chapter and upon conviction shall be fined in an amount of not more than three hundred dollars ($300.00) or imprisoned for a period not exceeding ninety (90) days, or both such fine and imprisonment.

5-2-6 **Defects and Objections as to Form of Summons** No objection to the form of any summons or complaint shall be considered by the court because of any defect unless such objection was made by the defendant prior to trial of the case on its merits, but trial of the case on its merits shall not waive any objection theretofore made.

5-2-7 **Bond May be Given** Every person arrested for a violation of the provisions of this Code shall have the right to be taken before a municipal court, or a Judge thereof, or the Chief of Police, or a police officer designated by the Chief of Police and to be admitted to bail on his executing a cash surety or recognizance bond conditioned that he will appear on a day and hour therein mentioned, before the municipal court and not depart the court, which bond shall be in an amount adjudged sufficient by said Judge or officer to insure the appearance of the defendant. Such bond shall be approved by one of the Judges of the municipal court and an entry of the filing thereof shall be made in the court docket.

5-2-8 **Forfeiture of Bond** In case any defendant in any case before the municipal court of the Town shall fail to appear according to the terms, requirement and conditions of his bond for appearance or appearing shall depart the court without leave, the bond shall automatically be forfeited.

5-2-9 **Surety Liable, Proceedings Commenced** Where a surety bond is forfeited the surety on said bond shall pay the amount of the bond into the municipal court upon the date of forfeiture. Failure to surety to satisfy a bond forfeiture shall result in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the Town for recovery of the penalty of such bond named. The surety shall have the right to apply to the municipal court, in open court, within thirty (30) days from the date of forfeiture for a return of the whole or a part of the bond amount paid to the municipal court. Said application shall be in writing and shall be supported by affidavit setting forth the grounds for the demand. If good cause is shown by the surety for the return of the whole or a part of the bond amount, the Municipal Judge shall, in open court, order the return to the surety of the amount determined by the Municipal Judge to be due surety. The surety shall have the right to institute a claim against the Town in a court of competent jurisdiction for recovery of any bond payment believed to be wrongfully held.

5-2-10 **Default** When any defendant, duly summoned or admitted to bail, fails to appear at the time his case is made returnable or set for trial, the Municipal Judge may issue a warrant for the arrest of the defendant, or the Municipal Judge may hear and examine the testimony offered on the part of the Town and may render judgment thereupon by default against the defendant, and in such amount under the provisions of this Code as the court may deem just.

5-2-11 **Session Open to the Public, Exceptions** All cases in municipal court shall be open to the public; provided, however, that where the type of offense charged and the nature of the case are such that it would be to the best interests of the witnesses and/or defendant to exclude all persons not directly connected with the case; the Municipal Judge may order that the court be cleared of all persons not so directly connected with the case except qualified representatives of news agencies. This decision shall be solely in the discretion of the Municipal Judge.

5-2-12 **Explanation of Defendant's Rights** At the beginning of each court session the Municipal Judge shall explain to defendants their rights in municipal court, as well as the order of trial, provided, however, that this may be done by pamphlet distributed to each defendant.

5-2-13 **Continuance** A person who is duly summoned, who cannot be tried on account of the absence of witnesses or for any other good and sufficient cause, may request in open court a continuance of his case. The Municipal Judge may continue the matter upon terms set by him. Additional continuances may be granted upon application of the defendant or his attorney. However, in no case shall the total continuances exceed thirty (30) days, unless it appears to the Municipal Judge that extreme hardship will result. Where a person on appearance is on bond and a continuance is requested, the Municipal Judge shall have the power to continue the bond for a period of the continuance. Nothing herein shall affect the right of the Town Attorney to request a continuance.

5-2-14 **Execution** Every person against whom any fine or penalty shall be assessed under the laws of the Town, who shall refuse or neglect to pay the same when demanded, may be committed in default thereof to the Town Jail, the La Plata County Jail, or such other enclosure as may from time to time be designated by the Board as a lawful place for the detention of Town prisoners, under the direction of the proper officers, until the said fine and penalty is fully paid and said satisfaction to be allowed at the rate of three ($3.00) dollars per day of twenty-four (24) hours, or as in accordance with state law. Any such person may be required to do any reasonable work; provided, however, that no

single term of imprisonment shall exceed ninety (90) days. The municipal court shall discharge such person from further imprisonment for such fine when it shall be made satisfactorily to appear to the Judge that such person has no estate whatever wherewith to pay such fine.

5-2-15 **Stay** In the discretion of the Municipal Judge a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later time or in installments. In case the defendant shall not have met the terms of the stay of execution, then the execution shall issue and the defendant shall be placed in jail until said judgment is satisfied.

5-2-16 **Persons in Custody** A person in custody who cannot be tried on account of the absence of people's witnesses or other cause and who cannot give bail for his appearance, may be confined to a property designated jail not exceeding three (3) days, and in such case the Judge shall deliver to the officer committing such person a commitment stating the cause of the detention.

5-2-17 **Sentence Suspended** The Municipal Judge is hereby authorized to suspend the payment of any fine, or any part thereof, assessed for a violation of this Code or any ordinance, and he may suspend all or any part of any jail sentence imposed for such violation. He may impose reasonable conditions upon such suspension and revoke such suspension and reinstate the sentence for a violation of such conditions.

5-2-18 **Fines Paid to Town Treasurer** All fines or other monies collected in the municipal court for the violation of this Code or any of the ordinances of the Town shall be reported by the Judge and paid to the Town Treasurer each month.

ARTICLE 3
TRIAL BY JURY

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5-3-1 **Demand for Jury** In any action before the Municipal Court in which the defendant is entitled to a jury trial by the constitution or the general laws of the state, such party shall have jury upon request. The jury shall consist of three jurors unless, in the case of a petty offense, a greater number, not to exceed six, is requested by the defendant.

5-3-2 **Qualifications and Exemptions of Jurors** Qualifications and exemptions of jurors shall be the same as provided by the Uniform Jury and Service Act. (C.R.S. 1073, 13-71-101 ff.)

5-3-3 **Method of Summoning Jurors** Upon demand of the defendant for trial by jury, the said municipal court or Judge thereof shall issue a venire for the jury and shall issue his writ to any police officer or Marshall which shall be substantially in the following form:

State of Colorado }
} ss.
Town of Silverton }

THE PEOPLE OF THE TOWN OF SILVERTON, STATE OF COLORADO, TO
_____ GREETING:
We command you to summon _____persons of your county who are residents of the Town of Silverton to appear before me at _____ on the day of _____, 19___, who are not kin to _____, defendant, to make a jury between the People of the Town of Silverton, State of Colorado, and the said defendant in a plea of not guilty to a charge of a violation of one or more ordinances of the Town; because the said defendant has demanded trial by jury; and have you then and there the names of the jury, and this writ.

Witness my hand and seal, this_____ day of_____, 19___.

_____
Judge of the Municipal Court

(SEAL)

5-3-4 **Juror Failing to Appear, Penalty** If any person summoned as a juror shall fail, neglect, or refuse to appear, without reasonable excuse, he shall be deemed guilty of contempt and fined or imprisoned as the court may direct. The court shall have the power to issue a citation directed to the Chief of Police commanding him forthwith to bring before such court the body of such juror so failing to attend and for such juror to show cause why he should not be punished for contempt, or on the appearance of such juror on such citation it shall be lawful for the court to punish him for contempt or wholly discharge him if satisfactory excuse be made.

5-3-5 **Jury Fees** Persons summoned to jury duty pursuant to this ordinance shall be entitled to a juror's fee of six dollars ($6.00) per day or part of a day for which they are summoned, and actively engage on the jury, or three dollars ($3.00) per day for attendance on the panel alone. (C.R.S. 1973, 13-33-101) The defendant shall in all civil cases wherein demand for trial by jury is made, tender in advance to the Municipal Court sufficient juror's fees to pay for the number of jurors requested plus three (3) additional jurors.

5-3-6 **Waiver of Jury Fees** Whenever it shall be proved satisfactorily to the Municipal Judge, after all legal means have been exhausted, that any person who is charged with a violation of an ordinance and who requests a jury as herein

provided, has no estate whatever wherewith to pay jury fees in advance as required, it shall be the duty of the Municipal Judge to waive the requirement for advance payment, provided if the defendant is found guilty he shall be assessed the jury fees as part of the court costs.

5-3-7 **Discharge of Jurors** The term jury service shall be as indicated on the venire facias, and a person who has actually be in attendance as a juror in the municipal court as ordered under the venire facias for the period of time ordered under the venire facias shall be discharged by the court. No juror shall be discharged until the close of the trial in which he may be serving, and if the selection of a jury in any cause has been begun, the court shall have the power to retain the panel until such jury is selected and sworn. A person discharged as prescribed in this section shall be disqualified for jury service in the municipal court for the period of one (1) year thereafter.

5-3-8 **Challenge for Cause, Peremptory** Challenges for cause shall be as provided for in Colorado Revised Statutes, 1973, Title 13, and all cases arising under this Code or any ordinance of the Town wherein a jury is demanded, each party shall be entitled to three (3) peremptory challenges.

5-3-9 **Panel of Jury Not to be Quashed, etc., for Irregularity** No array or panel of any jury shall be quashed, nor shall any verdict be stayed or adverted by reason of any informality or irregularity in the summoning or selecting of the jury, which in the opinion of the court is unimportant and insufficient to vitiate the return of the jury.

5-3-10 **Juror Not to be Disqualified for Opinion** No person summoned as a juror shall be disqualified to serve as such by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused; provided, however, that the court shall be satisfied, from the examination of the juror or from other evidence, that he will render an impartial verdict, according to the law and the evidence submitted to the jury in the trial of such cause.

5-3-11 **Trial Court** If any defendant pleads guilty or waives his right to a jury trial or fails to demand a jury trial, the Municipal Judge shall hear the evidence and render a judgment thereon.

5-3-12 **Instruction to Jury** At the conclusion of all of the evidence, and before arguments of counsel, the Judge shall read to the jury the ordinance or Code section alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the Judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may

submit written instructions to the Judge, and if he believes such instructions to be proper, he may read the same to the jury.

5-3-13 **Jury Verdict - Sentence** Upon a jury returning a verdict of guilty, the Judge shall record the same and shall proceed to fix or determine the punishment, penalty, or sentence, and to render judgment upon such verdict for the punishment, penalty, or sentence so determined by him; but if the jury returns a verdict of not guilty, the defendant shall be discharged.

CHAPTER 6 GENERAL OFFENSES

Chapter 6 ARTICLE 1

NUISANCE: DEFINITION and ABATEMENT PROCEDURE

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6-1-1 **Nuisance Defined** Anything which is injurious to the health or morals or indecent or offensive to the senses or an obstruction to the free use of property so to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.

6-1-2 **San Juan Basin Health Unit Powers** That the San Juan Basin Health Unit has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction or spreading within the Town of malignant, contagious and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or have been exposed thereto; to promulgate such rules and regulations as may be necessary to perform its functions. The San Juan Basin Health Unit shall have the authority to enforce such rules of the Health Department of the State as are applicable to particular situations.

6-1-3 **Notice to Abate** Any state of things prohibited by this section shall be deemed a nuisance and any person who shall hereafter make or cause such nuisance to exist shall be deemed the author thereof. Provided, that any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight (48) hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight (48)

hours may be given and served by the Chief of Police or other officers as he may designate.

6-1-4 **Declaration of Nuisance by Board** In the event that any such nuisance within or upon any private premises or grounds is not abated forthwith after the notice herein provided shall be given, the Board of Trustees may declare the same to be a nuisance and order the Chief of Police to abate the same, which said order shall be executed without delay; and the Chief of Police shall have the authority to call for the necessary assistance therefore.

6-1-5 **Abatement Without Notice** In case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway, or public grounds in the Town, the Chief of Police or Mayor or Town Clerk may abate the same forthwith without such notice given.

6-1-6 **Assistance to Abate Authorized** Any officer who shall be duly authorized to abate any nuisance specified in this ordinance, shall have authority to engage the necessary assistance, and incur the necessary expense thereof.

6-1-7 **Recovery of Expenses** The expense incurred by the Town in abating any nuisance may be recovered back by proper action from the creator thereof.

6-1-8 **Authority to Enter on Property** The Mayor, Chief of Police, Trustees or any other persons who may be directed or deputized by the Board of Trustees may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.

6-1-9 **Penalties** Whenever in any section of this chapter or rule or regulation promulgated hereunder, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm, or corporation who shall be convicted of a violation of any such section shall, for each offense, be fined in a sum of not more than three hundred dollars ($300.00) or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned.

CHAPTER 6 GENERAL OFFENSES

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NUISANCE OFFENSES

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6-2-1 **Unwholesome Business Prohibited** Offensive or unwholesome business or establishments are prohibited. From and after the effective date of this Code, it shall be unlawful for any person or any kind to allow or suffer upon his premises or any premises which he is entitled to possess any offensive or unwholesome business or establishment within the Town as such outer limits are now, or may be hereafter, constituted.

6-2-2 **Junkyards and Dumping Grounds** All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and house-trailers, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are hereby declared to be a nuisance.

6-2-3 **Discharge of Nauseous Liquids** It shall be unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in Town.

6-2-4 **Stale Matter** It shall be unlawful to keep, collect or use or cause to be kept, collected or used in this city, any stale, putrid or stinking fat or grease or other matter.

6-2-5 **Sewer Inlet** It shall be unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault, to become nauseous or offensive to others or injurious to public health.

6-2-6 **Slaughterhouse** No slaughterhouse or other place for slaughtering animals shall be kept within this Town.

6-2-7 **Dead Animals, Removal** When any animal shall die in this Town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the Town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway or public grounds of this Town, it shall be the duty of the Chief of Police to cause such body to be removed forthwith beyond the limits of the Town.

6-2-8 **Stagnant Ponds** Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds, in this Town, that shall be nauseous or offensive to others, or injurious to public health, through an accumulation or deposition of nauseous, offensive or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any other ordinance of this Town.

6-2-9 **Open Wells, Cisterns or Excavations** It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him.

6-2-10 **Noise Making Devices to Attract Children** The use of bells, whistles, sirens, music horns or any other noise making devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-way, alleys, or public way in the Town for the purpose of selling, distributing or giving away any product whatsoever, to such minors, is hereby declared to be a public nuisance and hazard and is expressly prohibited and shall be unlawful, excepting such activities carried on as part of a duly authorized public parades or processions.

6-2-11 **Handbills, Posters and Placards** Any handbill, poster, placard or painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other buildings, or upon any fence, power pole, telephone pole, or other structure, or upon any vehicle without the permission of the owner, agent, or occupant of the house, shall be deemed a nuisance.

6-2-12 **Fireworks** The sale or use of fireworks within the corporate limits of the Town of Silverton shall be regulated according to the Uniform Fire Code adopted by the Town of Silverton and according to Section 6-5-4 of this Code.

6-2-13 **Motor Vehicles on Public and Private Property**

(a) Motor driven vehicles of every type must be operated only upon the designated highways, streets, alleys and other public thoroughfares of the Town of Silverton which are customarily provided for such use in intrastate and interstate travel.

(b) All use of motor driven vehicles over any other unimproved property, private property, publicly owned private property, and lands in the public domain is hereby expressly forbidden as both a destructive public nuisance and as destructive to the natural environment unless permission in writing has been obtained in each instance from the specific property owner whose land is being crossed by the vehicle concerned.

(c) This Ordinance is not meant to conflict in any manner with the Model Traffic Code, which has also been adopted by the Town of Silverton, but is deemed to be a supplement thereto.

6-2-14 **Transient Selling (Green River Ordinance)**

(a) Prohibited The practice of being in and upon private residences in the Town of Silverton, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the owner or owners, occupant or occupants or said private residences, for the purpose of soliciting orders for the sale of

goods, wares and merchandise, and/or for the purpose of disposing or and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor. Vendors of door to door Colorado-grown produce are exempt from this provision.

(b) Enforcement The Chief of Police of the Town is hereby required and directed to suppress the same, and to abate any such nuisance as is described in the first section of this ordinance.

(c) Fine and Violation Any person convicted or perpetrating a nuisance as described and prohibited in the first section of this ordinance, upon conviction thereof shall be fined a sum of not more than three hundred dollars ($300.00) which said fine may be satisfied, if not paid in cash by execution against the person or anyone convicted of committing the misdemeanor as herein prohibited.

(d) Exception An exception to any application of this section shall apply to children up to the age of twelve (12) who traditionally have been and shall be allowed to vend local ore samples anywhere within the Town on private property, as long as they don not block entrances.

6-2-15 Dangerous Buildings and Structures

(a) Declared a Nuisance Any building, fence or other structure in the Town of Silverton which may now or hereafter become in a ruinous or dangerous condition, or liable to fall or injure persons or property, or any incomplete building or structure left unfenced or unguarded and in such condition as to be a source of danger to children playing in and around such building or structure, is hereby declared to be a nuisance.

(b) Abatement Whenever any building, fence or structure defined in Section (a) hereof as a nuisance shall be found within the Town, it shall be the duty of the Town Clerk to serve written notice upon on the owner, agent or occupant of the premises upon which the same exists or upon any person creating, continuing or suffering the existence of such nuisance, to abate or remove the same within a time to be named in such notice (which time shall be not less than five days nor more than fifteen days from time of service of such notice, as may be deemed by the Town Board of Trustees and Mayor to be reasonably sufficient for the abatement and removal of such nuisance); and if any such person or persons so notified shall fail or refuse to abate or remove such nuisance by and within the time stated in such notice, then the Sheriff, Health

Officer, person or persons designated by the Town Board, Building Official, or any other law enforcement official of the Town of Silverton shall have the power and authority and it shall be the duty of such official to immediately abate or remove the same; no person shall molest, hinder, resist or in any way interfere with any such official abating or removing, or attempting to abate or remove. Service under this ordinance shall be deemed sufficient upon the deposit of such notice into the United States mail, postage prepaid, mailed by certified mail, return receipt requested, to the last known address of the owner, the owner's agent, and the occupant of the premises as shown on the tax rolls in the office of the San Juan County Treasurer, and any address for such persons provided to the Town Clerk for water and sewer billings. A copy of such notice shall also be posted in a conspicuous place on the premises to be abated by the San Juan County Sheriff or his designated representatives. All costs and expenses incurred by any such official, or by any other official or person directed or employed by the Board of Trustees, in about or on account of the abatement or removal of any such nuisance, after notice given as above provided, may be paid in the first instance by the Town, but shall in every such case be finally chargeable against and recoverable from such owner, agent or occupant, or person creating, continuing or suffering the continuance of such nuisance, or from any and all of such persons who shall have been so notified. Such debt or demand may be sued for and recovered in the name of the Town, in any court of competent jurisdiction. Such costs and expenses may also by resolution of the Board of Trustees of the Town of Silverton, be declared a lien against and upon the premises whereon such nuisance exists, and certified by the Town Clerk and Recorder, under the Town Seal, to the officer then having custody of the tax list, as a special assessment to be collected with general taxes and dealt with according to the law.

This section shall be adopted on an emergency basis, this measure being necessary for the immediate preservation of the public health, safety and general welfare.

6-2-16 **Hawking**

(a) It shall be unlawful for any commercial establishment, salesman, peddler or any other person to hawk, cry, pitch and use any other such type of advertising, or to cause another to hawk, cry, pitch and use other type of advertising within the Town of Silverton.

(b) Advertising by the use of handbills, circulars, fliers, pamphlets, tracts, paper and other such printed matter shall be prohibited.

(c) Non-profit organizations upon receiving prior approval of the Board of Trustees shall be exempt form the provisions of paragraphs (a) and (b) of this ordinance.

6-2-17 **Transport of Explosives** Trucks used for the transportation of explosives on and over the streets and alleys of the Town of Silverton shall proceed continuously from the place of loading if within the Town, and otherwise from the point of entry into the said Town, until such vehicle shall pass beyond the limits of the Town of Silverton, and shall not be parked and shall not stand upon such streets and alleys at any time while in transit through such town. The term explosive shall be as defined in Supplement to General Order No. 43 of the rules and regulations governing the transportation of explosives adopted by the Public Utilities Commission of the State of Colorado.

6-2-18 **Snowmobile Operations**

(a) Snowmobiles may be operated upon the streets and alleys of the Town of Silverton only as provided in this section.

(b) Snowmobiles shall not be operated upon the streets and alleys of the Town of Silverton between the hours of 9:00 P.M. and 7:00 A.M., excepting emergency situations which require the use of snowmobiles outside the permitted hours.

(c) Snowmobiles shall hot be operated on Greene Street, excepting that snowmobiles may cross Greene Street at intersections.

(d) Snowmobiles shall not be operate upon the streets and alleys of the Town of Silverton unless the operator shall be 16 years of age and have in the operator's possession a valid driver's license from the operator's state of residence, or if the operator resides outside the United States of America, then from the jurisdiction in which the operator resides.

(e)

(f) A snowmobile operating upon the streets and alleys of the Town of Silverton shall (i) be operated on the far right-hand side (shoulder) of the proper driving lane while still allowing for the snowmobile's safe operation, (ii) have affixed thereto a bright orange safety standard measuring not less than six feet (6') in length and attached so as to be perpendicular to the ground surface at all times the snowmobile is in operation, (iii) have headlights and taillights on at all times the snowmobile is in operation, and (iv) comply with C.R.S. 33-14-114.

(g) Snowmobile operators shall yield the right-of-way to all

pedestrians, at all times and at all locations within the jurisdictional limits of the Town of Silverton. Snowmobile operators shall maintain a distance of at least ten feet (10') from any pedestrian or not exceed a speed of five miles per hour (5 mph) if the required separation cannot be maintained.

(h) Notwithstanding subsection (d) above, a minor operator of a snowmobile may operate a snowmobile upon the streets and alleys of the Town of Silverton, provided (i) the operator shall be at least 14 years of age and shall have in the operator's possession a valid snowmobile safety certificate issued by a recognized association or organization, (ii) a parent, or legal guardian appointed by a court of competent jurisdiction, shall be at all times during operation of the snowmobile within the immediate vicinity of the minor operator, (iii) the snowmobile shall be operated only on the most expedient route to travel to or from a snowmobile riding area outside of the jurisdictional limits of the Town of Silverton, and (iv) the minor operator shall be otherwise in compliance with this section. In addition to all sanctions applicable to a violation of this section, the accompanying parent or guardian shall be responsible and/or liable for the actions of a minor operator operating pursuant to this subsection. Further, a minor found guilty of a violation of this section, or any other ordinance, regulation, code, statute, or law, applicable to snowmobiles or the operation thereof, shall have the operator's safety certificate withdrawn and shall not thereafter operate a snowmobile upon the streets and alleys of the Town of Silverton unless such operator is in compliance with subsection (d) above.

(i) Except as specifically provided herein, snowmobiles operating within the jurisdictional limits of the Town of Silverton and operators of such snowmobiles shall comply with each and every federal, state, or local, ordinance, regulation, code, statute, or other law applicable within the jurisdictional limits of the Town of Silverton. (eff. 02/18/97)

6-2-19 **Partition Fences** That hereinafter no partition fence which exceeds eight feet in height at any place shall be built, erected, raised or extended in the Town of Silverton by any person.

6-2-20 **Additional Provisions** The above enumerated provisions of this section are in no way deemed to be exclusive and anything declared a nuisance under section 6-1-1 shall be abated in accordance with the provision contained therein and in addition, subject to the penalties provided for in section 6-1-9 of this

chapter.

ARTICLE 3
OFFENSES AGAINST PROPERTY

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6-3-8	**Truck Loads Causing Litter**	**6-12**
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6-3-10	**Advertisements: Not to Be Thrown in Streets, Alleys, Etc.**	**6-12**
6-3-11	**Cutting or Destroying of Trees on Public Property Prohibited**	**6-12**

6-3-1 **Injuring or Destroying Public Property** It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently, or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to the Town of Silverton.

6-3-2 **Injuring or Destroying Private Property** It shall be unlawful for any person to either willfully, maliciously, or wantonly injure or destroy real property or improvements thereto, or moveable or personal property, belonging to another person, persons, corporation, partnership or association.

6-3-3 **Trespassing** It shall be unlawful for any person to take down any fence or let down any bars or to open any gate in or on the property of another without the consent of the owner, occupant or person in charge thereof.

6-3-4 **Injury or Removal of Street Signs** It shall be unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign, or sign erected or placed in or adjacent to any street indicating the name of such street.

6-3-5 **Destroying Posters** It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently, or in any other manner tear down, deface, or cover up any posted advertisement or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of

this ordinance and the ordinances of the Town of Silverton.

6-3-6 **Streets, Streams, and Water Supply** It shall be unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal, vegetable substance, or both, any dead animal, excrement, garbage, or other offensive matter whatever, upon any street, avenue, alley, sidewalk, or public grounds. No person shall in this Town throw or deposit or cause or permit to be thrown or deposited, anything specified in any foregoing part of this section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (C.R.S. 1973, 31-12-101)

6-3-7 **Littering on Public Property**

(a) It shall be unlawful to throw or deposit in any street, alley, sidewalk, or public grounds, in this Town, any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw or hay, trash or any other thing, on public streets or alleys, except in public receptacles and authorized private receptacles.

(b) It shall be unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the Town, or upon private property.

(c) No person or persons shall in any manner, or to any extent obstruct any sidewalk, street, or alley in the Town of Silverton by placing thereon any box, barrel, rock, post, sign or otherwise excepting by permission of the Board of Trustees of said town, and in case any obstruction shall be found upon any of the said streets or sidewalks, and the Town Police shall request the owner or occupant of the premises on that side of street, and in front of which said obstruction shall be found, to remove the same, and the same be not at once by said owner or occupant removed or if said premises be vacant and unoccupied, said Town Police shall remove the same at once, and any expense incurred by said Town Police in removing such obstruction shall be taxed and recovered as a part of the cost of such prosecution.

(d) Insofar as it is unlawful in the Town of Silverton to deposit litter upon any street or other public place within the Town, or upon private property within the Town jurisdiction, individuals found to have committed a violation of this provision shall be subject to a fine of $75.00 for each identified infraction thereof.

6-3-8 **Truck Loads Causing Litter**

(a) No person shall drive or move any truck or other vehicle within the Town unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the Town, the wheels or tires of which carry onto or deposit in any street, or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind.

(b) Garbage Transport Vehicles - Every cart or vehicle used to transport manure, garbage, swill, or offal, on any highway in this Town, shall be fitted with a substantial tight box thereon, so that no portion of such filth will be scattered or thrown onto such highway.

6-3-9 **Lug Wheels Prohibited** It shall be unlawful for any vehicles injurious to pavement to be permitted upon public thoroughfares unless the operator of such vehicles shall first plank and protect such streets from damage.

6-3-10 **Advertisements, Not to be Thrown in Streets, Alleys, etc.** It shall be unlawful for any person to throw any posters, dodgers, circulars, bills, letter, envelopes, samples or devices upon any of the streets, alleys, parks or public grounds of the Town.

6-3-11 **Cutting or Destroying of Trees on Public Property Prohibited** It shall be unlawful for any person to cut down, deface, destroy, chop upon or harvest for firewood or other purposes any tree, whether living or deadwood, from any public property owned, administered or controlled by the Town of Silverton, including Hillside Cemetery and Molas Lake Park, without first obtaining a valid tree cutting permit allowing such activity.

CHAPTER 6 GENERAL OFFENSES

ARTICLE 4
OFFENSES RELATING TO PUBLIC MORALS

6-4-1	**Prostitution and Lewd Act Defined**	**6-13**
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6-4-6	**Window Peeping**	**6-14**

6-4-1 **<u>Prostitution and Lewd Act Defined</u>**

(a) The term "prostitution" includes the offering or receiving of the body for sexual intercourse or other physical sexual activity for hire.

(b) The term "prostitution" also includes the indiscriminate or promiscuous offering or receiving of the body for sexual intercourse or other physical activity without hire.

(c) A "prostitute" is one who engages in prostitution as defined in this section.

(d) A "house of prostitution" is a house or place kept or resorted to for the purpose of prostitution.

(e) The term "lewd act" shall include an appearance in the state of nudity or in any indecent or lewd dress.

(f) The term "lewd act" shall also include indecent exposure and exposure of the private parts.

(g) A "lewd act" is an indecent, wanton, and lascivious act committed in the presence of another or in a place open to the public view.

(h) "Meretricious display" includes any act, sign, gesture, or manifestation which allures, or is calculated to allure, entices, or is calculated to entice by a false show, gaudiness, tawdry ornamentation, or lascivious suggestion for purposes of prostitution.

6-4-2 **<u>Offenses Relating to prostitution</u>** It shall be unlawful for any person to:

(a) Commit of offer or agree to commit a lewd act or an act of prostitution.

(b) Secure or offer another for the purpose of committing a lewd act or an act of prostitution.

(c) Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another

to commit a lewd act or an act of prostitution.

(d) Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

(e) Transport knowingly any person to any place for the purpose of committing a lewd act or an act of prostitution.

(f) Receive, or offer, or agree to receive knowingly any person into any place or building for the purpose of performing a lewd act or an act of prostitution or to permit knowingly any person to remain in any place or building for such purpose.

(g) Direct or offer or agree to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution.

(h) In any manner aid, abet, suffer, permit, or participate in the doing of any of the acts prohibited by Section 6-4-2 (a) to (g) above.

6-4-3 **House of Ill Fame** It shall be unlawful to keep or maintain any house of ill fame or house of assignation where men and women resort for the purpose of prostitution in the corporate limits of the Town of Silverton.

6-4-4 **Solicitation of Drinks**

(a) It shall be unlawful for any person to frequent or loiter in any tavern, cabaret, or night club with the purpose of soliciting anyone to purchase drinks.

(b) It shall be unlawful for the proprietor or operator of any such establishment to allow the presence in such establishment of any person who violates the provisions of this section.

6-4-5 **Indecent Acts: Use of Filthy Language** It shall be unlawful for any person to commit any indecent or filthy act in any place within the Town, or to utter any filthy word or any abusive or filthy language in the hearing of other persons publicly or to make any obscene gesture to or about any other person publicly.

6-4-6 **Window Peeping** It shall be unlawful for any person to trespass upon the property owned or occupied by another in the Town of Silverton for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building.

CHAPTER 6 GENERAL OFFENSES

ARTICLE 5
OFFENSES RELATING TO PUBLIC ORDER AND SAFETY

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6-5-1 **<u>Storage of Flammable Liquids</u>**

(a) It shall be unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids, or gases, upon any streets or ways or avenues of the Town, or in any other part of the Town of Silverton, except those areas zoned for such uses.

(b) It shall be unlawful for any person, firm or corporation, either as principal or agent, to keep more than 25 gallons of gasoline on his premises at any one time, except by securing a permit to do so, upon written application therefore from the Board of Trustees of the Town of Silverton and by complying with the rules and regulations following:

(1) Except where gasoline is kept in the tanks or automobiles, or trucks, all storage of over 25 gallons shall be in metal tanks buried at least three feet underground.

(2) By limiting the quantity stored on one lot,

underground, to 6,000 gallons individual or 18,000 gallons aggregate capacity.

(3) By paying a fee of $1.00 for each permit to the Town of Silverton, through the Town Treasurer.

(c) All gasoline tanks within the corporate limits of the Town of Silverton shall be installed in accordance with the following requirements: They must be located at least three feet underground and also three feet below the level of the lowest pipe used for filling the tank or in delivering the gasoline or in fire proof rooms. If gasoline storage tanks are located within five feet of any building such tanks must allow the level of the cellar or basement unless a brick, stone or concrete wall is built running at least a foot below the cellar or basement bottom and two feet beyond each end of the tank between the tank and the building. If gasoline storage tanks are located in any building they shall be enclosed in fire proof rooms, having at least eight inch brick, stone or reinforced floor, walls, and ceiling and having only exterior openings. All gasoline storage tanks must be constructed of iron or steel plate securely riveted or pressed into form; and shall be galvanized or painted with rust proof paint; and shall provide with a fill pipe and a vent pipe. If located in a fire proof room, such room shall have an independent vent flue extending above the opening of all adjacent buildings. When a tank is within five feet of any building the vent pipe must rise above the highest opening of adjacent buildings, and shall have a disc of 60 mesh brass wire gauze inserted and a return bend or gooseneck top. When such tanks are located in fire proof rooms, the above described vent pipes shall be connected with vent flue. The vent flue must be so arranged that the fill pipe cannot be opened without also opening the vent, and must terminate in an iron box, the cover of which shall be flush with the ground and locked. No gasoline shall be kept in any garage except in the reservoirs of automobiles and in the measuring pumps used for filling, provided, however, that there may be kept not to exceed two quarts for cleaning purposes in and used from a metal safety can. No filling, emptying or opening of any gasoline reservoir of any automobile shall be done when the same is in the garage except by daylight or incandescent electric light, and no artificial light, blaze or fire shall be allowed in the room where and when such reservoir is open.

(d) It shall be unlawful for any person, firm or corporation to install any gasoline engine or engines in any building or buildings within

the corporate limits of the Town of Silverton, except by securing a permit to do so from the Board of Trustees of the Town of Silverton, upon written application therefore which said application shall be in writing and shall show the dimensions and locations of a all accompanying gasoline tanks and the distance of such engines and tanks from all adjoining buildings and lot lines, and the position and location of the cut-off valve, and all other important parts.

6-5-2 **Broken Glass, Nails, Dangerous Substances in Streets and Sidewalks** It shall be unlawful for any person to throw or deposit or cause to thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken crockery, nails or any dangerous substance.

6-5-3 **Abandoned Container, Wells or Cisterns** It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children any abandoned, unsealed well or cistern, or any abandoned unattended or discarded ice box, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing said door or lid, snap lock or other locking device

6-5-4 **Fireworks**

A. Definition: Fireworks shall be any combustible or explosive composition, or any substance or combination of substances, or device prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, as defined by and incorporated within the definition of "fireworks" by the currently adopted edition of the Uniform Fire Code.

B. Unlawful to Use or Sell: Except as otherwise provided in this section and in the Uniform Fire Code adopted by the Town of Silverton, it shall be unlawful for any person to possess, store, sell, use, discharge or explode any fireworks within the corporate limits of the town.

C. Permit Required for Public Displays: The Board of Trustees shall have the power to grant permits within the town for supervised public displays of fireworks, as authorized by C.R.S. 12-28-107, and to adopt any rules and regulations pursuant to the granting of such permits. Application for a permit shall be made in writing at least fifteen (15) days in advance of the date of the display. Every such use or display shall be handled by a competent operator

approved by the Fire Chief, or his authorized agent, and shall be of such character and so located, discharged or fired so as, in the opinion of the chief, after investigation, not to be hazardous to property or endanger any person.

D. Bond required for Public Displays: The permittee shall be required to furnish a bond or certificate of insurance as required by the Uniform Fire Code.

E. Disposal of Unused Fireworks: All unfired fireworks shall be disposed of as required by the Uniform Fire Ode.

F. Seizure of Firework: The Fire Chief or any law enforcement officer shall seize, take, remove or cause to be removed at the expense of the owner all stocks of fireworks offered or exposed for sale, stored or held in violation of this ordinance or the Uniform Fire Code.

G. Exceptions: This section shall not be construed to prohibit the sale of fireworks by a person licensed by the State of Colorado to any group holding a permit from the Board of Trustees for a public fireworks display, or the use of fireworks for such permitted public display, or the use of fireworks by railroads or other transportation agencies for signal purposes of illumination, or the sale or use of blank cartridges for a licensed and permitted show or theater, or for signal or ceremonial purposes in athletics or sports, or used any military organizations. (amended 10/13/84)

F. Insofar as it has been declared unlawful for any person to possess, store, sell, use, discharge or explode any fireworks within the corporate limits of the Town, any individual found to have committed a violation of this provision shall be subject to a fine of $300.00 for each identified infraction thereof.

6-5-5 **Explosives** It shall be unlawful for any person to store within the Town limits any amount of gunpowder, blasting powder, nitroglycerine, dynamite, dynamite caps, or other devices used for the detonation of such high explosives, or other high explosives.

6-5-6 **False Alarms**

(a) Any person who shall, in this Town, intentionally make or give a false alarm of fire shall be deemed guilty of a misdemeanor.

(b) It shall be unlawful for any person who is not a member of the Fire Department to call the fire phone within thirty (30) minutes after fire alarm is sounded, except for the purpose of reporting another fire.

6-5-7 **Assault**

(a) An "assault" is an unlawful attempt coupled with a present ability to commit a bodily injury on the person of another.

(b) It shall be unlawful to assault, beat, strike, wound, imprison or inflict violence on another.

6-5-8 **Disturbing the Peace: Using Offensive Language** It shall be unlawful for any person to disturb or tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, or by loud unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke a breach of the peace; or by assaulting, striking, or fighting another, or for any person to permit any such conduct in any house or upon any premises owned or possessed by him or under his management or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby.

6-5-9 **Open Container** It shall be unlawful for any person to hold, transport, possess or consume any open container of any malt, vinous, or spirituous liquors, as defined by C.R.S Section 12-46-103 et seq, as amended, and C.R.S. Section 12-47-103 et seq, as amended, upon any street, alley, sidewalk or other public place or public building in the Town of Silverton, unless:

A. A special event permit from the State of Colorado, pursuant to C.R.S. Sections 12-48-101 through 12-48-108, has been acquired and approved by the local liquor licensing authority; or,

B. The possession or consumption of malt, vinous or spirituous liquors in a public place or public building has been authorized by the governing body of the government agency owning, leasing, or controlling the premises, or authorized official or employee thereof, so long as it is otherwise lawful under Colorado statutes.

6-5-10 **Assembling to Commit Unlawful Acts** It shall be unlawful for any three (3) or more persons to assemble together in this Town with an intent to do any unlawful act; or, being assembled, mutually to agree or act in concert to do an unlawful act with force or violence against the property of the Town or the person or property of another or against the peace and to the terror of others; or to make any move or preparation therefore; or, being present at such meeting or assembly, to fail to endeavor to prevent the commission of or perpetration of such unlawful act.

6-5-11 **Disturbing Religious Worship** It shall be unlawful for any person, firm or corporation to disquiet or disturb any congregation or assembly for religious worship by making any noises either personally or with vehicles or

other devices, or by rude or indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

6-5-12 **Loitering** It shall be unlawful for any persons to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or persons; or, to be profane, lewd or wanton in speech or behavior in such public way or place.

6-5-13 **Carrying Weapons: Forfeiture of Weapons**

(a) It shall be unlawful for any person to wear, or conceal about his person, or to display in a threatening manner, any dangerous or deadly weapon including, but not by way of limitations, any pistol, revolver, sling shot, cross-knuckles or knuckles of lead, brass or other metal, or any bowie knife, dirk, dagger or any knife resembling a bowie knife, or any other dangerous or deadly weapon. (See also 6-5-15)

(b) It shall be unlawful for any person, firm, company or association to sell, offer to sell, display, use, possess, or carry any knife or knives having the appearance of a pocket knife, the blade or blades of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon within the meaning of 6-5-13(a) above, and shall be subject to forfeiture to the Town of Silverton as provided in Section (c) below.

(c) Every person convicted of any violation of this section shall forfeit to the Town of Silverton such dangerous or deadly weapon so carried or displayed.

(d) Nothing in this section shall be construed to forbid United States Marshals, Sheriffs, constables and their deputies, and any regular, special, or ex officio police officer, or any law enforcement officer from carrying or wearing on duty, such weapons as shall be necessary in the proper discharge of their duty.

6-5-14 **Disposition of Confiscated Weapons** It shall be the duty of every police officer, upon making any arrest and taking such a weapon from the person of the offender, to deliver the same to the Municipal Judge, to be held by him until the final disposition of the prosecution for said offense; and upon the finding of guilt, it shall then be the duty of said Municipal Judge to deliver said weapon forthwith to the Chief of Police who shall make disposition of the weapon.

6-5-15 **Possessing, Carrying, or Using Dangerous or Deadly Weapons** It shall be unlawful for any person to have in his possession except within his domicile, or to carry or use, a revolver or pistol of any description, shotgun or rifle, which may be used for the explosion of cartridges, or any airgun, gas-operated gun, or spring gun, or any instrument, toy or weapon commonly known as a "peashooter", "slingshot", or "beany" or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above or by any other name, provided that nothing in this section contained shall prevent the use of any such instruments in shooting galleries or in any private grounds or residence under circumstances when such instrument can be fired, discharged, or operated in such a manner as not to endanger persons or property and also in such a manner as to prevent the projectile from traversing any grounds or space outside the limits of such gallery, grounds or residence; and further provided, that nothing herein contained shall be construed to prevent the concealed carrying of any type of gun whatsoever, when unloaded and properly cased, to and from any range or gallery.

6-5-16 **Selling Weapons to Intoxicated Person**

(a) It shall be unlawful for any person, firm or corporation to purchase, sell, loan, or furnish any gun, or other firearm in which any explosive substance can be used, to any person under the influence of alcohol or any narcotic drug, stimulant, or depressant, or to any person in a condition of agitation and excitability, or to any minor under the age of eighteen (18) years.

(b) Further, such unlawful purchase, sale, loan or furnishing shall be grounds for revocation of any license by the Town of Silverton to such persons, firm or corporation.

6-5-17 **Throwing of Stones, Missiles, etc.** No person shall throw or shoot any stone or missile at or upon any person, animal, public or private property, building, structure, tree or shrub.

6-5-18 **Circulars, Pamphlets, etc. Inciting Hatred, Violence, etc.** It shall be unlawful for any person to publish or distribute or cause to be published or distributed any circular, pamphlet, card, flier or dodger, whether anonymous or not, which incites, counsels, promotes or advocates hatred, violence or hostility against any person or group of persons residing in the Town, by reason of race, color, religion, or manner of worship.

6-5-19 **Interference with Funeral Processions** No driver of any truck, automobile or other vehicle, shall, within the Town of Silverton, pass through any funeral

procession moving through a street within the Town of Silverton, nor drive alongside any such street, but the driver of such truck, automobile or other vehicle shall await the passing of such procession before crossing the street over which such procession may be moving.

6-5-20 **Discharging Firearms** If any person shall, within the limits of the Town, fire, discharge any rifle, shotgun, pistol, revolver, or other firearm of any description, or explode or set off any dynamite or other high explosive, such person shall, upon conviction, be fined in a sum of not more than three hundred dollars ($300.00) or imprisoned not to exceed ninety (90) days, or both so fined and imprisoned.

6-5-21 **Operation of Helicopters**

A. It shall be unlawful for any person to land a helicopter inside the municipal boundaries of the Town of Silverton.

B. It shall be unlawful for any person to operate a helicopter over the corporate limits of the town at an altitude insufficient to insure a safe landing in the event of a power failure. Helicopters with suspended loads are prohibited from flying over Town.

C. Operations and landings of helicopters for emergency purposes are excluded from the provisions of this section. (eff. 06/11/83)

ARTICLE 6
OFFENSES RELATING TO MINORS

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6-6-14	**Loitering and Other Acts in or About Schools**	**6-25**

6-6-1 **Wrongs to Children** It shall be unlawful for any person having the care,

custody, control or confidence of or influence over any child to willfully cause or permit the life of such child to be endangered, or the health of such child to be injured, or the morals of such child to be impaired; or to willfully cause or permit such child to be placed in such a situation, business, or occupation that its life, health or morals shall be endangered; or to willfully abandon such child; or to torture, torment, cruelly punish, or willfully or negligently deprive of necessary food, clothing, or shelter, or in any other manner injure such child unnecessarily.

6-6-2 **Hiring Children Under Fourteen During School Hours** It shall be unlawful for any person, firm, or corporation to take, receive, hire, or employ any child under the age of fourteen (14) years to labor in any smelter, mill, mine, factory, or in or about any business or employment whatever within the Town of Silverton during the school hours of any school day. The Colorado Youth Employment Opportunity Act shall govern.

6-6-3 **Beer Regulations Minors, Post Sign**

(a) It shall be unlawful for any person to sell, serve, give away, dispose of, exchange, deliver, or permit the sale, serving, giving or procuring of any ferment malt beverage (3.2% beer) to or for any person under the age of eighteen (18) years.

(b) It shall be the duty of the person who is the proprietor or keeper of a place of business which sells, serves or disposes of fermented malt beverages (3.2% beer) to post conspicuously in his place of business the following Sign:"Minors under the Age of Eighteen (18) Years Not Served Here". Failure to so post such sign shall constitute an unlawful act.

6-6-4 **Minors in Places Liquor is Sold** It shall be lawful for anyone who is the proprietor or keeper of a place where liquor or other intoxicating beverages are sold to permit entry to one under the age of majority; but it shall be unlawful for such proprietor or keeper of such a place where liquor or other intoxicating beverages are sold to sell or to allow such a minor in any manner or fashion whatsoever to come into possession of or to imbibe in such liquor or intoxicating beverages.

6-6-5 **Curfew: Parents Responsibility** It shall be unlawful at any time, unless hereinafter provided, for any parent, guardian, or other person having care or custody of any child under the age of eighteen (18), to allow or permit any such child to be upon or remain upon any street, alley, or other public place, or in or about any business places subsequent to the hour of 10:00 p.m., or prior to the hour of 5:00 a.m., except in the pursuit of lawful employment, or unless there exists a reasonable necessity thereof, or unless such child is accompanied by the parent, guardian, or other person of majority having lawful custody or

care of such child. Children under eighteen shall be permitted to be upon the streets, alleys, or public places, or in and about any business places until the hour of 12:00 p.m. during the periods of time that their Public School is officially on vacation, and on Friday and Saturday nights, or if they have graduated from any high school. All married persons who otherwise would fall within the purview of this section are hereby expressly exempted there from.

6-6-6 **Curfew: Childs Responsibility** **(Repealed)**

6-6-7 **Parent or Guardian Aiding, Abetting** It shall be unlawful for any person to knowingly permit any minor child or children to aid, abet, or encourage in or to approve, encourage, allow, permit, tolerate or consent to the violation by any minor child or children of any provision of this article or any ordinances of the Town of Silverton.

6-6-8 **Selling Liquor Near Schools** It shall be unlawful to sell, offer or expose for sale or gift, beer or any vinous, spirituous or malt liquors within a distance of two hundred and fifty (250) feet from any private, public or parochial school, said distance to be computed by direct measurement from the nearest property line of the land used for school purposes to the nearest portion of the building in which liquor is to be sold using a route of direct pedestrian access. Provided, however, that this prohibition shall not affect the rights of any person, firm, or corporation now holding a lawful permit or license to conduct such business within the restricted area hereby established; nor shall this prohibition prevent the renewal upon the expiration thereof of any license in effect at this time authorizing such business within the restricted area hereby established. (C.R.S. 1973, 12-47-139)

6-6-9 **Encouraging Delinquency** It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the preview of the juvenile authorities, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended.

6-6-10 **False Statement: False Credentials** It shall be unlawful for any person under twenty-one (21) years of age to make false statements or to furnish, present or exhibit any fictitious or false registration card, identification card, or note or other document for unlawful purpose, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited places or for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor, wine or fermented malt beverages (3.2% beer).

6-6-11 **Minors in Possession** It shall be unlawful for any minor under the age if eighteen (18) years of age to have in his possession any opened container of vinous or spirituous liquor, or fermented malt beverage any place within the Town of Silverton.

6-6-12 **Services of Others** It shall be unlawful for any person under the age of twenty-one (21) years of age to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the minor himself is forbidden by law to purchase.

6-6-13 **Purchase for Minor** It shall be unlawful for any person, whether for remuneration or not, to procure for any person under twenty-one (21) years of age any article which the person is forbidden by law to purchase.

6-6-14 **Loitering and Other Acts in or About Schools** It shall be unlawful for any person to loiter, idle, wander, stroll, or play in, about, or on any public, private, or parochial school, college, or seminary grounds, or buildings, either on foot or in any vehicle, without having some lawful business therein or thereabout, or in connection with such school or the employees thereof; or for any person to:

(a) Annoy, disturb, or otherwise prevent the orderly conduct of classes and activities of any such school.

(b) Annoy, disturb, assault or molest any student or employee of any such school, college or seminary while in any such school building or on any school grounds.

(c) Conduct himself in a lewd, wanton, or lascivious manner in speech or behavior in or about any school building or school grounds.

(d) Park or move a vehicle in the immediate vicinity of, or on the grounds of, any such school, college, or seminary for the purpose of annoying or molesting the students or employees thereof; or in effort to induce, entice, or invite students into such vehicles for immoral purposes.

ARTICLE 7
OFFENSES RELATING TO ANIMALS

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6-7-6 Poisoning, Domesticated Animals 6-26
6-7-7 Frightening, Shooting, Killing, Trapping, Molesting, etc. Song and Insectivorous Birds 6-26

6-7-1 **Cruelty to Animals** It shall be unlawful for any person, firm or corporation to overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, cruelly beat, mutilate, or kill needlessly or to carry or transport in any vehicle or otherwise in a cruel and inhumane manner, any animal or to cause any of these acts to be done. (C.R.S. 1973 13-12-101)

6-7-2 **Starvation of Animals** It shall be unlawful for any person, firm, or corporation having charge or custody of any animal to fail to provide it with proper food, drink, and protection from weather, or to cause any of these acts to be done.

6-7-3 **Abandonment of Animals** It shall be unlawful for any person, firm, or corporation to abandon any animal, or to cause such to be done.

6-7-4 **Keeping Place for Fighting Animals** It shall be unlawful for any person, firm. or corporation to keep or cause to be kept any place where any fowls or any animals are suffered to fight upon exhibition, or for sport upon any wager.

6-7-5 **Supply of Food to Enclosed Animals** In case any animal or animals shall be at any time enclosed or confined and shall continue to be without necessary food or water mare than twelve (12) consecutive hours, it shall be lawful for any person from time to time and as often as it shall be necessary to enter into or upon any such enclosure in which any such animal or animals shall be confined and supply it with necessary food and water so long as it shall remain so confined. Such person shall be liable for any action for such entry, and the reasonable cost of such feed and water may be collected by him of the owner of such animal.

6-7-6 **Poisoning Domesticated Animals** It shall be unlawful for any person to poison any dog or dogs or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any domesticated animals.

6-7-7 **Frightening, Shooting, Killing, Trapping, Molesting, etc.. Song and Insectivorous Birds** It shall be unlawful for any person at any time within the corporate limits of the Town of Silverton to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any robin, lark, whip-poor-will, finch, sparrow, thrush, wren, martin, swallow, snow-bird,

bobolink, red-winged blackbird, crow, raven, oriole, king bird, mocking bird, song sparrow, or other song bird or insectivorous bird; or in any manner molest or injure the nest, eggs or young of any such bird, or have in possession the nest, eggs, young or body of such bird.

ARTICLE 8
MISCELLANEOUS OFFENSES

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6-8-1 **<u>Unnecessary Noises</u>**

(a) <u>Noises Generally Prohibited</u> The making of unnecessary noises upon, near or adjacent to the streets, highways, and other public places in the city is hereby declared to be a public nuisance. The enumeration of the particular offenses hereinafter particularly defined shall be construed as limiting the generality of this

section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated. It shall be unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours 7:00 a.m. and 7:00 p.m. which either annoys, injures, or endangers the comfort, repose, health or safety of others, or to make, continue to cause or be made or continue between the hours of 7:00 p.m. and 7:00 a.m., whether in the operation of any machine or the exercise of any trade or calling or otherwise any noise which annoys, injures, or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or health, safety, life or limb of some person.

(b) Loud Speakers - Limitations It shall be unlawful to play, operate or use any device known as a sound track, loud speaker, or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle or in any public places unless such person in charge of such vehicle or public place shall have first applied to and received permission from the Mayor or Police Chief to operate any such vehicle or building so equipped.

(c) Mufflers It shall be unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noises, and it shall be unlawful for any person operating any motor vehicle to use a cut-out, bypass, or similar muffler elimination appliance.

(d) Sirens, Whistles, Gongs and Red Lights It shall be unlawful for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle, or red light similar to that used on ambulances or vehicles of the police and fire departments.

(e) Animals It shall be unlawful for any person to own, keep, have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provide, the provisions of this sub-section shall not apply to any hospitals conducted for the treatment of small animals which are approved by the health department or to premises occupied or used by any Town pound.

6-8-2 **Gambling and Gambling Devices** It shall be unlawful for any person to set up, have, or to keep any keno table, faro bank, shuffleboard, bagatelle, playing cards, of other instrument, device or thing whatever, whereon or which any money, liquor or other article shall in any manner be played for; or to play for money or any valuable thing at any game with cards, dice, or with any article, device or thing whatever, which may be used for the purpose of playing or betting upon, or winning or losing money or other property; or to bet on any game others may be playing.

6-8-3 **Keeping Gambling House** It shall be unlawful for any person to keep a disorderly or gambling house or to permit or suffer any faro bank, keno table, or other instrument or device whatsoever, used for playing any game or games of chance, to be set up or used in the Town of Silverton, whereon or wherewith any game or games of chance may be played for money or other articles of value, in any room, building or tenement in his possession or under his control.

6-8-4 **Confiscation of Gambling Devices** It shall be the right of the Chief of Police, and all members of the Police Department of the Town of Silverton to seize and take any cards, tables, checks, balls, wheels, or devices of any nature or kind, used or kept for the purpose of gambling or playing at any game of chance, without warrant or complaint, and to convey the same before the Municipal Court, which Court shall order the same destroyed. In enforcing this section, the Constitutional rights of all parties shall be protected to the highest degree.

6-8-5 **Maintaining Lotteries Prohibited** It shall be unlawful for any person or persons to set up, maintain, or carry on any lottery or chance gift distribution, except for those persons licensed and authorized to do so by the State of Colorado. (amended 8-27-83)

6-8-6 **Possession of Burglar's Tools** It shall be unlawful for any person, firm, or corporation to possess any nippers known as burglar's nippers, any pick lock, skeleton key, key to be used with bit or bits, jimmy, or any other burglar's instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes.

6-8-7 **Resisting an Officer, Escaping, Rescuing a Prisoner**

(a) It shall be unlawful for any person to resist any police officer, any member of the Police Department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty.

(b) It shall be unlawful for any person to offer or endeavor to assist

any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority to escape or to attempt to escape from such custody.

(c) It shall be unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the Police Department or a person duly empowered with police authority.

6-8-8 **Duty of Citizens to Aid Police Officers** It shall be the duty of all persons when called upon by any police officer or any member of the Police Department to promptly aid and assist such officer or member in the discharge of his duties.

6-8-9 **Impersonating an Officer** A person who falsely pretends to be a peace officer and performs an action in that pretended capacity commits an offense under this section. (C.R.S. 1973, 18-8-112)

6-8-10 **Impersonating Town Officers and Employees** It shall be unlawful for any person to willfully, unlawfully, or fraudulently represent himself to be a town officer or an employee of the city and purporting to perform the duties of any such officer or employee when he is not an authorized officer or employee of the city.

6-8-11 **Obstructing Traffic** It shall be unlawful for any person to obstruct in any manner any sidewalk, public highway, street or alley in the Town, or for the purpose of annoyance or mischief, to place in any doorway or driveway, or on any sidewalk, public highway, street or alley in the Town any box, barrel, cask, or other thing. (C.R.S. 1973, 31-12-101)

6-8-12 **Interfering with Use of Streets or Sidewalks** It shall be unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregation on any public highway, street, alley or sidewalk in the city shall obstruct, interfere with or prevent the free and unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk, or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the Town or other authorized peace officer.

6-8-13 **Permits Required for Parades, Processions** No procession, skits, gunfights, or other entertainment, or parade, excepting the forces of the United States armed services, the military forces of this state, the forces of the police and fire departments or the public schools shall occupy, march or proceed along any street, alley, roadway, or sidewalk except in accordance with a permit issued

by the Chief of Police and such other regulations as are set forth herein which may apply.

6-8-14 **Aiding and Abetting** Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more persons as a principal, agent, or accessory, shall be guilty of such offense, and every person who fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any ordinance of this municipality is guilty of such offense.

6-8-15 **Miscellaneous Offenses, General** It shall be unlawful within the Town of Silverton to commit any of those offenses stated in the Colorado Criminal Code, C.R.S. Title 38, 1973, as defined within said code.

6-8-16 **Mandatory Removal of Parked Vehicles from Roadway When Road Work is in Progress**

It shall be unlawful within the corporate limits of the Town of Silverton for any person to park and to leave parked any vehicle which obstructs road work which is being performed on the streets and alleys by the Silverton Public Works Department, or any private contractor delegated to perform such roadwork by any of the above authorities.

In order for a conviction to be sustained against any person under this section it shall be necessary for a notice to be posted on the streets or alleys on which such work is to proceed which advises persons that road work will be performed in that location. Such notice must be posted at least sixteen (16) hours prior to commencement of work.

The Silverton Police Department is hereby given the specific authority to order any vehicle in violation of this section towed to a location where it is not obstructing the road work, and the violator shall be assessed all charges for such towing, together with any other fines and costs assessed hereunder.

This section shall in no way override Section 6-9-5 of the Code of the Town of Silverton regarding mandatory removal of vehicles to assist in snow removal. This ordinance is necessary for the immediate preservation of the public health, safety, and general welfare. (eff. 10/06/81)

6-8-17 **Parking Violations and Fines Levied**

It shall be unlawful with the corporate limits of the Town of Silverton, for any person to park a vehicle in a place where red and/or yellow is painted upon the curb; where such parking is prohibited by a sign that is posted stating such; in any handicapped zone; road construction; within 15 feet of a fire hydrant; or in any violation of C.R.S. 42-4-1104, as amended.

Any person who violates any provision of this section shall be ticketed, with a fine being ten dollars ($10.00); such fine shall be payable to the Town of Silverton within 48 hours or the person shall request an appearance before the Municipal Judge within that time period. Failure to pay such fine or to request a court appearance will result in a bench warrant being issued from the Municipal Judge.

This ordinance is necessary for the immediate preservation of the public health, safety and general welfare. (eff. 01/15/87)

6-8-18 **Riding or Use of Bicycles, Roller Skates, Rollerblades, Skateboards or other Rolling Devices upon certain Public Sidewalks Prohibited** It shall be unlawful for any person to ride or use a bicycle, roller skate(s), roller blade(s), skateboard, or other rolling device, whether or not motorized, upon the public sidewalks of the Town of Silverton, Colorado which lie within a portion of the Business-Pedestrian Zoning District of the Town as the same is designated upon the official zoning map of the Town of Silverton, Colorado. The specific area within which riding or use of bicycles, roller skate(s), rollerblade(s), skateboards, or other rolling devices is prohibited is defined by the boundaries of 6th Street to 16th Street as such sidewalks lie adjacent to and on either side of Greene Street; from 11th Street to 14th Street as such sidewalks lie adjacent to and on either side of Blair Street within the Town of Silverton. It is also prohibited to use these devices on all sidewalks and parking lots or parking areas adjacent or appurtenant to public buildings within the Town of Silverton including the Court House, Town Hall, Library, Visitor's Center and the Post Office. This prohibition shall not apply to the use of wheelchairs or other rolling devices by handicapped persons upon the public sidewalks within such zoning district. (eff. 08/26/90)

ARTICLE 9
ICE AND SNOW

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6-9-1 **Removal of Snow and Ice** It shall be the duty of the owner or tenant of any premises abutting or adjoining any public sidewalk in the 1100, 1200, and 1300 Block of Greene Street to remove all snow and ice from such sidewalk.

6-9-2 **Twenty-Four Hours to Remove Snow and Ice** The owner, occupant or tenant of such property shall have not more than twenty-four hours from and during any snowstorm during which time such snow and ice must be removed from his or her sidewalk.

6-9-3 **Upon Failure to Comply, Municipality to Remove** Upon failure of an owner or tenant to comply with the provisions of this Article, the Town shall have the right to remove such snow and ice and assess the cost thereof against the premises abutting the sidewalk. Such assessment to be certified to the County Assessor or other proper county official having charge of the making of the assessment roll and such charge shall be placed on the assessment roll and collected in the same manner as other municipal taxes are collected.

6-9-4 **Depositing Snow on Public Right-of-Ways**

(a) No person shall deposit, or cause to be deposited, on any public street, alley, sidewalk, or roadway situated in the Town of Silverton any snow taken from or removed from any private property, except as allowed herein.

(b) Snow may be removed from private sidewalks and deposited on the public right-of-way in such a manner so as not to block or interfere with pedestrian or vehicular traffic.

(c) No person shall remove snow from building roofs and deposit the snow on any street or public sidewalk situated in the 1100, 1200, or 1300 blocks of Greene Street except as allowed in this section. Snow may be removed from building roofs and deposited in the alley right-of-way provided the person doing the work notifies the Town of the building location and the time of removal prior to depositing any snow on the alley right-of-way and the person doing the work provides visible barricades or other suitable means to block off the snow deposition area to vehicular and pedestrian travel during the time period when snow is being deposited on the alleyway. If a building is situated such that snow cannot be removed and deposited in the alley right-of-way, the owner may apply to the Public Works Department for a special permit to deposit snow on the street right-of-way provided the snow deposition area is barricaded to effectively block off the

snow deposition area to pedestrian and vehicular traffic and the person depositing the snow either removes the snow from the sidewalk immediately after clearing the building roof or pays the Town a snow removal fee based on a rate charge of one hundred and no/100s dollars ($100.00) per hour with a minimum fee of fifty and no/100s dollars ($50.00). The applicant shall agree to remove the snow from the sidewalk at his own expense or pay the minimum snow removal fee at the time the permit is issued. If the person fails to remove the snow from the sidewalk or fails to pay any snow removal charges which are in excess of the minimum fee, the Town may remove the snow and asses the charges, including charges in excess of the minimum fee, against the property pursuant to Section 6-9-3 of the Town Code. Failure of a person to abide by the provisions of an issued permit shall constitute grounds to deny future permits.

(d) Snow may be removed from public and private parking lots, driveways and similar facilities and deposited upon private properties if the person doing the work has written authorization from the property owner possessing the deposition site. Snow may be removed from public and private parking lots, driveways and similar facilities and deposited on the shoulder of street right-of-ways provided the person doing the work deposits the snow in such a manner so as not to interfere, in any way, with the public use of the right-of-way, including the snow removal operations of the Town. At the sole discretion of the Public Works Director, if the snow removed from public or private parking lots, drive ways and similar facilities is interfering with the public use of the right-of-way, including the Town's snow removal operations, the property owner from whose property the snow was originally removed shall remove the deposited snow from the right-of-way within twenty-four (24) hours of receiving notice from the Town or pay the Town a snow removal fee of one hundred and no/100s dollars ($100.00) within twenty-four (24) hours of receiving notice from the Town, and the Town will remove the snow from the right-of-way. If the property owner fails to remove the snow or to pay the Town to remove the snow, the Town may remove the snow in accordance with Section 6-9-3 of the Town Code of Silverton, Colorado.

(e) Upon either written or verbal notice from Town officials, any person who is removing snow from private property and depositing the snow on any public right-of-way contrary to the provisions of this Section, shall immediately cease any further

deposition onto the public right-of-way, and any snow so deposited shall be removed from the public right-of-way immediately if so directed by the Public works director or an authorized agent of the Town. Failure to comply with a stop work order to remove the snow deposited on the right-of-way shall constitute a separate offense under the provisions of the Town Code. In addition to all other remedies, the Town may remove the snow deposited in violation of this Section and assess the property owner a snow removal fee based on one hundred and no/100s dollars ($100.00) per hour, with a minimum charge of one hundred and no/100s dollars ($100.00), in accordance with Section 6-9-3 of the Town Code of Silverton, Colorado.
(eff. 02/18/97)

6-9-5 **Mandatory Compliance with Established Snow Routes and Removal of Parked Vehicles** It shall be unlawful within the corporate limits of the Town of Silverton for any person to park in violation of an established snow route, or to park in any manner that obstructs the removal of snow from the public streets and alleys. Any vehicle determined to be in violation of this section may be ticketed and/or towed from that location by the Town or any authority properly acting as agent of the Town. All costs relating to the removal and storage of offending vehicle will be assessed to the owner of such vehicles. Said costs shall not be construed to be in lieu of any fines levied via penalty assessments or by the municipal court under section 6-9-8 of this chapter.

6-9-6 **Adequate Notice** of 6-9-5 shall be given by signs posted on Greene Street at both entrances to Town. Notice shall also be given by publication in the newspaper of the ordinance.

6-9-7 **Emergency Clause** ***(REPEALED1/26/2009)***

6-9-8 **Penalty Assessment** The owner of any vehicle in violation of Section 6-9-6 of this Chapter may be ticketed and assessed a fine in the amount of $25.00, payable to the Town of Silverton within 20 days of the date of issuance of the citation. If the payment is not received within 20 days of the date of citation, the matter shall automatically be referred to the Silverton Municipal Court and a summons shall be issued requiring the violator to appear before the municipal judge at the time and date indicated on the citation. The maximum fine punishable by the Municipal Court shall be $25.00, together with any associated court costs.

CHAPTER 6 GENERAL OFFENSES

ARTICLE 10
THEFT BY CHECK

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6-10-1 **Definitions** As used in this section, unless otherwise noted.

(a) "Check" means a written, unconditional order to pay a sum certain in money, drawn on a bank, payable on demand, and signed by the drawer.

(b) "Drawee" means the bank upon which a check is drawn or a bank, saving, loan association, industrial bank, or credit union on which a negotiable order of withdrawal or a share draft is drawn.

(c) "Drawer" means a person, either real or fictitious, whose name appears on the check as the primary obligor, whether the actual signature be that or himself or of a person authorized to draw the check on himself.(d) "Insufficient Funds" means a drawer has insufficient fund with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account, or share draft account with the drawee or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance; and a check dishonored for "no account" shall also be deemed to be dishonored for "insufficient funds". (eff. 05/27/89)

6-10-2 **Unlawful Act** It shall be unlawful for any person:

(a) To issue or pass a check as payment for any goods, services or other thing of value, or in exchange for cash when that person knew that, at the time of issuance of the check, there were insufficient funds existing within the account being drawn upon to cover the check.

(b) To issue or pass a check as payment for any goods, services or other thing of value, or in exchange for cash, and to thereafter fail to tender sufficient funds to make the check good within fifteen (15) days of notification, pursuant to Section 6-10-3 (c), from either the drawee upon which the check was drawn or from the holder of the check that the check has been twice refused by the drawee for insufficient funds. A prima facia case of a violation of this paragraph shall be established upon a showing that the holder of the check has complied with the provisions of Section 6-10-3 (c).

(c) To stop payment or cause payment to be stopped on any check issued or passed as payment for any goods, services or other thing of value, or in exchange for cash, when that person does so with the intent to defraud.

(d) To open a checking account, negotiable order of withdrawal account, or share draft account using false identification or an assumed name, for the purpose of and with the intent of committing theft by check.

6-10-3 **Duties of Holder of Check** Prior to filing a complaint under this section, the holder of the check shall have:

(a) Obtained sufficient identification from the drawer at the time of acceptance of the check to verify the name and address of the drawer; and

(b) Presented the check to the drawee for acceptance or refusal for the first time within thirty days (30) of the date of issuance of the check; and

(c) Upon twice presenting the check to the drawee for collection and having twice received the check back for insufficient funds, the check shall be turned over to the Sheriff's Office and the refusal of the drawee to accept the check and requiring payment within fifteen (15) days of receipt of the letter.

6-10-4 **Limits** Nothing in this section shall apply where the value of the check exceeds three hundred dollars ($300.00) or where the offender is under accusation of formal criminal charges involving the issuance of two or more

checks with an aggregate value of three hundred dollars ($300.00) or more.

6-10-5 **Releasing Information** A bank, savings and loan association, industrial bank or credit union shall not be civilly or criminally liable for releasing information relating to the drawers account to any police authority or Officer of the Court of this municipality provided the release of such information is for purposes of investigation or prosecuting a potential or alleged violation of this section.

6-10-6 **Restitution** In imposing a penalty for violation of this section, the Municipal Court is specifically authorized and empowered to require restitution in full to the person or entity to whom any such check described herein was issued as a portion of, or in addition to, any penalty deemed appropriate by the court.

6-10-7 **Penalty** Any person who violates any of the provisions of this section shall be subject to a penalty in the form of a fine not to exceed three hundred dollars ($300.00) or imprisonment for a period not to exceed ninety (90) days or by both such fine and imprisonment.

CHAPTER 7 PLANNING and ZONING

Chapter 7 ARTICLE 1

PLANNING and ZONING COMMISSIONS and BOARD of ADJUSTMENT

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7-1-1 **Planning and Zoning Commission and Board of Adjustment Created**
Pursuant to the authority conferred by Title 30, Article 28, and Title 31, Article 23, Colorado Revised Statutes, there is hereby created a San Juan Regional Planning Commission, a Zoning Commission, and a Board of Adjustment. The members of the San Juan Regional Planning Commission shall also serve as the members of the Zoning Commission. The members of the Board of Adjustment shall be appointed as provided in Section 7-1-8 herein.

7-1-2 **Members of Commission** The San Juan Regional Planning Commission shall; consist of seven (7) members as follows: Two (2) members of the Board of Trustees appointed by the Board of Trustees, whom shall be ex officio members of the Commission and shall serve during their respective official tenures; one (1) member of the Board of County Commissioners, who shall be an ex officio member of the Commission and shall serve during his/her official tenure; and four (4) members-at-large appointed by the San Juan Regional Planning Commission, who shall serve for a term of three (3) years, or until a successor takes office (C.R.S. 30-28-105(2)). (adopted 06/28/93)

7-1-3 **Qualifications of Commission Members** All members of the Commission shall live within the Town of Silverton or County of San Juan, and if any member ceases to reside in said town or county, that membership shall immediately terminate. All members of said Commission shall serve as such without compensation.

7-1-4 **Organization and Rules** The Planning Commission shall elect its chairman from among its members, and may create and fill other offices as it

may determine. The term of the chairman shall be one (1) year, with eligibility for re-election. The Commission shall adopt the rules for the transaction of business, and shall keep a record of its resolutions, transactions, contractual undertakings, findings and determinations, which record shall be a public record. Said public record shall show the action of the Planning Commission and the vote of each member upon each question considered (C.R.S. 30-28-105 (2) (8)).

7-1-5 **Staff and Finances** The Commission may appoint such employees as it may deem necessary for its work, and may establish provisions governing the qualifications, hiring, and removal of said employees. The Commission may contract with planners, engineers, architects, or other professional consultants for such services as it may require. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for this purpose by the Town Board and County Commissioners and shared equally by both governing bodies. (C.R.S. 30-28-105 (4)(5))

7-1-6 **Powers of Commission** The Commission shall have all the powers and perform each and all of the duties specified by said Title 30, Article 28, and Title 31, Article 23, Colorado Revised Statutes, together with any other duties or authority conferred upon it by the laws of the State of Colorado. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment or enactments.

7-1-7 **Purpose of Commission** The purpose of the Commission shall be as established in Sections 30-28-106, 30-28-107, 31-23-206, 31-23-207, and 31-23-306, Colorado Revised Statutes: To make and adopt a master plan for the physical development of the municipality, including any areas outside its boundaries, subject to the approval of the governmental body having jurisdiction thereof. In the preparation of a master plan, the Commission shall make careful and comprehensive studies of the existing conditions and probable future growth of the territory within its jurisdiction. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs, which, in accordance with present and future needs, will best promote the health, safety, morals, order, convenience, prosperity, and general welfare of the inhabitants, as well as efficiency and economy in the process of development.

The Commission shall also recommend the boundaries of the various zoning districts and appropriate regulations to be enforced therein. Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, floodwaters, and other dangers; to promote health and general welfare; to

provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to promote energy conservation; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, as to the character of the district and its peculiar suitability for particular uses and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality. (31-23-303 (1) C.R.S.)

7-1-8 **Board of Adjustment**

A. Creation and Members: The Board of Adjustment created in Section 7-1-1 herein, pursuant to Section 31-23-307 C.R.S., shall consist of five members (5) as follows: Two members (2) of the Board of Trustees, appointed by the Board of Trustees, who are not also members of the San Juan Regional Planning Commission, two members (2) serving as representatives-at-large on the Planning Commission, appointed by the Planning Commission, and one member (1) of the San Juan County Board of Commissioners, appointed by the Board of Commissioners, who is not also a member of the Planning Commission. One (1) alternate representative each shall be appointed by the Board of Trustees, the San Juan Regional Planning Commission, and the San Juan County Board of Commissioners to serve in place of the regularly appointed member of that body should that member be unable to attend a scheduled meeting. The alternate appointed by the Board of Trustees shall not be a member of the Planning Commission. All appointments to the Board of Adjustment shall serve during their respective official terms of office. (effective 4-11-86)

B. Organization and Records: The Board of Adjustment shall elect a chairman, vice chairman, and a secretary from among the members, whose terms shall be for one year (1), with eligibility for re-election. The chairman shall preside at all meetings and perform such other duties as may be necessary, the vice-chairman shall act in the absence of the chairman, and the secretary shall keep a record of the Board meetings showing the action of the Board and the vote of each member upon each question considered, which record shall be a public record.

C. Purpose and Powers: The Board of Adjustment shall be empowered and required to:

1. Meet at the call of the chairman, by his request, or by petition from an aggrieved party or an applicant

for variance or by order of the Town Board.

2. Hear and decide appeals from and review any order, requirement, decision or determination made by any administration official charged with the enforcement of this zoning ordinance. (C.R.S. 31-23-307 (1))
3. Hear and decide upon granting of adjustments, variances, reviews of variances, modifications to exceptions to the regulations and alteration of buildings or structures, or the use of land, so that the spirit of the Ordinance is observed, public safety and welfare secured, and substantial justice done. (C.R.S. 31-23-307 (1))
4. Interpret the zoning ordinance, including any uncertainty as to boundary location or meaning of words, provided such interpretation is not contrary to the purpose and intent of this ordinance.

D. Variance and Appeal Procedure:

1. All first request for appeal of an administrative decision or variance to the zoning ordinance shall be submitted in writing to the Town Clerk along with a $25.00 application fee. All requests for reviews of variances by the holder of the variance, shall be submitted, in writing, to the Town Clerk, along with a $15.00 application fee. All request for reviews of variances based upon a signed written complaint submitted to the Town Clerk shall not require payment of a fee.
2. All first applications shall contain a description of the property, including lot and block numbers, as well as sufficient maps, diagrams, and notations. It shall cite Chapter, Article and Section of the ordinance which is involved, state what relief is being sought, and the grounds and justification upon which application is being made. It shall also contain the addresses, names and the signatures of the property owners abutting or adjacent to the applicant's property on all four sides, signifying that they have been notified of the variance being requested in the application.
3. Any application for review of a variance that includes changes in the variance or requested

changes in stipulation shall be considered as a new or first application.

4. All applications shall be referred by the Town Clerk to the Board of Adjustment in a timely fashion. A public hearing shall be held, with at least ten (10) days advance notice of the date, time, place and purpose of such hearing to be published in a newspaper of general circulation within the Town. The Board of Adjustment shall notify, or direct the Town Clerk to notify, in writing, the applicant, any administrative official involved, and the Town Board of all hearings scheduled, and of all decisions, variances, recommendations or directives issued.
5. Four (4) members of the Board of Adjustment shall constitute a quorum, and a concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any administration official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under this ordinance, or to effect any variance or exception to this ordinance.
6. The Board of Adjustment must study applications, hear evidence and testimony, and make a decision upon such information and findings of fact. All decisions of the Board shall be made within 31 days of the date of submission of the application. All decisions of the Board may be appealed to the district court, as provided by state statute and Section 7-2-2 (E) herein. Said appeal may be requested by any aggrieved person, or by an official the Town or the Town Board.

7-1-9 **<u>Supplementary Regulations</u>**

A. General Additional Regulations: Regulations specified in Article 2 of this ordinance shall be subject to the following additional interpretations, stipulations, and exceptions:

1. Service Yards: All service yards (as defined in Section 7-2-5 herein) shall be fenced so as not to be visible from any street, and such fences shall be a minimum of six feet and a maximum of eight feet

in height above grade, and must meet applicable set back requirements if over six feet.

2. Lights: Any light or lights used to illuminate parking areas or any other private property shall be so arranged as to reflect away from nearby residential properties and away from the vision of passing motorists.

3. Public Utilities: Nothing in these regulations shall be construed to prevent the construction or installation, in any district, of a public utility use or structure necessary for the transmission of commodities or services of a utility company, including mains, transmission and distribution lines, substations, and exchanges, provided that storage maintenance and business facilities shall be restricted to their appropriate district. The construction and installation of all public utilities shall comply with the following:

   (a) No towers or apparatus for the transmission, emission, or reception of signals which are in excess of twenty (20) feet from base to tip, and no wind-driven apparatus which is in excess of twenty (20) feet from base to tip, shall be constructed, placed or maintained within the town limits, except in the E-D District.

   (b) Substations, exchanges, and storage and maintenance facilities shall be required to be obscured by natural vegetation screening to conform with the surrounding environment, or by fencing which is a minimum of six feet and a maximum of eight feet above grade and which meets the applicable setback requirements if it is over six feet.

   (c) New utility transmission and distribution lines shall be buried in the Residential 1-A District and in all mobile home parks. This shall not

include relocating or resizing of existing lines.

4. Access from Federal, State or County Highways or Roads: For those projects or parcels that require any kind of access from a Federal, State or County property, written approval of an access permit from the Federal, State or County governments shall be obtained prior to final approval of a final plat or a development permit. No building permit shall be issued unless the applicant has obtained written approval of an access permit from the relevant Federal, State, County, Town or private landowner or government.

B. Architectural Form: No building shall be constructed of which the architectural form is generally considered to be advertising.

C. Home Occupation: Home occupations shall be permitted in the R-1-A, R-1, R-2, B-A and E-D Districts. In addition to meeting the criteria of a home occupation (as defined in Section 7-2-5 herein), they shall be subject to the same regulations and licensing as any other business. Application for a home occupation shall be made, in writing, to the Town Clerk, in conjunction with the application for a business license, and shall include a $10.00 advertising and processing fee, and shall be subject to the following procedures:

1. The Clerk shall determine if the business meets the definition of a home occupation, and shall grant or deny the business license.
2. Prior to issuance of a business license, notice of said application shall be published at least once in the newspaper of general circulation within the Town.
3. Appeals of the Clerk's decision may be reviewed by the Town Board, at the request of the applicant or an aggrieved neighbor. The Town Board shall, within thirty-one (31) days following submission of the appeal, hold a public hearing and act on the application. Notice of the public hearing shall be published at least ten (10) days prior to the date of the hearing in a newspaper of general circulation within the town. Following review at the hearing, the Board shall make a determination as to the granting or denial of the business license. Approval may be made conditional upon meeting certain

requirements as may be imposed by the Board to mitigate negative impacts.

4. Any business license issued for a home occupation may be reviewed by the Town Board if the home occupation is no longer meets the criteria for such, and may be subject to revocation, as per the procedure for review provided in Chapter 10 of this code.

D. Mandatory Demolition: In the event a structure, building, unit or improvement, either permanent or mobile, is substantially damaged, destroyed or deteriorated by any means, the owner of the property upon which said structure or facility is located shall obtain a building permit for either the repair or the demolition of said facility no later than fifteen (15) days after said damage occurs, and if the permit is for demolition, said demolition shall be completed, the land cleared and leveled to the satisfaction of the building inspector no later than ninety (90) days after said damage occurs.

E. Non-conforming Uses: Any use of property or premises existing at the time of passage of this ordinance on May 14, 1984, which does not conform to the regulations prescribed herein, shall be deemed non-conforming use (as defined in Section 7-2-5 herein). Such use may be continued indefinitely as long as there is no interruption of active use. If there is a discontinuation of the non-conforming use, the owner of the property or premises shall have one (1) year from the date of interruption of the non-conforming use to re-institute the non-conforming use. One factor in determining the reinstitution of a non-conforming business use, shall be the issuance of a business license within one (1) year time limit. Failure to re-institute the non-conforming use within the one year time limit shall require that the non-conforming property or premise be brought into full compliance with all provisions of this ordinance and the district within which the property or premise is located.

F. Non-conforming Building or Structure: Any building or structure existing at the time of passage of this ordinance on May 14, 1984, which does not conform to the regulations prescribed herein, shall be deemed a non-conforming building or structure (as defined in Section 7-2-5 herein). Such building or structure may remain indefinitely until such time that it is moved or substantially damaged or destroyed. Any non-conforming building or structure moved to a new location shall be brought

into compliance with the standards of the district in which it is relocated. Reconstruction on the vacated lot shall meet all requirements of the district in which it is located. The owner of such damaged or destroyed structure shall have one (1) year from the date of damage or destruction to reconstruct the building. Reconstruction of the non-conforming structure may take place, and the non-conforming status retained if all the following conditions are met:

1) No less than the total square footage of the original non-conforming structure or the minimum requirements of said district shall be included in the new building.
2) Set back distances of the new building are no less than those of the original structure.
3) Substantial completion of the new structure takes place within one (1) year of the removal, damage, or destruction of the original building.
4) Compliance with all applicable building and fire codes, and especially with Section 8-2-2 (C) of the Municipal Code of the Town of Silverton.

Failure to meet the above conditions for reconstruction shall require that the non-conforming building or structure be brought into full compliance with all the provisions of this ordinance and the district within which the building or structure is located, including Section 7-1-9 (D) above. Any addition built onto a non-conforming building or structure must comply with all the provisions of this code and the district in which it is located. The use of a building or structure is separate and distinct from the actual building or structure itself, and shall comply with all the provisions of this ordinance and the district in which it is located, or if applicable, with Section 7-1-9 (E) above.

G.

1) Supplemental Overnight Lodging: shall be permitted anywhere in the Town of Silverton. They shall be subject to the Occupational Tax licensing requirements of Article 2, Section 3-2-3. Application for a Supplemental Overnight Lodging license shall be made in writing to the Town Clerk. The Town Board shall designate an organization constituted pursuant to the rules and regulations of the Town of Silverton to act as general reservation agent to handle all Supplemental

Overnight Lodging reservations and assignments, and to insure the collection of relevant sales taxes. Only that signage allowed in the District for residential units may be used by Supplemental Overnight Lodging properties.

This section shall be adopted on an emergency basis, this measure being necessary for the preservation of the public health, safety, and welfare. (eff. 01/16/92)

2) Non-conforming Tracts: Construction of improvements or the establishment of land uses on non-conforming tracts of record, as of August 28, 1972, which do not meet the lot area or lot width requirements of the zoning code, may be permitted providing all other relevant zoning district requirements are met. (adopted 04/11/94)

CHAPTER 7 PLANNING and ZONING

ARTICLE 2
ZONING ORDINANCE

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7-2-1 **<u>Authority and Purpose</u>** Pursuant to the authority conferred in Title 31, Article 23, Colorado Revised Statutes, there are hereby established various zoning districts and regulations thereof, for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Silverton, Colorado, by lessening congestion in the streets and roads or reducing the waste of excessive amount of roads; securing safety from fire and other dangers; providing adequate light and air; classification of land uses and the distribution of land development and utilization; protection of the tax base; securing economy in governmental expenditures; and the protection of urban and non-urban development.

7-2-2 **<u>Administration and Enforcement</u>**

A. Enforcing Official: The provisions of this zoning ordinance shall

be administered and enforced by the officer(s) or department(s) designated by the Town Board.

B. Enforcement Procedure:

1. All alleged violation of any of the provisions of this zoning ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a written complaint from a person or persons who believe a violation exists, or by order of the Town Board.
2. If a violation is found to exist, it shall be corrected in one or more of the following ways:
    a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt reasonable period, as ordered by the enforcing official in said notice.
    b. The building inspector may issue a stop work order by notice in writing posted on the building or property in or upon which such violation is occurring, as provided by the Uniform Building Code adopted by the Town.
    c. Any local law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of the Code of the Town of Silverton, as provided in Section C herein.
    d. Upon the failure of any official to act in the case of a violation of this ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or a

group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this ordinance, unless a variance has been authorized by the Board of Adjustment, shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than $10.00 or more than $300.00, or by imprisonment for a period of not less than ten (10) days nor more than three (3) months, and cessation of the violation. Each day that such violation continues to exist shall be considered as a separate offense.

D. Appeals of Administrative Decisions: Appeals of any decision or directive of an enforcing official shall be made to the Board of Adjustment, in writing, and by such procedures as are outline in Section 7-1-8 of this Code, provided that such appeal is made within 21 days following issuance of the official's decision or directive.

E. Appeals of Board of Adjustment Decisions: Appeals of any decision of the Board of Adjustment may be made to the district court, as provided by state statute, provided, however, that such appeal is made within sixty (60) days following the date of notification of the Board of Adjustment's decision.

F. Conflict: Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, resolutions or ordinances, the one which is the most restrictive, or which requires the highest standard, shall apply.

G. Severability: If any part or parts of this ordinance or any article hereto are for any reason held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability of the remaining portions of this ordinance. The Town Board 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 may be declared invalid or unconstitutional.

7-2-3 **<u>Amendments or Changes to the Zoning Ordinance</u>**

A. Pursuant to Section 31-23-304 and 31-23-305, Colorado Revised Statutes, the regulations, restrictions, and boundaries established by this ordinance and the official use district map may be amended, supplemented, changed, modified or repealed by the Town Board, following review and recommendation by the Planning Commission. Such amendments or changes may be initiated by the Board, the Commission, or by application of any

citizen or group of citizens, firm or corporation residing, owning or leasing property in the Town of Silverton.

B. Application Procedure:

1. Application for such action by citizens, firms or corporations shall be filed in writing, with the Town Clerk.
2. Application for amendment or change in the use district map shall contain the following information:
   a. Description of land area including lot and block numbers to be rezoned, and requested new classification, along with a drawing to scale showing boundaries of the area requested to be rezoned, and an indication of existing zoning for all adjacent areas.
   b. A statement of justification for the rezoning requested.
   c. Description and sketches of buildings or uses proposed if rezoning is granted, along with a description of land and building uses within 200 feet of the boundary of the proposed area of change, in all directions, excluding thoroughfares.
   d. Time schedule for any contemplated new construction or uses.
   e. Effect that the new zoning would have on adjacent uses.
3. All applications shall be referred by the Town Clerk to the Planning Commission, which shall review and return a recommendation either for or against the proposed amendment or change to the Town Board within 31 days of the receipt of the application.

C. Before action is taken to amend or change this ordinance, a public hearing shall be held by the Town Board. At least fifteen (15) days advance notice of the date, time and place of such hearing shall be published in a newspaper of general circulation in the Town. (31-23-304(C) C.R.S.)

D. The adoption of any amendment, supplement, change or modification to this ordinance shall require favorable vote of a majority of the Town Board, except, however, a favorable vote of two-thirds of all members of the Board shall be required when a protest is filed with the Town Clerk at least 24 hours prior to the Board's vote on the change and is signed by the owners of twenty

percent (20%) or more of the area of land which is subject to the proposed change, or twenty percent (20%) or more of the land extending a radius of one hundred (100) feet from the land which is subject to the proposed change, disregarding intervening public streets and alleys. A favorable vote of two-thirds of all the members of the Board shall also be required when an amendment or change has not been recommended by the Planning and Zoning Commission or in the event of the repeal of all or part of this ordinance.

7-2-4 **Uses Subject to Review**

A. Applications for uses subject to review or uses in the Business Auto (BA) District shall be filed, in writing, with the Town Clerk, along with the required fee as established by resolution of the Town Board of Trustees. Such applications shall contain the following information, as applicable:

1. Location and identification of all existing and proposed public and private easements.
2. Boundaries of sites to be reserved or dedicated for trails, parks, playgrounds, schools, or other public uses and the location of any common area not reserved or dedicated to public use.
3. The areas, in square feet, and percentage of the total area of the proposed development devoted to each type of use.
4. The existing buildings, telephone and power lines, and sewer, water, gas and drainage pipes located on the proposed development and adjacent to its boundaries.
5. A description of the land area of the request, including lot and block number, along with a drawing to scale showing boundaries, and an indication of existing zoning for all areas on the drawing.
6. Time schedule for any contemplated new construction or uses.

B. All applications shall be referred by the Town Clerk to the Town Board. A public hearing shall be held, with at least ten (10) days advanced notice of the date, time and place of such hearing to be published in a newspaper of general circulation in the town.

C. The Board shall render its decision within sixty (60) days of the date of submission of the application, unless an extension of said

time is agreed upon, in writing, by the applicant and the Board.

D. Use Subject to Review - Vacation Home Rental Permits (formerly known as weekly rentals)

1. Purpose:

The purpose of this section is to preserve the residential character of Silverton's neighborhoods and to prevent the negative impacts of increased intensity of use attributable to vacation home rentals. The provisions of this section are necessary to prevent the potential burdens and impacts on residential neighborhoods posed by vacation rental homes including excessive noise, overcrowding and illegal vehicle parking. Special regulation of these uses is necessary to ensure that they will be compatible with surrounding residential uses and will not act to harm and alter the neighborhoods in which they are located.

Maintenance of Silverton's existing residential neighborhoods is essential to its continued economic strength. It is the intent of this section to minimize the impact of vacation rentals on adjacent residences and neighborhoods, and to minimize the impact of the commercial character of a vacation rental.

2. Vacation home rental is defined as a dwelling unit, including either a single-family or multiple-family unit, rented for the purpose of overnight lodging for a period of not more than thirty-one (31) days, other than an on-going month-to-month tenancy granted to the same renter for the same unit.

3. Vacation home rentals shall demonstrate compliance with the following:

a. Vacation rental tenancy: Rental of a residence shall not exceed one (1) individual tenancy within seven (7) consecutive calendar days. No additional occupancy (with the exception of the property owner) shall occur within that seven-day period. A vacation rental shall only be used for the purposes of occupancy as a vacation rental or as a full time

occupied unit. No other use shall be allowed on the site.

b. Number of occupants allowed: The maximum number of occupants allowed in an individual residential vacation rental shall not exceed the number of occupants that can be accommodated consistent with the parking requirement, and shall not exceed two (2) persons per bedroom plus two (2) additional renters overall. The code enforcement officer shall specify the maximum number of occupants allowed in each individual vacation rental.

c. Guest Registration required: A guest registration is required for all residential vacation rentals. The registration shall include name and address of the person that has contracted for the vacation rental. The number of occupants and the dates that they will occupy the vacation rental. The guest registration shall be kept in the possession of the property manager or the property owner and will be made available for inspection by the Town of Silverton when requested.

d. Appearance and visibility: The residential vacation rental is not to change the residential character of the outside appearance of the building, either by the use of colors, materials, lighting; or by the construction of accessory structures or garages visible off-site and not of the same architectural character as the residence; or by the emission of noise, glare, flashing lights, vibrations or odors not commonly experienced in residential areas. All loud noises and parties are expressly prohibited after 10:00 p.m. Any additional exterior lighting will be approved by the Town prior to installation to insure that it does not create undue illumination of residential properties nor create any traffic hazard.

e. Guest parking: On street parking by the guests of the vacation rental should be located adjacent to the rental property. Parking shall not block any fire hydrant, alley or traffic portion of the street. Guests must be informed of the Snow Route regulations. Snow Route regulations shall be clearly posted within

the vacation rental. Guests will be subject to the snow route parking regulations.

f. Local contact person: All residential vacation home rentals shall designate a local property manager. The local property manager shall be available twenty-four (24) hours a day, and must reside within a 15 minute drive of the rental property, to respond to tenant and neighborhood questions or concerns. Where a property owner lives within the same community as the residential vacation rental, the property owner may designate themselves as the local contact person. All the requirements enumerated in this section shall continue to apply.

(1) The name, address and telephone number(s) of the local contact person shall be submitted to the code enforcement officer, the San Juan County Sheriff's Department, and the Silverton/San Juan County Fire Authority. The name, address and telephone number(s) of the local contact person shall be permanently posted in the rental unit in a prominent location(s).

(2) Any change in the local contact person or the local contact person's address or telephone number shall be promptly furnished to the agencies as specified in this subsection. Additionally, the local contact person or owner shall be responsible for providing those changes to all property owners located within 150 feet of the property boundaries of the weekly rental.

g. Tax and licenses required for vacation home rentals: Each individual vacation rental shall be subject to a lodger's tax license, a sales tax license, current business license and lodging fee. All required licenses and permits shall be obtained prior to beginning operation of the vacation home rental. All permits and licenses for the vacation rental and the use of the home as a vacation home rental must be

commenced within one calendar year of Town Board approval.

h. Health- and safety-code inspections: Vacation home rentals shall be subject to the same safety and health inspections to which other licensed places of accommodation are subject. Vacation home rentals will be in compliance with all applicable building and zoning codes.

i. Fire extinguishers: All vacation rental homes shall be required to keep a fire extinguisher in good working order on the premises. The fire extinguisher must be an 8 lbs. or larger type ABC Extinguisher. The location of the fire extinguisher shall be shown or described in the posted site plan.

j. Liability insurance: The owner of the vacation home rental will be required to obtain and maintain adequate liability insurance for the operation of a vacation home rental.

k. Signage: Vacation home rental signage is limited to one (1) identification sign affixed to the vacation rental and no larger than two (2) square feet.

l. Separate Vacation Home Rental Permit: A separate vacation home rental permit is required for each vacation home rental. The permit shall be issued only to the owner of the vacation rental home. No home owner shall be permitted for more than one vacation home rental. The owner of the vacation rental home is responsible for compliance with the provisions of this section.

m. Acknowledgments and other information: The owner and local contact person will sign an acknowledgement that they have read all regulations pertaining to the operation of a vacation home rental.

(1) The owner or local contact person will sign an acknowledgement the required notices will be posted in the vacation rental home.

(2) The owner of the vacation home rental must post a copy of the permit and site

plan, including the maximum occupancy, required locations for parking, information related to the storage of trash and refuse, contact information for the local contact person, code enforcement officer, sheriff's department and fire authority.

n. Violation—vacation home rental: It is unlawful for any person to use or allow the use of property in violation of the provisions of this section. Failure to be in complete compliance with this section shall be grounds for revocation of the business license.
o. Application and renewal fees: Fees for Use Subject To Review Vacation Home Rental Permit Application and the required annual renewal permit will be established by resolution by the Board of Trustees.
p. Permits not transferable: All vacation home rental permits shall be granted solely to the applicant and shall not be transferable to any other person or legal entity. The approved permit is valid only for the applicant at the address for which application is made, as shown on the application form at the time of application for the weekly home rental permit. The vacation home rental permit shall include a nontransferability clause and the use shall be terminated automatically upon the sale or change of ownership of the property for which a permit has been previously issued.
q. Termination of Vacation Home Rental: Failure to commence the operation of a vacation home rental within 1 year of the Board of Trustees approval will result in termination of the vacation rental permit. Failure to obtain all necessary licenses prior to operation of the vacation home rental shall result in termination of the vacation home rental permit. Failure to pay all applicable taxes including sales tax, lodging tax and lodging fees shall result in termination of the vacation home rental. Failure to comply with the terms and conditions of the permit approval shall result in the termination of the vacation home rental permit. Failure to obtain an annual renewal permit or to operate a vacation home

rental for a period of more than one year will result in the termination of the vacation home rental permit.

4. Application for vacation home rental permits shall demonstrate compliance with the following requirements:

a. Vicinity Sketch Plan (drawn to a scale of not less than 1" = 200') that shows the following within 300 feet of the subject property for which the application is filed.

(1) The location and boundaries of the subject property.
(2) The location and identification of all existing and proposed public and private easements and right-of-ways.
(3) The location of existing buildings, telephone, power, water and sewer lines located adjacent to the subject property
(4) The boundaries and classifications of all zoning districts situated within 300 feet of the subject property.

b. A Site Plan (drawn to a scale not less than 1" = 20') that shows the following on the subject property as applicable.

(1) The boundaries of the subject parcel.
(2) Existing buildings and improvements including setbacks, on the subject parcel.
(3) The boundaries of areas, including square footage, to be devoted to each type of use proposed.
(4) The total area available for parking including on-street and off-street parking and the maximum number of available parking spaces.
(5) The location of trash containers.
(6) The snow storage areas.

c. A signed statement agreeing to comply with 7-2-4 D. 2. of the Town Ordinance.

d. Proof of short term rental

insurance.

e. Proof of ownership of the subject parcel.

f. A complete list of all property owners and mailing addresses of all properties located within 150 feet of the boundaries of the subject property.

g. Provide two (2) sets of pre-addressed stamped envelopes for all of the property owners located within 150 feet of the boundaries of the subject property. The first set of envelopes will be used to notify the listed property owners that an application has been submitted, provide them with a copy of the application and that a public hearing has been scheduled. The second set of envelopes will be used to notify the listed property owners that the application has been approved or denied and if approved the name and phone number of the local contact person, a copy of Section 7-2-4D. 2. of the Town Ordinance and any additional conditions placed upon the vacation home rental property.

h. The number of bedrooms.

i. The total number of occupants.

j. A completed application form complete with application fee. The application fee will be established by resolution by the Board of Trustees.

k. The name, address and telephone number of the local contact person who is authorized by the applicant to receive communications from the Town concerning the vacation home rental. The local contact person may be a management company, rental agent or other person employed or engaged by the applicant to manage, rent or supervise the vacation home rental. The local contact person must be available

24 hours a day, and must reside within a 15 minute drive of the rental property, during periods in which the structure is being rented. The designated local contact person may be changed by the applicant from time to time. To effect such change, the applicant shall notify the code enforcement officer, the San Juan County Sheriff's Department, the Silverton/San Juan County Fire Authority and all property owners located within 150 feet of the property boundaries of the vacation home rental. All changes pertaining to the local contact person shall be permanently posted in the rental unit in a prominent location(s)

l. Upon determination by the Planning Director or other designated agent of the Town that the application is complete, a public hearing shall be scheduled, with at least ten (10) days advanced notice of the date, time and place of such hearing to be published in a newspaper of general circulation in the town.

m. The Board of Trustees shall render its decision within sixty (60) days after the Planning Director or other designated agent determines the application to be complete, unless an extension of said time is agreed upon, in writing, by the applicant and the Board.

7-2-5 **Definitions** For the purpose of this ordinance, certain words or phrases used herein shall be defined or interpreted as follows:

1. Accessory Customarily associated with but incidental to another use or structure on the same lot.
2. Alley As platted and shown on the official town map, a public way other than a street, permanently reserved as a secondary means of access to abutting property.
3. Applicant includes any person seeking to obtain a Town of Silverton license for the purposes of operating a lawful medical marijuana-related business within the jurisdictional limits of the Town.
4. Awning Any device attached to and supported solely by a building, and designed to provide shade and shelter over a walkway or thoroughfare.

5. Basement That portion of a building with walls and floor located wholly or partially underground.
6. Bed and Breakfast A service offering lodging accommodations to the public. When conducted within a residential zone, visits shall not exceed thirty (30) consecutive days for any one party, with limited meal service for guests only, with a limitation of five (5) rental units per structure. The allowable signage shall be the same as that permitted in the district in which the Bed and Breakfast is located. (amended 01/16/92)
7. Building Any temporary or permanent structure having a roof or other covering, and designed or used for the shelter or enclosure of any person, animal, or property of any kind, excluding tents or vehicles.
8. Camper Any recreation, mobile vehicle designed for temporary occupancy and having self-contained utilities.
9. Camper Park Any property used to provide public parking facilities for one (1) or more campers or camper units of any type.
10. Carport A shelter for one or more vehicles which is not fully enclosed by walls.
11. Car Wash A lot on which motor vehicles are washed or waxed, either by the patron or by others, using machinery especially designed for that purpose.
12. Child Care Center A state licensed facility used for the day care of five (5) or more children under sixteen (16) years of age.
13. Center for the Performing, Visual, or Literary Arts A facility, including any offices directly related to that facility, the primary purpose of which is to disseminate, encourage, present, or facilitate culture and arts through a variety of media.
14. Clinic A place where medical or dental care is furnished to persons on an out-patient basis by licensed medical practitioners.
15. Club Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating, and recreational uses, and whose activities are not conducted principally for monetary gain.
16. Community Center: A facility, including any offices directly related to the primary activity of the facility, where members of the local or regional community can gather for social, cultural, or recreational purposes.
17. Condominium A building, or buildings, consisting of separate fee simple estates to individual units of a multi-unit property together with an undivided fee simple interest in common elements.

18. Convention and Conference Facility A private or publicly operated venue for the gathering of professionals, associations, or other groups in a single location. Such a facility may or may not be attached to another use, such as a hotel or restaurant and may include any offices directly related to the primary activity of the facility.
19. Dwelling A permanent building, or portion thereof, which is used as the private residence or sleeping place of one or more persons or families, excluding hotels, hospitals, nursing homes, or such temporary structures as tents or campers.
20. Dwelling Unit A building, or portion thereof, providing complete housekeeping or residential facilities for one person, or one family.
21. Family Any individual, or two or more persons related by blood or marriage, or between whom there is a legally recognized relationship, or a group of not more than five (5) unrelated persons, occupying the same dwelling unit.
22. Family Care Home A state licensed or approved facility providing twenty-four (24) hour child care in a place of residence of a family or person.
23. Floor Area The total gross living or business area on all floors, including finished basement, as measured to the outside surfaces of existing walls, excluding crawl spaces, garages, carports, vent shafts, courts, breezeways, open porches, balconies, and terraces.
24. Front Lot Line A boundary line separating a lot or parcel of land from any street.
25. Garage An enclosed building designed for the private storage of motor vehicles, excluding buildings from which motor vehicle fuels are sold, or repair or other services are performed for compensation.
26. Group Home for the Aged An owner-occupied or non-profit group home for the exclusive residential use of not more than eight (8) persons sixty (60) years of age or older.
27. Group Home for the Developmentally Disabled A state licensed facility for the residential dwelling of not more than eight (8) developmentally disabled persons. Developmentally disabled in this ordinance shall mean those persons having cerebral palsy, multiple sclerosis, mental retardation, autism, and epilepsy.
28. Height The vertical distance from the highest point on a structure or building, excluding any chimney, antenna, cupola or steeple, to the average ground level of the grade where the walls or other structural elements intersect the ground.

29. High Impact Repair Shop An enclosed building, or portion thereof, where products, equipment, appliances, or other machinery are repaired.
30. Home Occupation Any business conducted principally within a dwelling unit, enclosed garage, or accessory building, and carried on by the inhabitants, which use is clearly incidental and secondary to the use of the dwelling and property for residential purposes, and which does not change nor adversely affect the character of the property or neighborhood.
31. Hotel/Motel A structure designed, used or offered for residential occupancy for any period less than one month, including tourist homes and lodges, but not including hospitals or nursing homes.
32. Kennel Any building, structure or open space devoted wholly or partly to the raising, boarding or harboring of six (6) or more animals that are over four (4) months old.
33. Laundromat A facility where patrons wash, dry or dry-clean clothing or other fabrics in machines operated by the patron.
34. Lot A parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the San Juan County Courthouse. Also, or when not platted in a recorded sub-division, a parcel of real property abutting upon at least one public street and held under one separate ownership.
35. Lot Line A line marking the boundary of a lot or parcel.
36. Low Impact Repair Shop An enclosed building, or portion thereof, wherein products, equipment, appliances, or other machinery are repaired, and from which no heat, glare, vibration or noise extends beyond the lot line.
37. Manufactured Home A single family dwelling which meets the following criteria:
    a. Is partially or entirely manufactured in a factory.
    b. Is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, exclusive of any towing apparatus, bumpers or additions.
    c. Is installed on an engineered permanent foundation.
    d. Has brick, wood, or cosmetically equivalent exterior or siding and a pitched roof.
    e. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act 1974, 42 U.S.C. 5401 et seq., as amended.
    f. Meets or exceeds minimum Town of Silverton

Building Code Standards, including but not limited to the Uniform Building Code provisions, snow loads, and wind shear factors.

38. Marquee Any roofed structure attached to a building and having columns, posts or other supports, which projects over the public right-of-way.
39. Medical Marijuana Center means and includes any natural person, partnership, association, company, corporation, limited liability company or any agent or officer thereof operating a lawful, licensed business for the purpose of selling medical marijuana to registered patients or primary caregivers but shall not include primary caregivers.
40. Medical Marijuana-Infused Goods Production Facility means any person lawfully creating medical marijuana-infused products pursuant to the terms and conditions of this article and which has a written agreement or contract with a medical marijuana center licensee.
41. Medical Marijuana-Related Business shall include and be limited to Optional Premises Cultivation Operations, Medical Marijuana Centers, and Medical Marijuana-Infused Goods Production Facilities.
42. Mobile Home A structure or mobile vehicle manufactured partially or entirely in a factory, which is designed and used as a permanent single family dwelling, and which has no self-contained utilities. The structure shall be considered a mobile home whether or not its wheels or other rolling devices have been removed, or it has been jacked up, skirted, or any addition to the basic trailer has been built upon the ground.
43. Mobile Home Park Any property under the same ownership which had been planned, improved or used for the placement of five (5) or more mobile homes for residential occupancy.
44. Multi-family Dwelling A building or structure designed or used for residential occupancy by two or more families, with or without common or separate kitchen or dining facilities, including apartment houses, rooming houses, boarding houses, fraternities, sororities, dormitories, row houses, town-houses, and similar housing types.
45. Non-conforming Building or Structure A building or structure, or portion thereof, legally existing at the time of passage of this ordinance on May 14, 1984, but conflicting with the provisions of this ordinance applicable to the district in which it is located. This shall not include any building or structure

existing under a variance to the previous code.

46. Non-conforming Use The use of a building, structure or premises, or portion thereof, legally existing at the time of passage of this ordinance on May 14, 1984, but which conflicts with the provisions of this ordinance. This shall not include any use existing under a current variance to the previous code, which shall not be considered a non-conforming use.
47. Nursing Home A structure or building designed or used for residential occupancy and providing limited medical or nursing care on the premises for occupants, but not including a hospital or mental health center.
48. Optional Premises means a property or portion thereof individually licensed in conjunction with a licensed medical marijuana center and employed as an ancillary growing facility servicing the latter.
49. Optional Premises Cultivation Operation means any person operating a lawful, licensed business for the purpose of growing and cultivating medical marijuana in conjunction with either a licensed medical marijuana center or medical marijuana-infused products.
50. Person includes any natural person, partnership, association, company, corporation, limited liability company or any agent or officer thereof.
51. Rear Lot Line A boundary line or lines, opposite the front lot line, which (usually) separates the lot from the adjoining alley.
52. Religious Institution A building wherein persons regularly assemble for religious worship, which is used only for that purpose and those accessory activities customarily associated therewith.
53. Repair Shop (see High Impact Repair Shop and Low Impact Repair Shop).
54. Restaurant/Bar A building, or portion thereof, in which food or beverages are prepared and offered for sale, and where consumption is permitted on the premises, whether or not entertainment is offered, including grilles, cafes, taverns, nightclubs, drive-ins, and any fast food establishment permitting consumption on the premises.
55. Scientific or Educational Facility A public or private facility, including any offices directly related to the primary purpose of the facility, of which that purpose is to provide education, conduct research, or otherwise serve to increase or disseminate academic knowledge.

56. Service Station A facility where motor vehicle fuels are sold at retail and at which repair or other service may be performed for compensation.
57. Service Yard Any yard area utilized for storage of materials or supplies accessory to, or used in conjunction with, the principal use of the lot or building, or used for trash or garbage containers, or for the location of mechanical equipment or machinery accessory to the principal building or use.
58. Set back The required distance between the farthest protrusion of a building or structure and any lot line of the lot or parcel on which it is located.
59. Side Lot Line A line, or lines, which represent the boundary between adjoining lots or parcels of property.
60. Single Family Dwelling A structure, except a mobile home, designed or used for residential occupancy by one family.
61. Sign Any object or device or part thereof, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business product, service, event, or location by any means, including words, letters, figures, designs, symbols, merchandise, fixtures, colors, motion, illumination, or projected images. (eff. 11/24/96)
62. Sign Area The area of the smallest rectangle, triangle, or circle which encompasses the facing of a sign, including copy, insignia, background, and borders and excluding the sign structure. Where no background is defined on a wall sign, the sign area shall be the smallest rectangle, triangle, or circle which encompasses all of the lettering or other elements of the sign. Signs which are interconnected with and hung from other signs shall be considered as one sign and shall be measured as the smallest rectangle, triangle, or circle which encompasses all of the sign elements as it will be displayed. The area measurement of projecting or hanging signs shall account for only one side of the subject sign, provided the sign copy is identical on all sides of the sign. (eff. 11/24/96)
63. Signboard A sign that is designed to have a hanging message or advertisement (i.e. retail "specials" boards, restaurant menu boards, and similar advertisements). Signboards are not permanently attached to the building or ground. (eff. 11/24/96)
64. Sign, Free-standing A sign structurally separate from the building, being supported on itself or on a standard(s), leg(s), column(s), brace(s), or upright(s).(eff. 11/24/96)
65. Sign, Projecting A sign, other than a wall sign, attached to

and projecting from a building.

66. Sign Structure Any supports, uprights, braces, or columns to which a sign is affixed, excluding any portion of the sign structure which is incorporated into the sign or the sign's message. (eff. 11/24/96)

67. Sign, Wall Any sign painted on, incorporated in, or affixed to a building wall, or any sign consisting of cut-out letters, symbols, or other devices affixed to the building wall with no background defined on said wall.

68. Street As platted and shown on the official town map, a named or numbered public way which provided the principle means of access to abutting property.

69. Structure Any constructed or erected material or combination of materials in or upon the ground, including but not limited to, buildings, mobile homes, radio towers, sheds, decks, storage bins, and walls and fences over six feet (6) high, but excluding sidewalks and paving on streets, driveways, parking areas, and patios.

    a) Supplemental Overnight Lodging For those events and special dates previously approved by the Town Board or emergency situations as declared by the Mayor or Mayor Pro Tem, overnight lodging may be provided in private residences to the general public. This service may be allowed only when it is anticipated that the existing commercial lodging availability will be insufficient to satisfy the demand for overnight accommodations.

70. Tract A land area proposed for development or use pursuant to this Code and lying in undivided ownership; a tract may consist of a lot, an irregular parcel, or adjoining lots or parcels of land. (eff 11/24/96)

71. Venue for Public Entertainment: A public or private facility, including any offices directly related to the primary activity of the facility, constructed primarily to encourage the gathering of individuals to view or participate in activities intended for public entertainment.

72. Warehouse A building used for the public or business storage of goods, materials, or vehicles.

7-2-6 Establishment of Districts

A. The Town of Silverton is hereby divided into use districts as

named and described in the following sections. The boundaries of said use districts are hereby established as shown on the Land Use District Map, in the following regulations for each district.

USE DISTRICTS

R-1-A	Single Family Residential District
R-1	Single Family Residential District
R-2	Multiple Family Residential District
B-P	Business Pedestrian District
B-A	Business Automobile District
E-D	Economic Development District
P	Public District
H	Hazard Overlay District
L	Limited Use Overlay District

B. The Land Use District Map is hereby made a part of this ordinance. The Town of Silverton will maintain a Use District Map and the official copy shall be on file in the Town Clerk's office. The Use District Map has the same force and effect as if fully described and set forth herein. Further delineation of those blocks having multiple use districts is as follows:

1. Block 3, Town of Silverton:
   That portion of Block 3 which lies west of Cement Creek and which adjoins Lots 1 through 6 of Block 4 is zoned Public. That portion of Block 3 which lies west of Cement Creek and which adjoins Lots 13 through 18 of Block 4 is zoned Business Pedestrian. All those portions of Block 3 which lie east of Cement Creek are zoned Limited Economic Development. (adopted 03/28/94)
2. Block 4, Town of Silverton:
   Lots 1 through 6 are zoned Public. Lots 7 through 18 are zoned Business Pedestrian.
3. Block 6, Town of Silverton:
   Lots 1 through 22 are zoned Single Family Residential 1.
   Lots 23 through 24 are zoned Limited Business Pedestrian.
4. Block 12, Town of Silverton:
   Lots 1 through 9 are zoned residential 1
   Lots 10 through 24 are zoned Business Pedestrian.
5. Block 18, Town of Silverton:

Lots 1 through 10, East 1/2 of Lots 13 through 16, and Lots 17 through 24 are zoned Economic Development.
Lots 11 and 12 are the W 1/2 of Lots 13 through 16 are zoned Limited Business Pedestrian. (adopted 03/13/95)

6. Block 23, Town of Silverton
   Lots 1 through 2 are zoned Limited Business Pedestrian
   Lots 3 through 24 are zoned Single Family Residential 1-A
7. Block 28, Town of Silverton:
   Lots 1 through 4 and 13 through 24 are zoned Business Pedestrian.
   Lots 5 through 10 are zoned Residential 1.
   Lots 11 through 12 are zoned Limited Economic Development. (adopted 11/13/95)
8. Bock 30, Town of Silverton:
   Lots 1 through 12 and 18 through 24 are zoned Business Pedestrian.
   Lots 13 through 17 are zoned Residential 2.
9. Block 31, Town of Silverton:
   Lots 1 through 6 and 22 through 24 are zoned Economic Development.
   Lots 7 through 21 are zoned Residential 2.
10. Block 76, Town of Silverton:
    Lots 1 through 12 are zoned Single Family Residential 1.
    Lots 13 through 24 are zoned Business Pedestrian.
11. Block 83, Town of Silverton:
    Lots 1 through 6 and 19 through 24 are zoned Economic Development.
    Lots 7 through 18 are zoned Public.
12. Block 84, Town of Silverton:
    Lots 1 through 6 are zoned Business Automobile.
    Lots 7 through 24 are zoned Public.
13. Block 8, Blague's Addition, Town of Silverton:
    That portion of Block 8, Blague's Addition, North of Colorado Highway 110 is zoned Residential 2.
    That portion of Block 8, Blague's Addition, South of Colorado Highway 110 is zoned Economic Development.

14. Block 12, Blague's Addition, Town of Silverton:
That portion of Block 12, Blague's Addition North of Colorado Highway 110 is zoned Residential 2.
That portion of Block 12, Blague's Addition South of Colorado Highway 110 is zoned Economic Development.

C. General Requirements: No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, nor shall any building, structure, land or premises be used for any purpose other than as permitted in the district in which it is located. No building or structure shall be erected, constructed, converted, enlarged, moved or structurally altered, except in conformity with all the regulations prescribed herein for the district in which it is located. Every part of a required yard or lot area shall be open to the sky, unobstructed, except as otherwise provided herein (see also Section 7-1-9 for supplementary regulations, and Chapter 8 of this Code for building regulations). (amended 12/14/96)

7-2-7 **R-1-A Single Family Residential District**

A. Purpose: This district is established for the purpose of providing an area for single family dwellings on large lots.

B. Uses Permitted by Right:
1. Single Family Dwelling
2. Manufactured Home
3. Child Care Center
4. Family Care Home
5. Group Home for the Aged
6. Group Home for the Developmentally Disabled

C. Uses Subject to Review:
1. Educational Institution
2. Religious institution
3. Keeping of horses, asses and mules for private, non commercial use.
4. Weekly Rentals

D. Accessory Uses and Structures:
1. Home Occupation
2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls

E. Requirements:
1. Minimum Lot Area: 7500 Sf

2. Minimum Lot Width: 75 Feet
3. Maximum Height of Structure: 30 Feet
4. Minimum Floor Area of Dwelling Unit: 864 Sf
5. Minimum setback: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
   - Front setback 7 Feet
   - Side setback 7 Feet
   - Rear setback 5 Feet

(eff. 12-19-86)

7-2-8 **R-1 Single Family Residential District**

A. Purpose: This district is established for the purpose of providing an area for single family dwellings.

B. Uses Permitted by Right:
1. Single Family Dwelling
2. Manufactured Home
3. Child Care Center
4. Family Care Home
5. Group Home for the Aged
6. Group Home for the Developmentally Disabled

C. Uses Subject to Review:
1. Educational Institution
2. Religious institution
3. Keeping of horses, asses and mules for private, non-commercial use.
4. Weekly Rentals

D. Accessory Uses and Structures:
1. Home Occupation
2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls

E. Requirements:
1. Minimum Lot Area: 5000 Sf
2. Minimum Lot Width: 50 Feet
3. Maximum Height of Structure: 30 Feet
4. Minimum Floor Area of Dwelling Unit: 864 Sf
5. Minimum setback: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
   - Front setback 7 Feet
   - Side setback 7 Feet
   - Rear setback 5 Feet

(eff.12-19-86)

7-2-9 **R-2 Multiple Family Residential District**

A. Purpose: This district is established for the purpose of providing an area for multiple and single family dwelling units.

B. Uses Permitted by Right:
1. Single Family Dwelling
2. Multi-family Dwelling
3. Child Care Center
4. Family Care Home
5. Manufactured Home
6. Mobile Home
7. Group Home for the Aged
8. Group Home for the Developmentally Disabled

C. Uses Subject to Review:
1. Educational Institution
2. Religious Institution
3. Mobile Home Park
4. Bed and Breakfast Establishment (as defined in Section 7-2-5)
5. Keeping of horse, asses and mules for private, non-commercial use.
6. Weekly Rentals

D. Accessory Uses and Structures:
1. Home Occupation
2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls

E. Requirements:
1. Minimum Lot Area: 5000 Square Feet
2. Minimum Lot Area per Multi-family Dwelling Unit: 1250 Square Feet
3. Minimum Lot Width: 50 Feet
4. Maximum Height of Structure: 30 Feet
5. Minimum Floor Area of Dwelling Unit:
   Single Family Unit 750 Square Feet
   Multi-family Unit 500 Square Feet
6. Minimum Setback: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)

Front setback	7 Feet
Side setback	7 Feet
Rear setback	5 Feet

(eff. 12/19/86)

7-2-10 **B-P Business Pedestrian District**

A. Purpose: This district is established for the purpose of providing an area for a wide range of retail uses, offices, personal and professional services, places of amusement and restaurants, which are readily accessible to a person on foot. Uses by right subject to site plan review:

Center for the Performing, Visual, or Literary Arts
Community Center
Convention and Conference Facility
Scientific or Educational Facility
Venue for Public Entertainment

B. Uses Permitted by Right:

1. Retail Shop
2. Office
3. Place of recreation or Entertainment
4. Financial Institution
5. Personal or Professional Service
6. Arts and Crafts Studio or Shop
7. Post Office
8. Print Shop
9. Hotel/Motel
10. Restaurant/Bar
11. Religious Institution
12. Social or Fraternal Club
13. Transportation Facility
14. Low Impact Repair Shop
15. Single Family or Multi-family Dwelling
16. Manufactured Home
17. Child Care Center or Family Care Home
18. Group Home for the Aged or for the Developmentally Disabled

C. Uses Subject to Review:

Any use or activity not conducted within an enclosed building.

D. Accessory Uses and Structures:

1. Garage
2. Greenhouse, tool house, play house, and sheds

3. Fences and Walls
4. Service Yards (subject to Section 7-1-9 (A)(1))

E. Requirements:
(including dwellings in conjunction with other principal use):

1. Minimum Lot Area: 2500 Square Feet
2. Minimum Lot Width 25 Feet
3. Maximum Height of Structure: 40 Feet
4. Minimum Floor Area:
   Per principal use (other than dwelling): 500 Square feet
   Per dwelling unit (single or multi-family) in conjunction with another principal use: 500 Square feet
5. Minimum Setback: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
   - Front setback 0 Feet
   - Side setback 0 Feet
   - Rear setback 5 Feet

F. Requirements for Single Family or Multi-family Dwellings not in Conjunction with other Principal Use:

1. Minimum Lot Area: 5000 Square Feet
2. Minimum Lot Area per Multi-Family Dwelling Unit: 1250 Square Feet
3. Minimum Lot Width: 50 Feet
4. Maximum Height of Structure: 30 Feet
5. Minimum Floor Area of Dwelling Unit:
   Single Family Unit 1000 Square Feet
   Multi-Family Unit 500 Square Feet
6. Minimum Setback: Principle and Accessory Structures (walls and fences six (6) feet high or less excluded)
   - Front setback 7 Feet
   - Side setback 7 Feet
   - Rear setback 5 Feet

G. Limited "B-P-L" Overlay Districts
Whenever a "B-P" zone designation has the suffix "L" added thereto (i.e. "B-P-L"), uses therein shall also comply with the regulations in Section 7-2-20. (eff. 12/19/86)

7-2-11 **B-A Business Automobile District**

A. Purpose: This district is established for the purpose of providing an area suited to the needs of travelers and tourist arriving by motor vehicle. Uses by right subject to site plan review:

Center for the Performing, Visual, or Literary Arts
Community Center
Convention and Conference Facility
Scientific or Educational Facility
Venue for Public Entertainment

B. Uses Permitted by Right, Subject to Site Plan Review:

1. Hotel/Motel
2. Multi-Family Dwelling
3. Service Station
4. Keeping of horses, asses and mules for private, non commercial use.

C. Accessory Uses Subject to Review:

1. Restaurant/Bar
2. Gift Shop
3. Home Occupation (subject to the procedures established in Section 7-1-9 (c)).
4. Service Yard (subject to Section 7-1-9 (a)).

D. Requirements:

1. Minimum Lot Area: 30,000 Square Feet
2. Minimum Lot Area per Dwelling Unit: 3750 Square Feet
3. Minimum Lot Width: 200 Feet
4. Maximum Height of Structure: 30 Feet
5. Minimum Floor Area per Principal Use or Per Dwelling Unit: 500 Square Feet
6. Minimum Setbacks: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)

Front setback	20 Feet
Side setback	15 Feet
Rear setback	5 Feet

7. Site Plan: Required for review sixty (60) days prior to issuance of a building permit.
8. Landscaping: 30% of the area of any lot or parcel must be landscaped.
9. Accessory Uses: The aggregate square footage of all accessory uses shall not exceed 15% of the gross square

footage of the building(s).

E. Limited "B-A-L" Overlay Zone
Whenever a "B-A" zone designation has the suffix "L" added thereto (i.e. "B-A-L"), uses therein shall also comply with the regulations in Section 7-2-20. (eff. 12/19/86)

7-2-12 E-D Economic Development District

A. Purpose: This district is established for the purpose of creating an area where economic development is encouraged, and where varied business activities can take place. Single Family use is permitted.

B. Uses Permitted by Right:
1. Fabrication, Manufacture and Assembly Facility
2. High Impact Repair Shop
3. Warehousing, Storage and Distribution Facility.
4. Transportation Facility.
5. Personal Service

C. Uses Subject to Review:
1. Single Family Dwelling
2. Manufactured Home
3. Mobile Home
4. Mobile Home Park
5. Camper Park
6. Child Care Center or Family Care Home
7. Group Home for the Aged or Developmentally Disabled
8. Kennel
9. Horse Stable or Business
10. Any use or activity not conducted within an enclosed building
11. Keeping of horses, asses and mules for private non-commercial use.
12. Weekly Rentals

D. Accessory Uses and Structures:
1. Home Occupation
2. Garage
3. Greenhouse, tool house, play house, and sheds
4. Fences and Walls

E. Requirements:
1. Minimum Lot Area: 5000 Square Feet
2. Minimum Lot Width: 50 Feet

3. Maximum Height of Structure: 30 Feet
4. Minimum Floor Area of Dwelling Unit:
   Dwelling Unit 750 Square Feet
   Any Use other than Dwelling 500 Square Feet
5. Minimum Setbacks: Principal and Accessory Structures (walls and fences six (6) feet high or less excluded)
   Front setback 7 Feet
   Side setback 7 Feet
   Rear setback 5 Feet

F. Limited "E-D-L" Overlay District

Whenever an "E-D" zone designation has the suffix "L" added thereto (i.e. "E-D-L"), uses therein shall also comply with the regulations in Section 7-2-20. (eff. 12/19/86)

7-2-13 **<u>P Public Use District</u>**

A. Purpose: This district is established for the purpose of creating an area where publicly-owned uses are accommodated.

B. Uses Permitted by Right:
1. Public Office
2. Jail
3. Public Park
4. Open Space
5. Public Recreation Facility
6. Public Safety Facility for Police, Fire, Emergency Service
7. Court
8. Library
9. Museum
10. Educational Institution
11. Hospital, Clinic
12. Area subject to Natural Hazards

C. Uses Subject to Review:
1. Equipment Storage Yards
2. Public Works Garage

D.

E. Requirements:
1. Minimum Lot Area: 7500 Square Feet
2. Minimum Lot Width: 75 Feet
3. Maximum Height of Structure: 30 Feet
4. Minimum Floor Area: 0 Square Feet
5. Minimum Setbacks: Principle and Accessory Structures (Walls and Fences Six (6) feet High or Less Excluded)
   Front Setback 7 Feet

Side Setback	7 Feet
Rear Setback	5 Feet

7-2-14 **Hazard Overlay District**

I. **Flood Hazard District**

1. Statutory Authorization The legislature of the State of Colorado has in C.R.S. 31-23-301 delegated the responsibility of the local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the Board of the Town of Silverton, Colorado does ordain as follows:

Flood Hazard District

A. Applicability
B. Definitions
C. Administration
D. Duties and Responsibilities of the Building Inspector
E. Flood Hazard District - Further Regulations
F. Additional Floodway Regulations
G. Flood Fringe Regulations
H. Savings Clause
I. Superimposition of Flood Hazard Area
J. Variance Procedure

(eff. 12/10/88)

A. This ordinance shall apply to all areas of special flood hazard within the jurisdiction of the Town of Silverton, Colorado.

1. Areas of special flood hazard are identified by the Flood Insurance Study on file in the office of the Town of Silverton. This report is entitled "Flood Insurance Study, Town of Silverton and Unincorporated Areas", dated March, 1978, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps. These maps and study are incorporated herein by reference and made a part of this ordinance.
2. Areas of special flood hazard with the Flood Hazard District are divided into two separate and distinct areas:
   a. The Floodway
   b. The Flood Fringe
3. Compliance - No structure shall hereafter be constructed, located, extended, converted, substantially improved, or altered; and no

development shall be permitted, within the areas of special flood hazard without full compliance with the terms of this ordinance and other applicable regulations.

4. Abrogation and Greater Restrictions - This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
5. Disclaimer - The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that lands outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the Town of Silverton, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

B. Definitions: Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this ordinance its most reasonable interpretation.

1. Appeal - A request for a review of the Building Inspector's interpretation of any provision of this Chapter.
2. Area of Special Flood Hazard - The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e. the 100 year flood plain.
3. Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year.
4. Critical Feature - An integral and readily

identification part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

5. Development - any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, sand and gravel operations, paving, excavation or drilling operations located within the area of special flood hazard.
6. Flood or Flooding - A general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.
7. Flood Fringe - The portion of the land area lying outside of the Floodway adjoining a stream or river which would be covered by floodwaters upon the occurrence of a 100 year flood.
8. Floodway - The channel of a river, stream or other watercourse and the adjacent overbank and land areas that must be reserved in order to discharge a 100 year flood without cumulatively increasing the water surface elevation more than one foot.
9. Flood Insurance Rate Map - The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the insurance risk premium zones applicable to the community. (FIRM)
10. Flood Insurance Study - The official report provided by the Federal Emergency Management Agency that includes flood profiles, as well as Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
11. Levee - Means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.
12. Levee System - Means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance

with sound engineering practices.

13. Lowest Floor - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant structure, usage solely for the parking of vehicles, building access or storage of non-floatable materials, in an area other than a basement area, is not considered a building's lowest floor.
14. Manufactured Home - Means any wheeled vehicle, exceeding either eight feet in width or thirty two feet in length, excluding towing gear and bumpers, without motive power, which is designed and commonly used for occupancy by persons for residential purposes, in either temporary or permanent locations, and which may be drawn over the highways by a motor vehicle.
15. Manufactured Home Park or Manufactured Home Subdivision - A parcel or continuous parcels of land divided into two or more manufactured home lots for rent or sale.
16. Mean Sea Level - Means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on community's Flood Insurance Rate Map are referenced.
17. New Construction - Structure for which the "start of construction" commenced on or after the effective date of this ordinance.
18. Program Deficiency - Means a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the NFIP standards in 60.3, 60.4, 60.5, or 60.6.
19. Remedy a Violation - Means to bring the structure or other development into compliance with the State or local flood plain management regulations, or, if this is not possible, to reduce the impacts of its non-compliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages,

implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure of other development.

20. Start of Construction - includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start mean the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not a part of the main structure.
21. Structure - Any constructed or erected material or combination of materials in or upon the ground, including, but not limited to, buildings, manufactured homes, mobile homes, radio towers, sheds, decks, storage bins, and walls and fences over six feet high, but excluding sidewalks and patios.
22. Substantial Improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either;
    1) before the improvement or repair is started, or
    2) if the structure has been damaged and is being restored as before the damage occurred. For the purpose of this definition, "substantial

improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either;

1) any project for improvement of a structure required to comply with existing State or Local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

23. Variance - A grant of relief from the requirements of this code, which permits construction in a manner that would otherwise be prohibited by this code.
24. Violation - Means the failure of a structure or other development to be fully in compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP standards 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided to prove otherwise.
25. Water Surface Elevation - Means the height, in relation to the National Geodetic Vertical Datum (NGVC) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of costal or riverine areas.

C. Administration

1. Establishment of a Development Permit
A development permit shall be obtained before construction, substantial improvement, or

development begins within any area of special flood hazard. Any structure of nonstructural activity or development that may affect flooding or flood damage must have a permit. Application for a development permit shall be on forms which may be obtained at the Silverton Town Hall and may include, but not be limited to, plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
b. Elevation in relation to mean sea level to which any structure has been flood proofed;
c. Certification by a Colorado registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the relevant flood proofing criteria set forth herein; and
d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

2. Designation of the Silverton Building Inspector
The Building Inspector is hereby appointed to administer and implement this ordinance by granting or denying development permit applications.

3. Development Permit Required - Anyone wishing to develop in any area of special flood hazard must have an approved development permit <u>before</u> beginning any development activities. The Building Inspector shall issue a stop work order upon any development commenced, or structure constructed, without such permit. Any development or structure commenced in violation

of this section may be required to be dismantled and removed at the developer's sole expense at the discretion of the Town Board of Trustees.

D. Duties and Responsibilities of the Building Inspector

1. Permit Review

a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

b. Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

c. Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this ordinance, "adversely affects" means damage to adjacent properties because of rises in flood stages attributed to physical changes of the channel and the adjacent overbank areas.

1) If it is determined that there is no adverse effect and the development is not a structure, then the permit shall be granted without further consideration.

2) If it is determined that there is an adverse effect, then technical justification prepared by a Colorado registered professional engineer for the proposed development shall be required.

3) If the development is a

structure, then all other requirements set forth herein, including those in 7-2-14 I.E. must be complied with.

d. Review all development permits to determine if the proposed development or structure is located in the Floodway. If it is located in the floodway, all relevant encroachment provisions contained herein must be met.

2. Use of other Base Floodplain Data.
In the event of a conflict, or if base floodplain data is not available, the Building Inspector may obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this code.

3. Information to be Obtained and Maintained
   a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures.
   b. For all new (or substantially improved) flood proofed structures:
      (i) Verify and record the actual elevation to which the structure has been flood proofed; and
      (ii) Maintain all flood proofing certifications required herein.
   c. Maintain for public inspection all records pertaining to the provisions of this code.

4. Alterations of Watercourses
   a. Notify downstream communities, Colorado Conservation Board, and the U.S. Army Corps of Engineers prior to any alteration or relocation

of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.

b. Require their maintenance be provided within the altered or relocated portion of said watercourse to preclude diminishing the flood carrying capacity.

5. Interpretation of Flood Insurance Rate Maps Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided herein.

E. Flood Hazard District - Further Regulations

1. General Provisions

Encroachments in the area of special flood hazard are restricted. This restriction includes fill for roads and levees, obstructions, storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodplain uses adversely affect(s) the efficiency, or decreases the storage capacity of the floodplain based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

No floodplain use(s) shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

Encroachments into the area of special flood hazard must be certified by a registered Colorado professional engineer that the encroachments are in accordance with this ordinance.

2. Specific Provisions

a. Anchoring

(i) All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure and to withstand hydrodynamic loads.

(ii) All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement, and be able to withstand hydrodynamic loads. Methods of anchoring may include over-the-top of frame ties to ground anchors. Specific requirements shall be that:

(1) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring one additional tie per side.

(2) Frames ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured home less than 50 feet long requiring four additional ties per side;

(3) all components of the anchoring system be capable of carrying a force of 4,800 pounds; and

(4) any additions to the manufactured home be similarly anchored.

b. Construction Materials and Methods

(i) All new construction and substantial improvements shall be

constructed with materials and utility equipment resistant to flood damage.

(ii) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are in the flood hazard area and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a Colorado registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

3. Utilities

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary water supply systems shall be designed to minimize or eliminate

infiltration of flood waters into the systems and discharge from the systems into the flood waters.

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Mechanical and Utility Equipment - Electrical, heating, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5. Subdivision Proposals

   a. All subdivision proposals shall be consistent with the need to minimize flood damage.

   b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

   c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

   d. Base flood elevation data shall be provided for all subdivision proposals.

6. Residential Construction - New and substantial improvement of any residential structure shall have the lowest flood elevated to at least one foot above the base flood elevation.

7. Non-residential Construction - New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

   a) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of

water;

b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c) Provide that where a non-residential structure is intended to be made watertight below the base flood level:

(i) a registered professional engineer or architect licensed in the State of Colorado, shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section; and

(ii) a record of such certificates which include the specific elevation to such structures are satisfied. Such certifications shall be provided to the Building Inspector as set forth herein.

8. Manufactured Homes

a. Manufactured homes shall be anchored in accordance with Section 7-2-14 E.2.a.(2)

b. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system.

F. Additional Floodway Regulations - Located within areas of special flood hazard established in Section 7-2-14 I.A.1 are areas designated as floodways. Since the floodway is an extremely

hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

(1) All encroachments, including fill, new construction, substantial improvements, and other development are prohibited, unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) All proposed uses within the Floodway must have an approved development permit.

(3) Permitted Uses

a. Natural areas, yards, gardens, patios.

(4) Prohibited Uses

a. All new residential, commercial, or industrial structures including manufactured homes, garages, storage sheds and porches.

b. On-site sewage disposal systems, solid waste disposal sites, sewage treatment plants or facilities for the disposal or storage of hazardous, flammable, buoyant, or explosive materials.

c. Any use prohibited by the underlying zoning regulations for the zone in which the proposed use is to be located.

(5) All other Uses.

a. All other uses shall be uses subject to review as defined in 7-2-4 of the Code of the Town of Silverton.

(6) If any use is proposed within the floodway area, and the applicant disputes the severity of hazardous conditions within the area, or its location within a floodway, the following information shall be submitted:

a. A floodplain study, the purpose of which is to more precisely determine the flood hazard at the

particular site, and the impact of the proposed use or development on other areas both within and outside the floodplain boundary.

b. Such studies shall be constructed by a licensed professional engineer experienced in hydrology and shall, at a minimum, determine the engineered 100 year flood, its depth and elevation of the entire area of the site, and those areas immediately adjacent to the site which might be affected by such use or development.

c. A map showing the location of the site and surrounding area with topographical features and significant natural and man made features shown on the site and within 300 feet of the site boundary. The scale of the map shall be 1" = 500'. The scale may be more detailed if required. The proposed use and its relationship to the flood hazard shall be geographically shown.

(7) If the information provided under this section is sufficient to establish that the proposed use or development lies outside the floodway, then the regulations set forth below concerning uses within the flood fringe shall be applicable.

G. Flood Fringe Regulations

1. All proposed uses within the Flood Fringe must have an approved development permit.

2. Permitted uses.

a. Natural areas, yards, gardens, patios, and new porches which are constructed in such a manner as not to impede the passage of a 100 year flood.

b. Roads, railroads, sports fields (without fences), golf course, hiking-

biking trials, playgrounds, parking lots, and tennis courts.

c. Commercial and industrial parking lots and loading areas (so long as materials are not stored on such areas at times of flood hazard).

4. All other uses.

a. All other uses, encroachment into the Flood Fringe, fill or dredging operations, new construction, substantial improvements, and other development shall be uses subject to review as defined in 7-2-4 of the Code of the Town of Silverton.

5. Development Permit - Any structural or non-structural activity or development in the flood fringe, or which might affect flooding or flood damage, must have a development permit.

6. Besides the submission requirements set forth in 7-2-4 for uses subject to review, an applicant for a use which is located within the flood fringe will also be required to submit information and plans which are sufficient to show the affect of the proposed use or development upon the adjacent properties, and upon the flood carrying capacity of the proposed site and areas within 300 feet of the exterior boundaries of the site.

7. If any such affect is deemed to be adverse by the Board, and the applicant is unable to show how such affect may be mitigated, the use subject to review may be denied without regard to other matters. Specific criteria to be considered by the Board in determining whether the proposed use is adverse area as follows:

a. Substantial solid debris being carried downstream by flood waters.

b. The possibility or probability of a threat to human life due to human occupation of structures either fixed or mobile, permanent or temporary.

c. The storage or processing of materials that in times of flooding are buoyant,

flammable, explosive or otherwise potentially injurious to human, animal or plant life.

d. A substantial increase in either sedimentation or erosion.

e. Regulations promulgated by other governmental agencies having an interest in uses or encroachments within the flood fringe, including, but not limited to, the Colorado Water Conservation Board, Army Corps of Engineers, State Soil Conservation Board, local soil conservation district, or the Colorado Department of Health.

f. If an applicant for a proposed use or development in the flood fringe disputes the severity of hazardous conditions within the area, or the location of the site within the flood fringe, he may submit information to the Board which shall be sufficient to show that the site is not located within the flood fringe; or that measures will be taken by him which will be adequate to render the site outside the flood fringe, and that such mitigating measures will not adversely affect the carrying capacity of the flood fringe or cause damage to adjacent properties in times of flood. A public hearing of the Board of Adjustment will be called, public comment taken, in all cases involving this section prior to Board action, with notice of the application provided by the applicant to all landowners within 300 feet upstream and downstream of the exterior boundaries of the proposed site; and to all other interested parties including relevant governmental agencies.

H. Savings Clause - The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or

uses permittee within such areas will be free of flooding of flood damages. This ordinance shall not create liability on the part of the Town of Silverton, any officer or employee thereof, any volunteer assisting in the enforcement or interpretation of this ordinance on the request of the Town of Silverton, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

I. All requirements within the Flood Hazard Area are superimposed upon other use districts and zones with the Town of Silverton. All requirements of the underlying use districts or zone remain in effect and the requirements of this ordinance are in addition to such regulations and requirements.

J. Variance Procedure.

1. A variance shall be required for any deviation from the requirements of this code relative to flood damage prevention as set forth below.

a. The Board of Adjustment shall hear and decide requests for variances when it is alleged there is an error in any requirement, decision, or determination made by the Building Inspector in the enforcement or administration of this ordinance.

b. Applications for a variance shall be submitted to the Building Inspector on forms prescribed by the Board. Applications shall be accompanied by:

1. A contour map of existing and proposed contours prepared by a Colorado registered land surveyor showing the subject property and at least 300 feet of the area outside the perimeter of the subject property;

2. A drainage study prepared by a Colorado registered professional engineer which utilizes the criteria presented in this ordinance, which is

supplemented by other reliable source material (e.g., Corps of Engineers, Housing and Urban Development), and contains the engineer's recommendations; and

3. An appendix to the drainage study which addresses each of the subjects cited by paragraphs I.J.1.f. below.

c. After an application in the proper form has been received by the Town Clerk, and the required fee has been paid, the Town Clerk shall cause the application to be scheduled for a public hearing before the Town Board of Adjustment.

d. Notice of the hearing shall be given as provided in Section 7-1-8 D of the Official Code of the Town of Silverton.

e. The Board shall hold a pubic hearing on the application in accordance with the procedure specified in Section 7-1-8 of the Official Code of the Town of Silverton.

f. In passing upon the application for a variance, the Board shall consider all technical evaluations, and all relevant factors and standards specified in this ordinance and;

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and the contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed

facility to the community;

5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

6. The compatibility of the proposed use with existing and anticipated development;

7. The relationship of the proposed use to the comprehensive and flooding management program for the area;

8. The safety of access to the property in times of flood for ordinary and emergency vehicles;

9. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities, and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

g. Upon consideration of the factors of 7-2-14 I.J.1.f and the purposes of this ordinance, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

h. A decision on an application for a variance shall be made within 30 days following the public hearing, unless the matter is continued to a date certain.

i. The Building Inspector shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request of such agency.

2. Conditions for Variances

a. Generally, variances may be issued

for new construction and substantial improvements to be erected on a lot contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the criteria set forth in 7-2-14 I.J.1.f. have been fully considered.

b. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:

(1) A showing and sufficient cause.

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.

(3) A determination that failure to grant the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

f. Any applicant to whom a variance is granted shall be given written notice

that the requested structure will be permitted and that the cost of flood insurance will commensurate with increased risk from the reduced lowest floor elevation.

II **Avalanche Hazard Districts**

A. Purpose An Avalanche Hazard Zoning District is established as a zoning overlay district for the following purposes:

1. To identify those areas within the Town of Silverton where, after due investigation and study, hazards to the safety of property and occupants exist due to potential avalanche activity impacting such areas;
2. To give notice to the public of those areas within the Town where such avalanche hazards to property and occupants have been found to potentially exist;
3. To mitigate, to the extent reasonably possible, the public's exposure to health, safety, and welfare hazards within avalanche hazard districts;
4. To allow for the use and development of properties situated within avalanche hazard districts only when such use and development complies with the requirements of this Section; and
5. To promote the general public health, safety and welfare.

B. Definitions For the purposes of this Section, the following terms and phrases shall have the meanings assigned below:

1. "Afforestation" shall mean "the act or process of planting and establishing a dense timber forest stand on a tract of land; i.e. to convert open land into forest."
2. "Avalanche" shall mean "a mass of snow, ice, and debris flowing and sliding across mountainous terrain." This definition shall include the "design avalanche" which is an avalanche of potential size and destructive force so as to have a one percent (1%) mathematical probability of occurring in any one year."
3. "Avalanche Path" shall mean "the terrain boundaries of known or potential avalanches to include the starting zone, the avalanche track, and the runout zone."
4. "Blue Zone" shall mean "a geographical land area impacted by snow avalanche activity producing a total avalanche impact pressure less than six hundred (600) pounds per square foot on a flat surface normal to the direction of avalanche flow and having a return interval in excess of thirty (30) years."
5. "Catching Structure" shall mean "an earthen berm or other

physical structure built perpendicular to the direction of avalanche flow for the purpose of stopping the avalanche and, thereby, reducing the avalanche runout distance."

6. "Deflecting Structure" shall mean "an earthen berm or other physical structure built at an angle to the direction of avalanche flow for the purpose of directing the avalanche away from areas to be protected."
7. "Deforestation" shall mean "the act or process of cutting and removing a dense timber forest stand from a tract of land."
8. "Direct-Protection Structure" shall mean "detached or internal splitting wedges and walls; direct reinforcement of structures; and avalanche sheds for the purpose of protecting individual structures or areas by diverting avalanches around or over the object(s) or area(s) to be protected."
9. "Red Zone" shall mean "a geographical land area impacted by snow avalanche activity producing a total avalanche impact pressure in excess of six hundred (600) pounds per square foot on a flat surface normal to the direction of avalanche flow and/or having a return interval of less than thirty (30) years."
10. "Retarding Structure" shall mean "earthen mounds or other physical structure built in an avalanche path to create additional friction between the avalanche and the ground, spread the avalanche laterally, and reduce the effective flow height and runout distance of the avalanche."
11. "Snow Drift Fence" shall mean "wind fences installed in and adjacent to avalanche starting zones to reduce the amount of snow blowing into the starting zone or to distribute snow lower on the slope, thus reducing the frequency and size of avalanches."
12. "Snow Support Structure" shall mean "continuous or closely-spaced fences, vertical rakes, wire-rope nets, or other structures built in rows across avalanche slopes to anchor the snow in the starting zone and thereby preventing release."

C. Avalanche Hazard District Boundaries

1. There is hereby designated an Avalanche Hazard Zoning District within the Town of Silverton. The Avalanche Hazard Zoning District shall be an "overlay zoning district" that designates those areas within the Town found subject to potential avalanche danger identified in *"Snow Avalanche Mapping Analysis, Silverton, Colorado"*, by Arthur I. Mears, P.E., Inc., dated February, 1998 together

with supplemental avalanche mapping information submitted by Arthur I. Mears in conjunction with the referenced study.

2. The Avalanche Hazard District shall consist of two sub-zone designations as follows:
   a. The "Red Zone" shall mean "land areas exposed to avalanches with a return period of less than thirty (30) years and/or avalanche impact pressures greater than 600 pounds per square foot on a flat, rigid surface situated perpendicular to the direction of avalanche flow."
   b. The "Blue Zone" shall mean "land areas exposed to avalanches with a return period of in excess of thirty (30) years and avalanche impact pressures of less than 600 pounds per square foot on a flat, rigid surface situated perpendicular to the direction of avalanche flow."
3. The Avalanche Hazard Zoning District shall include all of those areas within the Town so designated on the Town of Silverton Avalanche Hazard Zoning District Map adopted herewith and made a part hereof by reference. The Town of Silverton Board of Trustees may periodically adopt corrections or amendments to the Avalanche Hazard Zoning District Map by adoption of a resolution. The avalanche hazard areas designated on the Town of Silverton's Unified Hazard Overlay Map are hereby repealed and are made to be null and void with respect to the interpretation and implementation of this Section.
4. Designation of properties as being within the Avalanche Hazard Zoning District shall subject those properties to additional requirements and restrictions upon the development and use of such properties as set forth in this section. All provisions set forth elsewhere in the zoning regulations and codes of the Town of Silverton shall continue to apply to properties within the Avalanche Hazard Zoning District, excepting that the additional requirements and restrictions of this section shall combine with all other code sections which might affect the use of properties within the district. If any of the regulations in this section conflict with corresponding regulations specified for a district with which this Avalanche Hazard District has combined, the most restrictive regulations for the development or use of the property shall apply.

D. Restrictions on Development in the Avalanche Hazard Zoning District Any property located within the boundaries of the

Avalanche Hazard Zoning District shall be subject to the restrictions on the development and use of properties as set forth herein. Anyone wishing to develop in any area lying within the boundaries of the Avalanche Hazard Zoning District must first obtain an approved Avalanche Hazard Development Permit, as set forth in Part E of this Section, before beginning any development or use activity.

1. Permitted Uses An Avalanche Hazard Development Permit may be issued administratively by the Planning Department for the following types of land development and use:
   a. Natural areas, pasture land, open space, gardens, and similar types of land development and use.
   b. Hiking trails, biking trails, snowmobile trails, downhill ski trails, cross-country ski trails, and similar types of land development and use.
   c. Golf courses, tennis courts, athletic fields, recreational vehicle and campground unit spaces, parking lots, and similar uses, all of which involve no structures being built or situated within the Avalanche Hazard Zoning District from November 1st to May 1st of any year.
   d. Underground utilities.
2. Prohibited Uses An Avalanche Hazard Development Permit shall be denied administratively by the Planning Department for the following types of land development and use:
   a. Solid waste disposal sites, sewage treatment plants, or above ground facilities for the storage or disposal of hazardous, toxic, nuclear, flammable, or explosive materials, including above ground propane tanks.
   b. Any use prohibited by the underlying zone regulations for the zone in which the proposed use is to be located.
   c. Any multi-family building, including hotels, motels, apartment buildings, condominiums, townhouses, mobile home parks, and/or any subdivision that increases human occupancy of properties situated within the Avalanche Hazard Zoning District.
   d. Any building or structure which is used, or intended for use, for public occupancy, including, but not limited to offices, factories, hospitals, schools, convention centers, jails, libraries, day care center, dormitories, group housing, or other similar type

uses.

e. Any use which will result in year-round occupancy of the land by either livestock or domestic animals.

3. Uses Subject to Review An Avalanche Hazard Development Permit may be approved, conditionally approved, or denied by the Town Board for the following types of land development and use:

a. Above ground utility facilities.

b. Underground facilities for the storage or disposal of hazardous, toxic, nuclear, flammable or explosive materials, including underground propane tanks.

c. Railroad tracks and switching facilities, roads, streets, parking lots, ski lift facilities, ice skating facilities, and other similar types of land development and use.

d. Avalanche control structures, including deflecting berms and structures, retarding mounds and structures, direct-protection structures, catching structures, snow drift fences, snow support structures, and similar facilities designed to inhibit, block, divert, split, or otherwise control the release, extent, or direction of avalanche runs.

e. Afforestation or deforestation.

f. Any seasonal development activity or land use not occurring between November 1st through May 1st of any year, including the placement of seasonal use structures which are either portable or permanently affixed to the land.

g. Alteration or removal of any natural landscape features affecting the release, flow velocity, or direction of avalanche runs.

h. Single-family residences.

i. Accessory buildings and structures, including fences, to any approved use within the district.

j. Vehicular parking facilities.

k. Any other use not expressly permitted or prohibited by the provisions of this Section or the provisions of any underlying zoning district's regulations.

l. Any proposed change or challenge to the boundaries of the Avalanche Hazard Zoning District or the boundaries of any sub-zone district.

E. Development Permit Required: Anyone wishing to develop in any area lying within the boundaries of the Avalanche Hazard Zoning District must first obtain an approved Avalanche Hazard

Development Permit before beginning any development or use activities. The Building Inspector, or other authorized town official, shall issue a stop work order upon any development commenced, or structure constructed without such permit. Any development or structure commenced in violation of this ordinance may be required to be dismantled and removed, at the owner's sole expense, at the discretion of the Silverton Town Board of Trustees.

F. Information Required for Issuance of an Avalanche Hazard Development Permit The following information shall be submitted in writing for review and approval for properties situated within a designated Avalanche Hazard District.

1. In order to provide reasonable notice to the public of the avalanche potential within all areas designated Avalanche Hazard District, the Application for an Avalanche Hazard Development Permit shall contain the following information:
   a. A complete Use Subject to Review Application which meets all of the submittal requirements of Section 7-2-4 of the Town Code; and
   b. A complete Release and Indemnification Agreement, properly executed by the owner of the subject real property.
2. Avalanche Hazard Development Permit in the Red Sub Zone: If the real property to be developed and/or used lies within a designated Red Sub-Zone Avalanche Hazard Zoning District, the following information, in addition to the above information, shall be submitted for review pursuant to Section 7-2-4 of the Town Code:
   a. Site Specific Avalanche Investigation: The applicant shall submit to the Town a two-part, site-specific engineering study report, wherein, Part 1 contains the complete study and report (as prepared by a recognized expert in the field of avalanche occurrence, force, and behavior) documenting avalanche impact pressures present at any and all proposed building and construction sites on the applicant's property; and, wherein, Part 2 contains complete construction plans and specifications for all proposed buildings and structures (as prepared by a qualified structural engineer licensed to practice in the State of Colorado), including the structural engineer's certification that the buildings and structures, if constructed in accordance with the submitted plans and specifications, will withstand the avalanche impact pressures as documented in Part 1. Such investigations, studies, and

reports must be prepared at the applicant's expense. The investigations, studies, and reports must specifically answer the following:

(1) Whether the site-specific conditions are such that the property can or cannot be developed for the specific structure(s) or proposed use(s) with or without on-site protective measures, and if protective measures are necessary, what those specific measures are, including site and construction plans for such protective measures;

(2) Whether such on-site protective measures will increase the hazard to other properties, structures, roads, rights-of-way, easements, utilities, or construction located adjacent to or down slope from the applicant's property; and

(3) Certification by the design engineer that such on-site protective measures, if constructed as designed, will withstand the documented avalanche impact pressures and protect the subject properties without adversely impacting adjoining and/or down slope properties.

b. Requirement of Bond: At the discretion of the Town Board of Trustees, any applicant developing or using real property situated within a designated Red Sub-Zone Avalanche Hazard District may be required to post a bond, a letter of credit, or other guarantee to ensure that the requirements of this Section are complied with and the construction of any approved buildings, structures, or landscape modifications will be completed in strict accordance with approved plans and specifications.

G. Town Action on Development Permit Application:

1. An Avalanche Hazard Development Permit for properties situated within a designated Avalanche Hazard Zoning District will be denied if the Town Board of Trustees determines that the property owner does not attend the Use Subject to Review hearing on the owner's Application for an Avalanche Hazard Development Permit; the owner has not executed the required Release and Indemnification Agreement; or the Board finds that the application does not conform to the requirements of Section 7-2-4, this Section, or the underlying zoning district's regulations.

2. An Avalanche Hazard Development Permit for properties situated within a designated Red Sub-Zone Avalanche

Hazard Zoning District will be denied if the Town Board of Trustees concludes that site cannot be developed for the proposed use because the danger posed by avalanche cannot be reduced or mitigated to a reasonable level. The Town Board of Trustees, considering information supplied by the Town's consulting engineer and/or the applicant's engineering report and other information made available to the Board during the review process, shall have the ultimate authority to determine whether such permits will be issued or denied. The Town Board, after staff review, public hearing, and due consideration of all relevant information made available to the Board during the review process shall render a decision to approve, conditionally approve, or deny the issuance of an Avalanche Hazard Development Permit. The burden of proof to establish that a site is safe, or that any hazard can be mitigated satisfactorily, shall be on the person or entity making application for the issuance of a development permit. The Board shall deny issuance of an Avalanche Hazard Development Permit for any application, in whole or in part, that fails to provide convincing and substantial evidence that the public health, safety, and welfare hazards associated with developing and occupying property in the Red Sub-Zone Avalanche Hazard Zoning District are maximally reduced to a reasonable and acceptable level, including specific findings by the Board, based upon the information available, that establishment of the proposed improvements and/or land uses will not increase the potential avalanche hazard or public health, safety, and welfare hazards associated with avalanches on adjoining properties, both within and without the Red Sub-Zone Avalanche Hazard Zoning District, especially down slope of the subject property. The Board shall also deny issuance of a permit to build within the Red Sub-Zone Avalanche Hazard Zoning District if the applicant and/or property owner has the opportunity to build outside the hazard district and chooses, without substantial hardship reason(s), to develop within the hazard district boundaries.

H. Existing Structures and Uses Any building or structure which has been constructed within the Avalanche Hazard Zoning District prior to the effective date of this Section, shall be a non-conforming building or structure relative to this Section and may remain until it is moved, substantially damaged, or destroyed, excepting that the rental/lease of said building or property to another party shall conform to the General Notice Requirements of

Part K of this Section. No non-conforming building in the Avalanche Hazard Zoning District may be altered such that the building dimensions are increased in anyway, that additional bedrooms are constructed, that human occupancy may potentially increase, or that the building's market value is increased by fifty percent (50%) or more. A non-conforming building and/or structure under this Section may be maintained and altered to construct approved avalanche protective measures regardless of how much the building's value increases. If a non-conforming building or structure under this Section is destroyed or damaged such that the cost of repairs will equal or exceed fifty percent (50%) of the structure's market value, the structure shall not be repaired or re-built without full compliance with the provisions of this Section and the provisions of any underlying zoning district classification. The market value shall be determined by a qualified assessor/appraiser, at the property owner's expense, approved by the Town Board, and such value shall be determined either before the improvement or repair is started, or before the damage occurred.

I. Warning and Disclaimer of Safety and Liability

1. Avalanches occur naturally, suddenly and unpredictably based upon steepness of slope and run out area, exposure, snow pack composition, wind, temperature, rate of snow fall and other little understood interacting factors. The Avalanche Hazard Zoning District designated in this Section is considered reasonable for regulatory purposes and is based upon and limited by the engineering and scientific methods of study. This Section does not represent or imply that areas outside the Avalanche Hazard Zoning District are free from avalanches or avalanche danger, particularly those properties lying in close proximity to a designated zone or sub-zone and especially those properties situated within any extension down slope of the designated avalanche path.
2. The fact that the Town of Silverton has not prohibited development, construction or use of real property within or in the vicinity of the Avalanche Hazard Zoning District does not constitute a representation, guarantee or warranty of any kind as to the safety of and construction, use, or occupancy thereof. The granting of any permit or approval for any structure or use, or the declaration or failure to declare the existence of an avalanche hazard shall not constitute a representation, guarantee or warranty of any kind or nature by the Town of Silverton, or any official or employee, of the practicality or safety of any construction,

use or occupancy thereof, and shall create no liability upon or cause of action against such public body or its officials or employees for any injury, loss, or damage that may result thereby.

3. During periods of high avalanche danger, Town services may be suspended or otherwise not provided to properties and/or persons situated within the Avalanche Hazard Zoning District. The Town shall not accept responsibility for or guarantee that such services, including avalanche rescue efforts or other emergency services will be provided during periods of avalanche danger.
4. Persons who develop or occupy property within or in the vicinity of the Avalanche Hazard Zoning District do so by their own choice, decision and, solely, at their own risk.

J. Non-Liability

1. The adoption or implementation of this Avalanche Hazard Zoning Section, provided for herein, shall not create any duty to any person, firm, corporation or other entity with regard to the enforcement or non-enforcement of this Section. No person, firm, corporation, or other entity shall have any civil liability remedy against the Town, or its officers, employees or agents, for any damage arising out of or in any way connected with the adoption, enforcement, or non-enforcement of this Section. Nothing in this Section shall be construed to create any liability, to waive any of the immunities, limitations on liability, or other provisions of the Governmental Immunity Act, C.R.S. 24-10-101 et. seq. or to waive any immunities or limitations on liability otherwise available to the Town, or its officers, employees or agents.
2. Persons who develop property within the Avalanche Hazard Zoning District or occupy property within said district during any portion of the months of November through April of any year must properly execute and deliver an original, notarized copy of a Release and Indemnification Agreement to the Town prior to developing or occupying said property. The Release and Indemnification Agreement shall read substantially as follows:

"RELEASE AND INDEMNIFICATION AGREEMENT

In consideration for being permitted to build upon or occupy property situated within the designated Avalanche Hazard Zoning District, I, the undersigned, hereby acknowledge, represent and agree as follows:

A. 1. I acknowledge that my development or occupancy of property lying within the Avalanche Hazard Zoning District, and any or all of the activities

occurring in, on, over, or about said property, are or may be dangerous and do or may involve risks of injury, loss or damage. I further acknowledge that such risks may include but are not limited to bodily injury, personal injury, sickness, disease, death, and property loss or damage.

2. By signing this RELEASE AND INDEMNIFICATION AGREEMENT, I hereby expressly assume all such risks of injury, loss, or damage to me or to any third party arising out of or in any way related to my development or occupancy on properties situated within the Avalanche Hazard Zoning District, whether or not caused by the act, omission, negligence, or other fault of the Town, its officers, its employees, its agents, or by any other cause.
3. By signing this RELEASE AND INDEMNIFICATION AGREEMENT, I further hereby exempt, release, and discharge the Town, its officers, its employees, and its agents from any and all claims, demands, and actions for such injury, loss, or damage, arising out of or in any way related to my development or occupancy of property situated within the Avalanche Hazard Zoning District, whether or not caused by the act omission, negligence, or other fault of the Town, its officers, its employees, it agents, or by any other cause.

_____
Signer must initial here

B. I further agree to defend, indemnify and hold harmless the Town, its officers, employees, agents, insurers, and self insurance pool, from and against all liability, claims, and demands, including any third party claim asserted against the Town, its officers, employees, agents, insurers, or self insurance pool, on account of injury, loss, or damage, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any way related to my development or occupancy of properties situated within the Avalanche Hazard Zoning District, whether or not caused by the act, omission, negligence or other fault of the Town, its officers, employees, or agents, or by any other cause.

_____
Signer must initial here

C. By signing this RELEASE AND INDEMNIFICATION AGREEMENT, I hereby acknowledge and agree that said AGREEMENT extends to all acts, omissions, negligence, or other fault of the Town, its officers, and/or its employees or agents, and that said AGREEMENT is intended to be as broad and inclusive as is permitted by the laws of the State of Colorado. If any portion hereof is held invalid, it is further agreed that the balance shall, notwithstanding, continue in full legal force and effect.

_____
Signer must initial here

D. I understand and acknowledge that the Town, its officers, its employees, and its agents are relying on, and do not waive or intend to waive by any provision of this RELEASE AND INDEMNIFICATION AGREEMENT, the monetary limitations or any other rights, immunities, and protections provided by the

Colorado Governmental Immunity Act, Section 24-10-101 et seq., Colorado Revised Statutes, as from time to time amended, or otherwise available to the Town, its officers, employees, or agents.

_____
Signer must initial here

E. This RELEASE AND INDEMNIFICATION AGREEMENT shall be effective as of the date set forth below and shall be binding upon me, my successors, representatives, heirs, executors, assigns, transferees, and any other person(s) who may enter the premises upon or without my invitation.

_____
Signer must initial here

Executed this ____ day of _____, 200__ by the person whose name and signature appear below:

_____
Signature

_____
Printed Name of Signer

_____
Address of Signer

Lot(s): Block(s): Subdivision: _____
Legal Description of Property
NOTARY PUBLIC SIGNATURE AND SEAL"

K. General Notice Requirements.

1. All new subdivision plats which are situated wholly or partially within the Avalanche Hazard Zoning District and filed after the effective date of this section shall designate each lot, or portions thereof, situated within the Avalanche Hazard Zoning District with the applicable sub-zone designation by a stamp or writing in a manner providing reasonable notice to interested parties.
2. All plans submitted with a Building Permit application for property within an Avalanche Hazard Zoning District shall be stamped "Construction in Avalanche Hazard Zoning District" together with the applicable sub-zone designation.
3. Prior to issuance of any Building Permit for construction within the Avalanche Hazard Zoning District, the applicant shall sign a Release and Indemnification Agreement as specified in Part J.2 of this Section, and said Agreement shall be properly recorded in the office of the San Juan County Clerk, at the expense of the applicant, by the Town.
4. All persons who rent, lease, or sublet any structure or

premises within the Avalanche Hazard Zoning District for any portion of the months of November, December, January, February, March, or April shall provide the Town with written notice, signed and notarized by the tenant, lessee, or sub-tenant that they have been informed that said property is located within the Avalanche Hazard District, and said tenant shall execute and file with the Town a Release and Indemnification Agreement as specified in Part J.2 of this Section. Written notice and proper execution of the Release and Indemnification Agreement to the Town must be accomplished prior to any occupancy thereof. Compliance with this Part K.4 shall be handled administratively by the Planning Department without the need for a Use Subject to Review Hearing or approval by the Town Board.

5. Each and every real estate agent, sales person and broker, and each and every private party owning property within said Avalanche Hazard Zoning District shall, upon first inquiry, provide the prospective purchaser, lessee, or tenant, prior to or in conjunction with viewing said real property, with written notice that said real property is located within the Avalanche Hazard Zoning District. Furthermore, said written notice shall state that the studies referred to in this code are available for public inspection at the office of the Silverton Town Clerk-Treasurer and that said studies should be reviewed prior to any party entering any agreement, contract or lease with regard thereto.

6. The Town shall post and maintain signs on public right-of-ways at the boundary of the avalanche hazard district in order to inform the traveling public that they are entering an avalanche hazard area. The owner of private roads and parking lots situated within an avalanche hazard district shall post and maintain signs at visible locations to inform persons using the facilities that they are entering an avalanche hazard area.

L. Severability If any part or provision of this Section, or application thereof to any person or circumstance, is adjudged invalid or unconstitutional by a court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which said judgment shall have been rendered, and said judgment shall not affect or impair the validity of the remainder of this section or the application thereof to other persons or circumstances. The Town Board hereby declares that it would have enacted the remainder of this Section even without such part,

provision, or application adjudged to be invalid or unconstitutional."

III **Slope Hazard Overlay District**

A. Purpose: This district is formed for the purpose of establishing rules for construction and uses, and limiting the types of uses in areas of the Town of Silverton which contain slopes in excess of 25%. The requirements of this district are superimposed on other Use Districts and are in addition to the requirements of the underlying Use District.

B. Uses Subject to Review: All uses permitted by the underlying Use Districts are subject to review. The review is to determine if the requirements of the underlying Use District relating to minimum lot area, minimum lot width, maximum height and minimum setback are sufficient to mitigate the hazard affecting a lot. The Town Board may impose requirements which exceed the requirements imposed by the underlying Use District to lessen danger to the public health, safety, and welfare which may be caused by hazard.

C. Accessory Uses Subject to Review: Accessory uses permitted in the underlying Use District are permitted, however, all accessory uses shall be reviewed by the Town Board under the procedures established for Uses Subject to Review.

D. Special Requirements: The applicant for a permit to engage in any activity or undertake any construction in the Slope Hazard Overlay District must submit sufficient information to show the extent of the hazard and the mitigation methods and design measures proposed for use on the site.

E. Those areas within the Town of Silverton which are subject to the Slope Hazard Overlay District are identified in the Unified Hazard Overlay Map I. Flood, II. Avalanche, III. Slope dated March 23, 1992 on file in the Office of the Town Clerk.

7-2-15 **Mobile Homes**

A. No mobile home of any type shall be used for any purpose other than residential occupancy within the Town of Silverton.

B. Placement:

1. All mobile homes require the issuance of a mobile home permit prior to placement on the property, including those placed in a mobile home park, with inspection and approval of the Building Inspector.
2. All mobile homes must be fully skirted within thirty (30) days of placement.

3. All mobile homes are required to be hooked up to utilities so as to be potentially inhabitable at all times. Mobile homes are not to be parked on vacant lots without being properly placed, skirted and hooked up to utility services.

C. Removal:

1. A mobile home which is substantially damaged or destroyed must be removed from the property within thirty (30) days.
2. Any structures in addition to the basic mobile home must be removed by the mobile home owner upon removal of the mobile home from the property.

D. Non-conforming Mobile Homes

1. Mobile homes existing in place at the time of passage of this ordinance on May 14, 1984 but not conforming to the provisions of these or any subsequent mobile homes regulations shall be allowed to remain until such time as the mobile home is substantially damaged or destroyed or is removed from the property.
2. Any mobile home once damaged, destroyed, or removed from its site, may be returned to the same property, or be replaced within one year by another mobile home, provided the replacement meets all other requirements of the district. Placement of any other structure following the termination of the one-year period shall conform to all requirements of the district. (amended 03/20/90)

7-2-16 **<u>Mobile Home Parks</u>**

A. Mobile home parks may be established in the Residential-2 and the E-D Districts only, either in connection with a camper park or independently. If in connection with a camper park, the area for campers shall be separate and distinct from the area for permanent mobile homes.

B. Special Requirements: 1. The minimum land area required for a mobile home park shall be eight (8) lots or 20,000 square feet.

2. The minimum land area required for each individual mobile home space within the park shall

be one and one-half (1 1/2) lots or 3750 square feet, with a minimum frontage of 37 1/2 feet along a common means of access within or adjacent to the park.

3. The minimum square footage of any mobile home within the park shall be four hundred (400) square feet, exclusive of any additions to the basic trailer body or any towing apparatus or bumpers.
4. The minimum setbacks for each individual mobile home shall be seven (7) feet from the front lot line or space boundary, seven (7) feet from the side lot line or space boundary, and five (5) feet from the rear lot line or space boundary. No mobile home shall be located closer than twenty (20) feet from the nearest mobile home in any direction, including additions or added structures.
5. All mobile homes required the issuance of a mobile home permit prior to placement on the property, with inspection and approval of the Building Inspector.

C. All mobile home parks shall have the following provisions:

1. Water, sewer, and electrical connections installed pursuant to the Town of Silverton Development Standards and Specifications and all applicable Town ordinances (see Chapter 9).
2. All telephone and power lines within the park shall be buried.
3. Screening such as fences or natural growth, a minimum of six (6) feet in height, along property boundaries separating the park from adjacent residential property.
4. All mobile homes must be fully skirted within thirty (30) days of placement.
5. No additional buildings or structures shall be built within the park except for one car port and one storage structure, such storage structure to be a minimum of ten (10) feet by ten (10) feet and a maximum of twelve (12) feet in height per each mobile home space, and a single office, caretaking and service facility for such services as laundry facilities.
6. No camper units of any kind shall be allowed within

the mobile home park, except for one which is owned and being kept in storage by a resident of the park.

D. Any mobile home which is substantially damaged or destroyed must be removed from the park within thirty (30) days.

E. (blank)

F. Application for Construction of a Mobile Home Park

1. Applications for construction of a mobile home park shall be submitted, in writing, to the Town Clerk, at the time of application for the initial occupation license, and shall include a plat of the park showing the layout of individual spaces, all public utilities, and all other aspects of conformance with this ordinance as may be required.
2. The plat and design shall be subject to approval by the Town Board following review by the Planning Commission, prior to granting of the business license.
3. The Board shall issue such approval, or state in writing the reasons for disapproval, within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the developer and the Board.

G. Existing mobile home parks within the Town of Silverton on May 14, 1984 not conforming with the provisions of this ordinance must be brought into compliance with all mobile home park regulations no later than December 31, 1986.

7-2-17 **<u>Campers</u>**

A. Occupancy

The occupancy of campers is allowed within the Town of Silverton only as a convenience for visiting friends and relatives or during construction of a dwelling unit. This ordinance is not intended to allow campers to be occupied for residential purposes or to allow them to be occupied in conjunction with any commercial operation.

1. Campers may be parked for occupancy on private residential property only with the express permission of the resident property owner upon whose property the unit is parked.

2. Campers may be parked for occupancy on public thoroughfares only with the express permission of the resident property owner whose residential property is adjacent to the street frontage being used.
3. Each occupied residential property shall be allotted a total of twenty (20) camper-days per calendar year during which campers may be parked for occupancy on or adjacent to the subject property.
4. All campers parked for occupancy under the above conditions shall comply with Section 6-9-5 of this Code and with all directives of the Public Works Director or his designated representative for purpose of street maintenance and snow removal.
5. Camper units may be parked for occupancy on private property by the property owner in any residential zone during the construction of a dwelling unit for a period not to exceed 180 days and only between May 1 and October 31 of any given year. Campers so parked must meet all setback requirements of the zone. Said occupancy shall not take place prior to the issuance of a building permit for the new construction, and shall terminate upon occupancy of the new dwelling or six months from the date of the building permit or on October 31 of that year, whichever comes first.
6. There shall be no occupancy of campers within Town Parks without the express authorization of the Town Board.

The Town Board may allow the occupancy of campers to exceed twenty (20) days per year upon the determination by the Board that unforeseen conditions and circumstances throughout the community warrant such action. Upon the finding of the Town Board that it is in the public interest to allow campers to be occupied on private property in excess of twenty (20) days per year the Board may impose a fee and additional requirements on campers as necessary for the preservation of the public health, safety and welfare. Said fee shall not exceed $15.00 per day per camper. Said fee shall be used to offset any costs incurred by the Town of

Silverton.

B. Unoccupied Storage

1. One (1) unoccupied camper unit per each dwelling may be kept, stored or parked on the same property as the dwelling. Units in excess of one (1) per dwelling must be stored in totally enclosed structures conforming with current building codes.
2. Storage may be on private property, with permission of the property owner, or on the street right-of-way, with permission of the owner or occupant of the property adjacent to the street frontage being used.
3. All campers stored under the above conditions must comply with Section 6-9-5 of this Code, with the Model Traffic Code adopted by the Town of Silverton, and with all directives of the Public Works Director or his designated representative for purposes of street maintenance and snow removal
4. No campers shall be kept, stored, or parked in any alley.

7-2-18 **<u>Camper Parks</u>**

A. Camper parks may be established in the E-D District only, either in connection with a mobile home park or independently. If established in connection with a mobile home park, the area for campers shall be separate and distinct from the area for mobile homes.

B. Special Requirements:

1. The minimum land area for a camper park shall be one (1) block or 60,000 square feet.
2. The minimum size of each individual camper parking space or camp site within the park shall be 1250 square feet
3. The minimum space allowable between parked campers shall be fifteen (15) feet in any direction.

C. All camper parks shall have the following provisions:

1. Water, sewer, and electrical connections for at least 60% of the total number of camper spaces and camp sites within the park, all of which must be buried within the boundaries of the park.
2. Fire extinguishing equipment in good working order and of such type, size, and number, and so

located as to comply with the Uniform Fire Code

3. Metal garbage cans, a minimum of 32 gallons in size, with tight fitting metal covers, in quantities adequate to permit disposal of all garbage and trash, and located not farther than 300 feet from any camper space or camp site.
4. Sufficient lighting for proper illumination and safety.
5. Rest room facilities for the occupants of the park, with toilets and baths or showers. Toilet facilities for males shall consist of not less than one flush toilet and one urinal for every twenty (20) camper spaces or fraction thereof, and for female, not less than one (1) flush toilet for every ten(10) camper spaces or fraction thereof. Each sex shall also be provided with not less than one bathtub or shower with individual dressing accommodations for every ten (10) camper spaces or fraction thereof. Lavatory or bathing facilities for each sex shall be in separate buildings, or if in the same building shall be separated by a soundproof wall.
6. Screening such as fences or natural growth, a minimum of six (6) feet in height, along property boundaries separating the park from adjacent residential property.
7. Additional structures such as service and maintenance buildings may be constructed within the camper park in conformance with the Uniform Building Code.
8. Camper Parks shall at no time contain any camper of any type exceeding 35 feet in length.

D. Any camper unit which is substantially damaged or destroyed must be removed from the park within fifteen (15) days.

E. Application for Construction of a Camper Park

1. Applications for the construction of a camper park shall be submitted, in writing, to the Town Clerk, at the time of application for the initial occupation license, and shall include a plat of the park showing the layout of camper spaces, sanitary facilities, and all other aspects of conformance with this ordinance as may be required.
2. The plat and design shall be subject to approval by

the Town Board following review by the Planning Commission, prior to the granting of a business license.

3. The Board shall issue such approval, or state in writing the reasons for disapproval, within sixty (60) days of the date of submission of the application, unless an extension of said time is agreed upon, in writing, by the developer and the Board.

F. Existing camper parks within the Town of Silverton on May 14, 1984 which do not conform to these or subsequent camper park regulations must be brought into compliance with all provisions of this ordinance no later than December 31, 1986.

7-2-19 <u>Signs and Outdoor Advertising Devices</u>

A. No sign shall be allowed except as permitted by this section, unless specifically excepted in Section 7-2-19(C) of this Code. Conforming signs shall be of a permanent nature and shall be maintained in good repair or they may be removed after a hearing on the question by order of the Board of Trustees.

B. Permit Required: All signs, temporary or permanent, shall require the issuance of a sign permit. Application for a permit shall be made, in writing, to the Town, along with a payment of a non-refundable application fee as set by resolution of the Town Board. An application may include all signs to be installed within thirty (30) days at a single building location. An application may include signage for more than one business per building location but may not include more than one business location at a different building.

C. Exceptions: Unless the signs listed below are utilized in a manner to evade the provisions of this section, the following signs are exempt from the requirements of this section.

1. Signs painted onto the window of a building where the business being advertised is located.
2. Signs located inside the window of a building, except that any sign which is located within five feet (5') of any window shall not have any flashing or moving lights, excepting Christmas type lights, which would produce any glare or distraction for any passing motorist.
3. Governmental signs to control traffic or for other regulatory purposes, including street name signs and signs erected for public safety purposes. Signs

erected by public utility companies or construction companies to warn of danger or hazardous conditions. Traffic control signs and devices which are privately owned, the sole purpose of which is to direct and control traffic.

4. Any signs required to be posted by local, state, or federal laws or regulations.
5. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any community wide special event. However, such decorations and displays must be removed if damaged or in disrepair and within seventy-two (72) hours following the conclusion of the particular event and such decorations and displays may not be erected so as to obstruct the use or visibility of the public right-of-way.
6. Historic plaques, authorized by the San Juan County Historical Society, identifying historic buildings or sites are exempt.
7. The flag of any nation, organization of nations, state, county, municipality, or any other flag other than "OPEN" flags as allowed per section 7-2-19.C.8, provided that no more than two (2) flags may be displayed per building, no flag measures more than twenty-four (24) square feet in size, and the flags are not used or displayed in connection with a commercial promotion or as an advertising device. The display of more than two flags or flags measuring more than twenty-four (24) square feet in size or flags used as an advertising device are subject to the provisions of this section. "OPEN" flags as per section 7-2-19.C.8 of this code shall not be included in this section of 7-2-19.C.7.
8. The Town of Silverton herby adopts in its entirety Chapter Ten (10) of Title Thirty-Six (36) of the United States Code (U.S.C) named "The Flag Code" as it pertains to all rules and regulations to the official Flag of the United States of America.
9. Open Flags: Each business may display one "OPEN" flag during the time said business is open to the public. No "OPEN" flag shall exceed three (3) feet

by five (5) feet, or fifteen square feet in size and must be a minimum of eight (8) feet and a maximum of twenty (20) feet above grade and shall not extend more than 6 feet over any public right-of-way. No "OPEN" flag shall have any wording to be displayed or used to promote any particular business or special event.

10. Works of art which in no way identify, advertise, or display, directly or indirectly, a product or business.
11. Merchandise displayed outside a building but located wholly on the building front of the building, within the property of said place of business and may not impede or block pedestrian traffic in any way.
12. Christmas/Decorative Lights: Any business may display Christmas type decorative lights on a year-round basis on the interior or exterior of the building to which such business is located. Such Christmas type decorative lights may blink so long as the safety of any moving vehicle may not be impaired by obstructing the drivers vision, including any lighting which produces any glare or distraction for any passing motorist.
13. Sandwich and Signboards: Each building having at least one (1) licensed and authorized business may display one (1) sandwich or signboard per building entrance and located wholly within the property of said building. No sandwich or signboard shall be greater than two (2) feet in width and four (4) feet in height. Said sandwich or sign board may not impede or block pedestrian traffic in any way nor be located within any right-of-way.
14. Menu Boxes and "Special's" Boards: Each restaurant and/or bar may display one menu box attached to the building to which they are located. Said menu box may be illuminated by low intensity lights to allow pedestrian viewing in the evening. Menu boxes may not exceed two (2) feet in height and two (2) feet in width and three (3) inches in depth. Each restaurant and/or bar may display one changeable "Special's" board, of chalk or dry erase or similar nature attached to the building to which

they are located for the purpose of advertising special offers of said restaurant and/or bar. “Special’s” boards may not exceed two (2) feet in height and two (2) feet in width and three (3) inches in depth.

15. "For Sale", "For Rent", or "For Lease" signs (either freestanding or wall signs only) which are not illuminated and are located only on the tract being sold, rented, or leased provided that only one (1) such sign shall be displayed on any street frontage and no sign may exceed the following size requirements:

Tracts containing not more than 5,000 square feet	6 square feet
Tracts containing 5,001 to 30,000 square feet	12 square feet
Tracts containing more than 30,000 square feet	18 square feet

16. Non-illuminated, temporary directional signs, measuring not more than sixteen (16) square feet in area, whose sole purpose is to direct persons to public, cultural, or special events approved by the Town Board of Trustees.
17. Non-illuminated Town of Silverton, County of San Juan, Public School, or Public information, directional and/or identification signs approved by the Town Board of Trustees.
18. Town sponsored, owned and maintained signs and temporary banners advertising and promoting community-wide special events and holidays that are displayed and erected above Greene Street and/or Blair Street, at or near the Visitors Center, on the fence surrounding the ball-park located at Greene Street and 4th Street and at the Kendall Mountain Recreation Center, given and provided that any sign or banner erected above and over a public right-of-way or thoroughfare shall meet the minimum and maximum height requirement by State or Federal Law.
19. Non-illuminated residential identification signs (either freestanding or wall signs only) provided they are located on the same tract as the dwelling unit being identified, they identify only the house number and/or occupant or home occupation located therein, there is not more than one (1) sign

displayed on any street frontage, and the sign does not exceed two (2) square feet in sign area per dwelling unit.

20. Vehicle signs: Any sign that is permanently or magnetically attached to a vehicle and incidental to the primary use of the vehicle. “FOR SALE” and/or “FOR RENT” signs shall be included and allowed if located within the interior of the vehicle windows or windshield.

21. A single, temporary, non-illuminated sign erected on a construction site which displays the name(s) of the construction contractor(s), sub-contractors(s), architects, engineers, building manufacturer, or similar entities directly involved in the construction/remodel of the building. An exempted contractor's sign shall not exceed twenty-four (24) square feet in sign area, and such sign shall not be displayed on the construction site for more than one hundred eighty (180) days or past the completion of construction, whichever is less.

22. One (1) sign which identifies a national indication of approved facilities, i.e. "AAA Approved Facilities", not exceeding two (2) square feet in sign area. Additional signs indicating national approvals are subject to all the provisions of this sign code.

23. Temporary Banners for Businesses:
    a. All temporary banners require a non-fee permit issued by the Clerk-Treasurer or other designated official of the Town of Silverton. Each permit must be obtained through an application process and each application must be received seventy-two (72) hours prior to the time of requested display of said banner.
    b. Each temporary banner permit shall be valid for a maximum of two (2) consecutive weeks and each business shall be allowed eight (8)

temporary banner permits per calendar year.

c. No temporary banner shall exceed forty-eight (48) square feet.

d. Each temporary banner shall be removed within seventy-two (72) hours immediately following the special event or holiday.

e. Section 7-2-19.D.1 "Off Premise Signs" shall apply to this section.

24. Political Signs: Signs eighteen (18) square feet or smaller may be displayed for up to sixty (60) days prior to the sponsored political event or election, and must be removed no more than seventy-two (72) hours following the event or election. Only one sign per candidate per lot is allowed and shall be placed on private property with permission.

D. Prohibited Signs. The following types of signs shall not be permitted in any zone:

1. Off-Premise Signs: Signs shall identify or advertise only the interests or business(es) conducted on the lot on which they are located, unless the Board of Trustees, following review and recommendation by the Planning Commission, determines that an off-premise sign is necessary to promote the interests of a use not occupying the same lot.

2. Non-Conforming Signs: New signs which do not meet all the applicable requirements of this ordinance shall be prohibited unless a variance for such sign has been granted. Non-conforming signs, legally existing at the time of adoption of this Article, may continue in use provided they are maintained in good repair and condition and are not altered so as to increase the degree of non-conformity with these regulations. If a non-conforming sign is damaged, destroyed, or removed from its current property location for any reason, it may be reconstructed in compliance with its non-conforming status provided such reconstruction occurs within one (1) calendar year of its destruction or removal from the subject

property. If the sign copy is modified or changed, a sign permit must be obtained prior to reconstructing the non-conforming sign.

3. Abandoned Signs: Any sign which is located on property which becomes vacant or is unoccupied for a period of twelve (12) months or more, or any sign which was erected for an occupant or business unrelated to the present occupant or business, or any sign which pertains to a time, event, or purpose which no longer exists or has passed, shall be determined to be abandoned, and no person shall maintain or permit to be maintained any such sign upon their property, building, structure or business. Any sign which has been determined to be abandoned must be removed by the property owner. If the owner fails to remove an abandoned sign, upon a hearing on the matter, the Town may cause the sign to be removed and charge the property owner all costs which are incurred in the sign removal. (eff. 11/24/96)
4. Portable Signs: No person shall park any vehicle or other mobile unit on the streets, alley or private property, which has attached thereto or suspended therefrom any advertising or sign unless otherwise permitted pursuant to Section C of this sign code.
5. No sign shall be located so that the safety of any moving vehicle might be impaired by obstructing the driver's vision, including any sign lighting which produces any glare or distraction for any passing motorists.
6. No sign with flashing or moving lights or any type of moving parts, excepting Christmas type decorative lights per section 7-2-19.C.11 of this code, shall be allowed.
7. No sign shall resemble or conflict with traffic signs or signals with regard to color, format, shape or other characteristics.
8. Any sign with exposed neon tubing, except "vacancy" or "no vacancy" type signs.
9. Searchlights.
10. Signs constructed of paper, cloth, canvas,

cardboard, wallboard, or other similar material.

11. Spinners, pendants, balloons, or streamers except as may be incorporated into a display allowed pursuant to Section 7-2-19.C.4 of this code or as allowed per section 7-2-19.C.21 of this code.
12. Signs painted on the roof of any building or structure.

E. Sign Standards.

1. Sign Materials: Exterior signs may not be constructed of paper, cloth, canvas, cardboard, wallboard, or other similar, non-durable material.
2. Structural Characteristics: The structural characteristics and the location of signs shall be restricted to the following:
    a. Free-standing signs shall be limited to one sign per tract and shall be subject to the total aggregate square footage limits set forth herein. Any free-standing sign which projects over any public pedestrian way shall be located a minimum of eight (8) feet and a maximum of twenty (20) feet above grade, and shall not extend more than six (6) feet over any public right-of-way. Any free-standing sign which does not project over a public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty (20) feet in height at its highest point above grade. No free-standing sign shall exceed forty (40) square feet in sign area, and such signs shall be subject to the total aggregate square footage limitations set forth for the property upon which it is located.
    b. Projecting signs shall be a minimum of eight (8) feet and a maximum of twenty (20) feet above grade when projecting over any public right-of-way, and shall not extend more than

six (6) feet over the public right-of-way. Any projecting sign which is not projecting over the public right-of-way shall not be subject to any minimum height requirement, but shall not exceed twenty feet (20) feet in height at its highest point above grade. No projecting sign shall exceed twenty (20) square feet in sign area, and such signs shall be subject to the total aggregate square footage limitations set forth for the buildings upon which it is located.

c. Wall signs shall not be higher than the eave line or parapet wall of the building on which they are located, and no sign part, including cut-out letters, shall extend more than twelve (12) inches from the building wall. Such signs shall be subject to the total aggregate square footage limits specified herein. No wall sign shall exceed forty (40) square feet in sign area.

d. Signboards shall be located off the public right-of-way and wholly within the property of the place of business. No business shall have more than one (1) signboard. Signboards shall not be greater than six-and-a-half (6.5) square feet in total sign area, and they shall conform to all other provisions of this Section 7-2-19. Such signs shall be subject to the total aggregate square footage limits specified herein.

e. Signs on Marquees; Signs affixed to or located on the posts or pillars supporting a marquee, or signs affixed to the eaves of the marquee,

are allowed provided they do not project above the eaves and such signs meet all the requirements of this section. Such signs are considered to be projecting signs, and they are to be included in the computation of the maximum aggregate allowable square footage of sign area for the building.

f. Signs on Awnings: No signs may be attached to or suspended from an awning; however, lettering on awnings is permitted, provided it meets all the requirements of this ordinance and is included in the computation of the maximum aggregate allowable square footage of sign area for the building. Signs on awnings shall be considered to be "wall signs" for the purpose of measuring and regulating the sign area.

3. Signs Permitted by District: Signs are permitted only in the B-A, B-P, E-D, and Public zoning districts. Any permitted signs must be in compliance with the following aggregate square footage limitations (see the definition of "sign area" in Section 7-2-5.62 of this code).

a. For the purposes of computing the maximum sign area allowable, "frontage" shall be defined as: That portion of a building in which a business or businesses are located which abuts upon or is adjacent to a public street, measured in a single straight line, and not including abutment onto an alley, nor including any surrounding property or yard area adjacent to the building, and not including any portion of the building used for some other purpose than business.

The total maximum sign area allowable, as determined by the method described herein, shall apply to the primary business located within that building as stated per the business license issued by the Town of Silverton. Each additional business, with a valid business license, in good standing issued by the Town of Silverton, located within the building shall increase the total allowable maximum sign area for said building by one and one-half (1 1/2) square feet so long as each business used to increase said sign area is included and advertised in the buildings signage. In the event that any business ceases to exist in said building, the sign area allowed shall revert to the allowable amount for the building and businesses remaining.

b. For those buildings having a frontage along a public street of one (1) through twenty-five (25) feet in length, the maximum aggregate sign area allowable shall be calculated at the rate of one and 2-tenths (1.2) square feet of sign area per lineal foot of building frontage.

c. For those buildings having a frontage along a public street from twenty-five (25) feet to fifty (50) feet, the maximum aggregate sign area allowable shall be calculated as thirty (30) square feet plus six-tenths (0.6) of a square foot of sign area per lineal foot of building frontage in excess of twenty-five (25) feet.

d. For those buildings having a

frontage along a public street in excess of fifty (50) feet in length, the maximum aggregate sign area allowable shall be calculated as forty-five (45) square feet plus three-tenths (0.3) of a square foot of sign area per lineal foot of building frontage in excess of fifty (50) feet, up to a maximum of eighty (80) square feet of aggregate sign area.

e. For those tracts of land which are developed for use but have no substantial buildings thereon (i.e. camper parks, miniature golf courses, commercial recreation areas, and similar uses), the maximum aggregate sign area shall be calculated at the rate of two-thousandths (0.002) of a square foot of sign area per square foot of tract area, up to a maximum of one hundred twenty (120) square feet of aggregate sign area. No one sign may exceed the size limitations specified for each type of sign.

f. The aggregate sign area square footage allowance may include any desired combination of sign styles and types, but in no event shall any sign, or combination of all signs on a building be greater than the maximum aggregate sign area computed using the above restrictions. The applicant may utilize the sign area formula which allows the greatest aggregate sign area for the building and/or business(es).

g. Buildings or businesses which have no actual frontage on a public street because other buildings or businesses on the same lot capture

the allowed frontage shall be entitled to erect signage at the building's location which is equal to the signage allowed if they did have actual street frontage. If the occupant of the back-lying building or business desires to erect signage on the actual street frontage, then the allowed signage must be within the aggregate limits calculated for the actual street frontage. The owner of any building or property which houses multiple businesses may develop a signage plan for their property which specifies the sign area allowed to each individual business operating from the premises, provided that the aggregate sign area allowed under the plan shall not exceed the building's aggregate sign area allowed under this code, and after such plan is approved by the Town's administration office, said plan shall be followed by the Town in implementing this sign code thereafter or until the plan is revised by the property owner. If there is no approved signage plan for any given property, the Town shall approve or disapprove sign permit applications on a first-in-time basis up to the building's allowed aggregate sign area. If there is no aggregate sign area available at the time an application is submitted for review and approval, the Town shall deny the application and the applicant shall be referred to the property owner to resolve the problem. The fact that the aggregate sign area is fully allocated

to other businesses on the premises shall not be grounds for seeking a variance from the provisions of this sign code.

h. Signs identifying a "shopping center" or "building" name (i.e. "Old Town Square") are allowed in addition to all other signage at a business location provided that such signage does not exceed two-thousandths (0.002) of a square foot of sign area per square foot of land area, only the "shopping center" or "building" name is written thereon, and all other provisions of this sign code are complied with. (amended 11/24/96)

(7-2-19 Amended and Adopted 8/22/2011)

7-2-20 **<u>General Conditions in a "Limited" Overlay District</u>**

A. Conditions and performance standards limiting the conduct of permitted uses may be required in any specified zone or portion thereof where necessary to achieve compatibility of development with surrounding properties or to promote commercial, business, or industrial development. Any zone or portion thereof which such conditions and standards are to be required shall be established by ordinance and identified on the zoning map by the suffix "L" attached to its zone designation (i.e. B-P-L, B-A-L; and E-D-L), and shall be referred to as a "Limited" Overlay Zone. Hereafter, uses in any zone or portion thereof having the suffix "L" shall be limited and conducted in accordance with the following conditions and performances standards:

1. Screening Activities - All processing and storage (including storage of waste material) shall be conducted wholly within a building or shall be screened from view from surrounding properties in any residential, business, public, or other "limited" overlay business or "limited" overlay economic development zones. All off-street loading areas shall be located wholly within a building or shall be screened from view from surrounding properties in residential zones unless otherwise permitted in the granting of the "limited" overlay zone designation.
2. Noises, etc. - All noise, vibration, dust, odor, or

other objectionable factors involved in any activity shall be confined or reduced so as to not be unduly detrimental to surrounding properties nor infringe upon the right of residents in residential zones adjoining the "limited" zone to enjoy a peaceful occupancy of their homes.

3. Landscaping
    a) Appropriate landscaping, including trees and shrubs, may be required in order to blend the permitted use with the surrounding neighborhood. If required, all landscaping shall be installed and maintained in accordance with approved landscape plans.
    b) If required, all portions of the property lying between the building and the front and side property lines shall be landscaped. Where the side or rear of a non-residential building faces a residential zone across a street, the landscaping may include plants and trees of sufficient height and density to effectively screen the building from such properties.
    c) If required, where the parcel adjoins the side property line of a lot in a residential zone, there shall be provided suitable landscaping sufficient to screen non-residential buildings and use areas from adjoining residential properties. If an approved building appears to be a residential building in its design and construction, and the parcel appears to be residential in its development and use, the parcel may be landscaped to blend with the adjoining residential properties and need not be fully screened from adjoining properties.
4. Lighting - All display and floodlighting shall be so

constructed and used so as not to unduly illuminate any adjacent residential zone nor create a traffic hazard. All glare-producing processes shall be conducted so as not to be visible beyond the property lines.

5. Signs - Signs shall comply with the regulations of the "limited" overlay zone where located and, in addition, the Town Board may limit the size, illumination, location, height, and design of signs to that which it deems will not be detrimental to properties surrounding the "limited" overlay zone district.
6. Off-Street Parking and Loading - The Town Board may require off-street parking and loading areas as a condition of granting the "limited" overlay zone designation. All off-street parking and loading areas and driveways thereto shall be constructed and maintained in a suitable condition and in accordance with approved plans.
7. Minimum Setbacks - All buildings shall at a minimum comply with the setback requirements of the underlying zone where located. The Town Board may require additional setback distances from adjoining properties in order to mitigate any potential adverse impacts to such properties including bulk and height considerations.
8. Planned Unit Development - In any "limited" overlay zone, the Town Board may accept and prescribe conditions by plans and written agreement governing the use of property in said zone where such conditions are in the best public interest and necessary to assure compatibility of land uses or orderly planned development of specified arrangement and type. Plans and agreements for such proposed planned development may be proposed and filed by the owners of the property being rezoned. When a plan and agreement is proposed for a specified development and the design of the proposed development is of appropriate character so as to protect the surrounding neighborhood and adjoining properties from adverse development

and land use impacts, the Town Board may accept said planned development in lieu of compliance with the regulations of the underlying zone where located and approve the same in the granting of rezoning request in accordance with the filed approved plan and agreement. Said plans and agreement may include (but shall not be limited to) provisions for site layout, traffic movement, exterior building appearance, signs, landscaping, building setbacks, height, lot area requirements, provisions for additional street and utility improvements necessitated by the proposed development, appropriate time limits for accomplishment, and the specification of types of uses to be allowed therein. Said agreement shall be notarized and shall be filed together with the plan with the Town.

9. Other Standards as Warranted - In approving a "limited" overlay zone designation on any land, the Town Board may add such standards and conditions as it may deem necessary to adequately protect properties in and surrounding the specific parcel(s) being rezoned, including a time limit for the commencing of the use of the property as authorized by the rezoning. Ninety days after said time limit has expired without the commencement of the approved use, the land shall automatically, without further public hearing, be returned to its previous zoning classification before the "limited" overlay zone designation was granted unless an extension of said time limit is authorized by the Town Board. If the approved use is discontinued for a period exceeding one year, the land shall automatically, without further public hearing, be returned to its previous zoning classification before the "limited" overlay zone designation was granted unless an extension of time beyond the one year limit is authorized by the Town Board prior to expiration of the time period.

7-2-21 **<u>Historic Overlay District</u>**

A. Boundaries: The boundaries of the historic district are shown on the historic preservation overlay district map, which is hereby made an

official part of this Ordinance. An official copy of the historic overlay district map is on file in the office of the town clerk.

B. Expansion of District: The historic overlay district can be expanded to include adjacent properties equaling no less than 30,000 continuous square feet upon the receipt of a signed petition of at least 60% of property owners within the expansion area. Public rights-of-way shall not be calculated in this square footage requirement and are not considered an interruption of contiguity. Such a petition shall be submitted to the Planning Commission for recommendation to the Town Board of Trustees.

C. Development in the Historic Overlay District

1. Procedure: Six copies of a site and building plan, including a detailed elevation (minor exterior modifications may require less detailed elevations) showing the proposed structure and adjacent structures, shall be submitted to the Planning Office for review by the Historic Review Committee. The committee must convene and render a decision within thirty (30) calendar days of a complete submittal. After reviewing the submittal, the committee shall approve as submitted, approve with conditions, table for additional review with the applicant's consent, or deny the application. Failure to render one of these decisions within thirty (30) calendar days shall result in the request being automatically approved. The approval of the committee is required for the issuance of a new construction or exterior renovation building permit within the historic overlay zone. Decisions may be appealed to the Silverton Town Board of Trustees by the applicant or the Town Planning Department by filing a written appeal within 15 calendar days of the Committee's decision with the Town Clerk.
2. Intent: It is the intent of these standards to preserve the historic character of Silverton's core downtown district. Decisions will be made based on the standards set forth in these regulations and based on the proposed structure's compatibility with nearby historic buildings. Applicants and their architects are strongly encouraged to consult "Preserving Silverton: A Guide to Silverton's Historic Style," available in the office of town planning, for specific ideas and techniques that can be used to meet these standards.
3. Historic Review Committee: A historic review committee shall be formed for the purpose of reviewing all proposed structures in the historic district for conformance with these standards. The review committee shall be comprised of five members as

follows: one (1) member from the Silverton Town Board, one (1) member from the San Juan County Historic Impact Assessment Review Committee, two (2) owners of property within the historic district, and one (1) at-large year-round resident of Silverton. All members shall be appointed by the Silverton Town Board of Trustees for a period of two years, however, the terms of office shall be staggered by making the appointments so that approximately one third of the member's terms expire each year. A member may be reappointed for successive terms. Members shall be chosen only after adequate solicitation of applications published in the local newspaper.

4. Applicability and Permitting: The standards and review procedure in this section apply to new construction and to any facade or exterior building alterations on existing structures viewable to the public, excluding items of routine maintenance. Compliance with this Section is a condition precedent to receipt of a building permit for construction within the historic district. Construction without a building permit is subject to fines and a stoppage of work as specified in the building codes adopted by the Town of Silverton.
5. Special exemptions granted by the Historic Review Committee: In such a case when conformance with section 5 of this ordinance would result in the loss or substantial degradation of a historic structure that is a historic landmark or certified as a contributing structure by the State Historic Preservation Officer, the Historic Review Committee may grant exemptions to certain requirements. Any exemptions granted shall be specifically listed and justified in a letter that shall forever remain with the granted building permit.
6. District Requirements:
    a. Setbacks. Buildings shall abut the front property line. Building facades may be recessed if an arcade or similar structure abuts the front setback. Architectural projections including cornices, balconies, canopies, awnings and entry features may encroach into public rights-of-way where contextually appropriate, subject to permits as required by Silverton Town Codes.

        Exception, existing structures: Structures existing on September 8, 2008, the date of the passage of this ordinance, may maintain but not increase

setbacks at the time of renovation or structural alteration.

b. Structure Use and Character. Commercial uses shall be contained in one to three story mixed-use structures with commercial/retail uses on the ground level and above and/or apartment dwellings or offices on the upper levels. Such buildings shall vary in terms of footprint and architectural elevations. Building scale shall be compatible with adjacent buildings. The maximum ground level footprint of any building shall be five thousand (5000) square feet and the maximum height forty (40) feet.

Special Condition, Single Story Structures. Single story structures need not be mixed-use.

Special Condition, Residential Structures. Residential structures shall be one to three stories and compatible with adjacent structures and the historic district overall. For the aesthetics of the historic district, the use of a structure is irrelevant and does not justify any exemption from these regulations.

c. Facade Treatments. Large buildings shall be articulated or designed to resemble the character and scale of the original buildings in that district, with each storefront twenty-five (25) feet wide or less. Elements that should be consistent with the district and adjacent buildings include kick plates, plate glass commercial windows, vertically-oriented window treatment, window head and sill details, oriel window, paneled entry doors with transom above, columns with bases and capitals, belt course elements, quality of materials and craftsmanship, sidelights, storefront cornice (dentals, brackets, corbels), upper cornice and parapet detail (corbelled treatments), and signage. Refer to Section 7-2- 21(C)7, "Design Vocabulary," for examples of architecture that is encouraged by this Section.

d. Entries. On the first floor, entries shall incorporate glass doors and large, vertically oriented store front windows. Entry doors shall be recessed.

e. Windows. On all stories, windows shall be vertically-oriented and organized in a symmetrical, balanced, and regular pattern.

f. Awnings/Canopies. Awnings or canopies over the public right of way are permitted.

g. Screening. All air conditioning units, HVAC systems, exhaust pipes or stacks, elevator housing and satellite dishes and other telecommunications receiving devices shall be screened from street-front view.

h. Blank Walls. Where publicly viewable and compliant with adopted building codes, blank, windowless walls are prohibited.

ARTICLE 3
(This article is left blank for future additions)

ARTICLE 4
SUBDIVISION REGULATIONS

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7-4-1 **Purpose** The following regulations have been prepared and enacted in accordance with Chapter 31, Article 23, of the Colorado Revised Statutes, 1973, for the purpose of promoting the health, safety, and general welfare of the present and future inhabitants of the Town of Silverton, Colorado, hereinafter referred to as the Town. All fines and penalties area in conformance with the

above article.
To these ends such regulations are intended to assure efficient circulation, adequate improvements, sufficient open space and basic order in subdivision design by providing for the proper arrangements of streets in relation to other existing or planned streets; for adequate and convenient open spaces for traffic circulation, utilities, emergency access, recreation and light and air; for the avoidance of population congestion; and for the establishment of standards for the design and construction of improvements herein required.

7-4-2 **Applicability of Regulations**

A. Control - These regulations shall be held to be minimum requirements and shall apply to all subdivisions of land within the jurisdiction of the Town of Silverton. Any and all such subdivisions shall be submitted in the form of plats or plans to the Silverton Town Board and the San Juan Regional Planning Commission hereinafter referred to as the planning commission. It shall be always the case hereunder that the Silverton Town Board shall have the ultimate authority to approve or disapprove all provisions hereunder. The dedication to public use of any street, utility system, or site shall also be governed by these regulations. No final plat on a subdivision shall be approved and accepted by the Town Board unless it conforms to this ordinance.

B. Jurisdiction - The territory within which these regulations are applicable shall include all land located within the legal boundaries of the Town, and all land, and all land located within three miles of the corporate limits of the Town and not located in any other municipality for the purpose of control with reference to the plan for major streets only.

C. Fees:

1. There shall be required a non-refundable fee for each plan and plat submitted for review or approval. The fees shall be paid at the time of submission of such plans or plats for review by the Town staff, the Planning Commission or the Town Board and shall be deposited to the General Fund of the Town of Silverton. The fees required to process a subdivision application shall be established from time to time by the Town of Silverton Board of Trustees through a separate resolution.
(amended April 11, 2005)

2. Related Charges - Other fees, assessments or

charges involved in or associated with application for approval of a subdivision falling under the jurisdiction of the Town of Silverton shall include, but not necessarily be limited to, the following:

a) Parks, Recreation and Public Facilities: Should the subdivider or developer be permitted the option of paying a cash fee in lieu of dedication of land for parks, recreation or public facilities, such fee shall be governed by the provisions of 7-4-7(A)(2), with said fee to paid prior to approval of the final plat by the Board of Trustees. Such receipts shall be deposited to a separate Town fund and used only for the acquisition or improvement of land for public park and recreation areas, or other public facilities.

b) Appraisers - Should the subdivider or developer be permitted the option under 7-4-7 (A)(2) of paying 10% of the gross land area value as an alternative to dedication of land for parks, recreation or public facilities, said subdivider or developer shall pay one-half (1/2) the total cost of the services of the appraiser called in for that section, with payment to be deposited to the General Fund of the Town of Silverton prior to approval of the final plat by the Board of Trustees.

c) Water and Sewer Service Extensions - Extension of their municipal water and sewer services to serve every existing or proposed structure in any subdivision within or seeking to be annexed to the Town of Silverton shall be mandatory. Fees and procedures for such municipal utility

extensions and services shall be governed by Chapter 9 of this code, and shall be payable as provided therein.

d) Consultants - Cost of consultants hired by the Town of Silverton at the direction of the Board of Trustees to review proposed developments shall be paid by the subdivider or developer. Said consultants may include, but not limited to, architects, engineers or contractors hired to review plans and specifications, inspect buildings and public improvements, or perform whatever site analysis is deemed necessary by Town Officials.

e) Emergency Clause - This ordinance is necessary for the immediate preservation of the public peace, health, safety and welfare. (amended 05/17/80)

7-4-3 **Procedures** The following procedures shall be followed in the consideration of applications for approval of a subdivision:

A. Pre-Application Procedure:

1. Prior to the filing of application for approval of a Preliminary Plat, the subdivider shall submit to the Town Board an Outline Development Plan as specified in Section 7-4-4 (A). This procedure shall not require formal application, fee or filing of plat with Town Board.
2. Subsequent to this review by the Town Board, the Outline Development Plan shall be referred to the Planning Commission for immediate review.
3. The Planning Commission shall review the Outline Development Plan to determine its general acceptability and compliance with the objectives and standards of these regulations, and shall hold conference with the subdivider to discuss desirable modifications of the plan.

B. Conditional Approval of Preliminary Plat

1. Upon formal application the subdivider shall submit to the Planning Commission eleven (11) copies of a preliminary Plat, together with supplementary material as specified in Section 7-4-4 (B). The Preliminary Plat shall be submitted together with written application for conditional approval at least 20 days prior to the Planning Commission meeting at which it is to be consider. Payment of fees specified in 7-4-2 (C)(1)(a) shall be made at this time.
2. Upon receipt of the Preliminary Plat the Planning Commission shall transmit copies to public agencies having jurisdiction of interest, and utility companies, who shall examine the plan and report their recommendations thereon to the Planning Commission.
3. The Planning Commission shall review the preliminary plat for compliance with these regulations and negotiate with the subdivider on the type and extent of improvements to be installed and on modification deemed advisable.
4. Within 40 days following submittal, the Planning Commission shall inform the subdivider of its approval or disapproval, stating the conditions of approval, if any, or if disapproved, stating the reasons therefor. Any conditions must be met before submittal of Final Plat.

C. Approval of Final Plat

1. A Final Plat, containing the information specified in Section 7-4-4 (C), shall be submitted by the Town Board to the Planning Commission within 12 months after approval of the Preliminary Plat; otherwise such approval shall become null and void unless an extension of time is applied for and granted by the Town Board. Payment of fees specified in 7-4-2 (C)(1)(b) and (c) shall be made at this time.
2. The Final Plat as submitted shall conform substantially with the Preliminary Plat as approved, and may constitute only that portion of the approved Preliminary Plat which the subdivider proposed to record and develop at the time.

Submission of the Final Plat shall take place at least 20 days prior to the Planning Commission meeting at which it is to be considered and notice of such hearing shall be published at least five (5) days prior to such hearing at the subdivider's expense.

3. Following review, the Planning Commission shall act to approve or disapprove the Final Plat, and send its recommendations to the Town Board for its approval or disapproval of the Final Plat. If the Plat is disapproved the reasons therefor shall be stated in writing and a copy furnished to the subdivider. Only upon approval and recording of the final plat with the County Clerk and Recorder, shall the Town issue building permits for structures within the subdivision.
4. The Planning Commission shall approve or disapprove the Final Plat within 40 days after submission of said Final Plat for approval, and failure of the Commission to formally act within said time shall constitute approval of the Final Plat as submitted, the Town Board shall approve or disapprove the Final Plat within 20 days after its submission with recommendations from the Planning Commission, or after such default, and failure of the Board to formally act within said time shall constitute approval of the Final Plat as submitted to the Planning Commission.
5. The subdivider or developer, within ten (10) days following approval of the Final Plat by the Town Board, shall file said Final Plat in the office of the County Clerk and Recorder for San Juan County; otherwise, the approving action of the Town Board shall be deemed withdrawn. There shall be no sales, agreements to sell, leases, or rentals of a subdivision until the Final Plat has been duly recorded.

D. Resubdivision Procedure

The following procedure shall be followed in the consideration of applications for resubdividing lands situated within existing, platted subdivisions where less than five (5) acres of land is involved in the resubdivision and the subdivider is not increasing the number of lots within the area being resubdivided.

1. The Subdivider shall submit eleven (11) copies of an Outline Development Plan, as defined in Section 7-4-4 (A) of the subdivision regulations, to the Town. The Subdivider shall pay a non-refundable review fee to the Town in the amount of one hundred and no/100 dollars ($100.00). The Town shall review the Outline Development Plan for compliance with the requirements of Section 7-4-4 (A), and upon a finding that all required information and review fees have been properly submitted by the Subdivider, the Town shall forward the Outline Development Plan to the San Juan Regional Planning Commission for its review, consideration, and recommendation concerning approval, conditional approval, or disapproval of the application.
2. The Planning Commission shall review the Outline Development Plan to determine its general acceptability and compliance with the objective and standards of the Town's Subdivision Regulations; the Commission shall hold a public hearing on the proposed subdivision to receive public comment concerning the application; and the Commission shall make written recommendations to the Town Board. The Planning Commission shall give at least fifteen (15) days notice of public hearing by publication in a newspaper having general circulation in the Town.
3. After receipt of the Planning Commission's recommendations, the Town Board shall finalize its review of the proposed subdivision and render its decision concerning approval, conditional approval, or disapproval of the subdivision application. Such approval shall be binding for a period of one (1) year from the date of preliminary approval; the subdivider may petition the Board for an extension of the preliminary approval period for one (1) additional year, and the Board may grant an extension, but no more than one (1) extension shall be allowed.
4. Unless it is determined during the review of the Outline Development Plan that a Preliminary Plat is

necessary, the requirement for review of a preliminary plat shall be waived. In the event that preliminary plat review is required, you (the subdivider) will need to provide eleven (11) copies of the preliminary plat, as defined in Section 7-4-4 (E) of the subdivision regulations, to the Town for review and approval prior to proceeding with the final plat review process; however, the Town will waive the requirement for payment of preliminary plat review fees.

5. A final plat must be submitted to the Town for review and approval prior to the termination of the preliminary approval period. Final plat review procedures shall be as specified in Section 7-4-3 (C) of the Town Code, excepting that no public hearing shall be required.
6. The Town shall approve, conditionally approve, or deny preliminary approval of the Outline Development Plan within forty-five (45) days from the date the Planning Commission officially receives the Outline Development Plan for review purposes.

7-4-4 **Plats and Supporting Data** The Following specifications shall be followed in the submission of subdivision materials approval:

A. Outline Development Plan and Data - The Outline Development Plan and Data shall contain the following information presented in generalized and schematic form:

1. Location Map - The location map shall be prepared on a published sheet map or zoning map and shall indicate clearly the relationship of the proposed subdivision to the surrounding area within one-quarter (1/4) mile of the subdivision's boundaries. The map shall show existing development including all streets, public sewers, public water supply, and storm drainage system, and zoning on and adjacent to the tract. The location map shall include a title, scale, total acreage of the tract, north arrow and date. (scale not less than 1"=600')
2. Sketch Plan - The sketch plan may be a free-hand drawing at suitable and specified scale (not less than 1" = 200') in a legible medium, and shall

clearly show the following: the proposed name of the subdivision; date of preparation; north arrow; the proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site; the proposed location and extent of major open surfaces and public sites; general locations of utilities, easements and installations; proposed land uses; and indication of building types, with approximate location of major buildings exclusive of single family residential dwellings.

3. General Development Information - This information shall describe or outline the existing conditions of the site and proposed development as necessary to supplement the drawings required in subsections 1 and 2 above, and shall include information on existing covenants and land characteristics, and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, price range or lots and dwelling units, proposed utilities and street improvements.

B. Preliminary Plat and Data

1. The Preliminary Plat may be drawn with scaled dimensions and need not be an engineering drawing with calculations or dimensions and survey closures. The Preliminary Plat shall be prepared at a scale of not less than 1"=100', and shall show all existing conditions required in 7-4-4(A), "Outline Development Plan and Data", and shall contain all information including but not limited to that required below:

a) Outer boundary lines of the tract by reference to a permanent survey monument.

b) Location and dimensions of all existing streets, alleys, utility easements, drainage areas, irrigation ditches and laterals and all other significant features.

c) Proposed streets on and adjacent to the tract; name, right-of-way width

and location; type, width and elevation of surfacing; cut and fill requirements; curbs and gutters, sidewalks, culverts and bridges.

d) Lot lines, lot numbers and block numbers.

e) Location, dimensions and purpose of all other proposed easements and rights-of-way to be reserved or dedicated for public use, such as schools, parks, playgrounds, or open space, or of all facilities or open space to be commonly held or maintained.

f) Location acreage of sites, if any, for multi-family dwellings, shopping centers, community facilities, industry or other use exclusive of single-family dwellings.

g) Site data, including gross acreage of the subdivision, number of residential lots, and lot size of each lot or parcel.

h) Name of proposed subdivisions; names and addresses of owners, subdividers, designers and engineers; date; scale; north arrow; and legal description of tract.

i) Location and dimension of all driveways and off-street parking spaces except for single-family uses.

j) Proposed placement, orientation and spacing of any mobile units, if applicable.

2. Drainage Plan shall be submitted along with the Preliminary Plat and shall show all information including but not limited to that required below:

a) A topographic map of ground elevations on the tract based on the United States Geological Survey datum plane or an approved datum plane by the Planning Commission

showing contours at two (2) feet intervals, and showing the outer boundary lines of the tract.

b) Map showing the method of moving runoff water through the subdivision. The map should show runoff concentrations in acres of drainage area on each street entering each intersection. (This may be combined with the topographic map) Flow arrows should clearly show the complete run-off flow pattern at each intersection. For storm drainage facilities not on or adjacent to the tract, indicate the direction and distance to, size and invert elevation or nearest extension of such utilities.

c) Snow removal patterns and any major snow storage areas, and the relationship to the drainage patterns.

3. Utilities Plan Showing:

a) Location and size of existing utilities within and adjacent to the subdivision, including water, sewer, electricity and telephone.

b) Proposed utility system including water mains, fire hydrants, sewers, other utility mains or routes (electricity, telephone) and any other services that shall supply the subdivision. All utilities must be constructed within approved easements.

c) Letter of commitment from Town Street and Water Superintendent and data as may be required to show the capability of the municipality to provide water, sewer, and fire protection.

d) Utility clearance record showing

approval by utility companies that service can be provided.

4. Supplemental Data:
   a) Subsurface conditions on the tract: Location and results of tests to ascertain subsurface soil, rock and ground-water conditions.
   b) Other significant conditions existing on the tract, including, but not limited to, watercourses, marshes, rock outcrops, and major rock formations, groves of trees, major vegetation categories, potential geologic hazard and existing buildings.
   c) Other data or conditions on immediately adjacent land, including but not limited to names and addresses of adjoining property owners or administering agencies on all sides; approximate direction and gradient of ground slope, including any embankments; character and location of buildings, power lines, railroad or common carrier facilities, towers and other nearby land uses or possible adverse influences; and analysis of wildfire hazard potential, influences on wild life and relationship to known historic or archaeological sites of value.
   d) Draft or proposed covenants whereby the subdivider proposed to regulate land use in the subdivision and otherwise protect the proposed development.
   e) Such additional information as may be required by the Planning Commission in order to determine that the subdivision can be constructed without adverse effect on the surrounding area, and by

reason of its location or design, will not cast an undue burden on public utilities and community facilities, or create unsafe or hazardous conditions.

f) Application for rezoning, if required for the development of the subdivision.

g) Petition for annexation, if applicable and not previously submitted.

C. Final Plat and Data

1. Final Plat - The Final Plat shall be an engineering drawing prepared to normal engineering tolerances of accuracy with calculated rather than scale dimensions. The exterior lines of the Final Plat shall join or close. The Plat shall be drawn in permanent ink on a reproducible linen or Mylar with outer dimensions of 24 inches by 36 inches and shall be a scale of 1" = 100'. The Final Plat may constitute the entire approved Preliminary Plat or any logical portion of the approved Preliminary Plat proposed for immediate recording. The Final Plat shall conform to the approved Preliminary Plat and shall include all changes and additions as required by the Planning Commission and shall show the following:

a) Primary control points, or descriptions, and "ties" to such control points to which all dimensions, angles, bearings and similar data on the plat shall be referred, to include at least one permanent survey monument.

b) Tract Boundary Lines: right-of-way lines of streets, easements and other rights-of-way; property lines of residential lots and other sites, with accurate dimensions, bearing, or deflection angles, and radii, arcs and central angles of all curves. All dimensions, both linear and angular, shall be determined by an accurate

control survey in the field which must balance and close within a limit of one in ten thousand. (no final plat showing plus or minus dimensions will be approved.)

c) Total acreage and surveyed legal description of the subdivision, and area of each lot or parcel of land.

d) Name and right-of-way width of each street or other right-of-way.

e) Location, dimensions and purpose of any easements.

f) Number to identify each block, lot and/or site.

g) Purpose for which sites, other than residential lots, are dedicated or reserved.

h) Location and description of all monuments both found and set.

i) Names of record of owners of all adjoining unplatted land.

j) Reference to recorded subdivision plats of adjoining platted land by record name, date, and number.

k) Signature and seal of land surveyor registered in the State of Colorado certifying to accuracy of survey and plat, including a statement explaining how bearings, if used, were determined.

l) Signature block for certification of approval by the Planning Commission and Mayor.

m) Certification of title showing that the applicant is the land owner.

n) Statement by the subdivider dedicating streets, rights-of-way, easements and public sites. A warranty deed to the Town of Silverton shall be required for conveyance of any public lands other than streets.

o) Title under which the subdivision is to be recorded, scale, north arrow and date.

2. Additional Documentation - Other documents required at the time of submission of the Final Plat shall be:

a) Complete engineering plans and specifications for all public facilities to be installed, including water and sewer utilities, streets and related improvements, bridges, and storm drainage.

b) Agreements made with ditch companies when needed.

c) Clearance record showing approval by the Colorado Health Department and utility companies.

d) A financial statement, a copy of which shall be available for public inspection at Town Hall and shall include:

(1) Name and address of each person having an interest in the subdivision or development and the extent of such interest.

(2) A statement of the condition of the title to the land comprising the subdivision or development, including all encumbrances and deed restrictions and covenants applicable thereto.

(3) A statement of general terms and conditions, including the range of selling prices or rents, at which it is proposed to dispose of lots, dwellings or structure.

(4) In the case of a subdivision, development or portion thereof against which there exists a blanket encumbrance, a statement of the consequences for an individual purchaser of a failure, by the person

or persons bound, to fulfill obligations under the instrument or instruments creating such encumbrances and the steps, if any, taken to protect the purchase in such eventuality.

(5) Copies of all forms of conveyance to be used in selling or leasing lots, dwellings or structures.

(6) Such certified and uncertified financial statements of the developer as the Planning Commission and the Town Board may require, and such other information, documents, and certifications as the Commission and Board may require as being reasonable, necessary or appropriate for the protection of consumers.

e) A performance bond drawn and posted in favor of the Town, which bond shall be of sufficient amount to assure completion of all required improvements, as further defined in 7-4-6(A).

f) Protective covenants in form for recording.

g) Such other certificates, affidavit, endorsements, or deductions as may be required by the Planning Commission or Town Board in the enforcement of these regulations, particularly with reference to the requirements of 7-4-6 (C).

7-4-5 **Design Standards** The following design standards shall apply to consideration and approval of subdivisions:

A. General Site Considerations

1. A proposed subdivision shall be in general compliance with respect to adequate dedication and/or reservation of major street rights-of-way,

major utility easements and open spaces for schools and recreation areas.

2. A proposed subdivision shall not, by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities is necessary, the subdivider shall make provision to off-set higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to difference between anticipated public costs of installation, operation and maintenance and anticipated public revenue derived form the fully developed subdivision in determining added net public cost.
3. No land shall be subdivided in areas where soil, subsoil, geologic hazards, avalanches, or flooding conditions are potential danger to health and safety.
4. Drainage areas wherever possible shall be left in a natural state, and no encroachment shall be made on the natural channel. Multiple use of drainage and park facilities as, for example, through use of retention ponds, is encourage. A plan to prevent water pollution shall be submitted and adhered to wherever any modification of topography is required during construction within 100 feet of any stream, ditch or drainage channel. Said plan must meet all specifications set forth under State and Federal laws and subdivider must provide written approval of such plans by all applicable state and federal agencies prior to final approval.
5. Provision shall be made to preserve groves of trees, streams, unusually attractive topography, and other desirable natural landscape features. Provision shall be made for the perpetual maintenance of such features through probate covenants or other means acceptable to the Planning Commission and the Town Board.
6. A proposed subdivision shall be designed in such manner as to be coordinated with adjoining

subdivisions and developed areas with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces and street naming.

B. Streets

1. Arrangements of Streets

a) The arrangement, extent, width, type and location of all streets shall be designed in relation to existing or planned streets to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served.

b) Local streets shall be arranged so that their use by through-traffic will be discouraged.

c) State or Federal highways shall not be intersected by local streets. Collector streets shall not intersect arterial streets at intervals of less than 1320 feet.

d) Streets shall be extended to the boundaries of the property, except where such extension is prevented by topography or other physical conditions, or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties.

e) Where future extension of a street is anticipated, a temporary turn-around having a minimum outside diameter of 80 feet shall be provided.

2. Closed-End Streets

a) The maximum allowable length of closed-end streets in a single- family residential and multi-family residential development shall be 600 feet.

b) Closed-end streets shall be provided

with circular turn-arounds having a minimum outside right-of-way diameter of 120 feet, and a minimum pavement diameter of 90 feet.

3. Intersections
   a) Streets will intersect as nearly as possible at right angles. Intersecting center lines of streets should be within twenty (20) degrees of the perpendicular for a distance extending at least 100 feet in each direction from a street intersection if the primary standard cannot be met.
   b) Right-angle street intersections shall be rounded with a minimum radius of twelve (12) feet at the intersection of local and collector streets, and a minimum radius of twenty-five (25) feet at the intersections of collector and arterial streets, or arterial streets and highways.
   c) If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve with a radius acceptable to the Planning Commission and Town Board.
4. Half-Streets - The dedication of a half-street shall not be accepted unless:
   a) The subdivider obtains for the Town a dedication from the abutting landowner of the other one-half of the street, and;
   b) The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the Town which guarantees the cost of the improvements and construction of the same on the half-street within a time suitable to the Town, and;

c) The subdivider guarantees the construction of the improvements on the half-street which he is dedicating.

5. Perimeter Streets - When the plan dedicates a street which ends on the plat or is on the perimeter of the plat, the subdivider shall convey the last foot of the street on the terminal end or outside border of the plat to the Town in fee simple and such shall be designated as "outlot(s)"; the Town shall designate the same to public use for public road and access purposes when, within is sole and absolute discretion, it deems advisable.

6. Right-of-way, Pavement, and Sidewalk Widths - Minimum widths in feet, by street, type, for each item shall be:

TYPE	RIGHT-OF-WAY	PAVEMENT	SIDEWALK
Arterial	100	48(divided)	5
Collector	80	40*	5
Local-named	100	36*	4
Local-numbered	80	36*	4
Alley	20	15	-

* Measured from flow line of gutter to flow line of gutter

7. Horizontal Alignment

a) Where street center lines deflect from each other at any point by more than 15 degrees, they shall be connected by horizontal curves having minimum radii as follows:

Local Streets	100 feet
Collector Streets	200 feet
Arterial Streets	400 feet

b) A tangent not less than 100 feet long shall be provided between reverse curves on collector and arterial streets.

c) Cross streets which cannot be directly aligned at any intersections shall be separated by a horizontal offset of not less than 125 feet

between center-lines provided that this requirement shall not apply to the alignment of short, opposing, closed-end streets.

8. Vertical Alignment
   a) No vertical grade shall be less than 0.2% in order to facilitate adequate drainage.
   b) Maximum percent of street grade, except as provided in 7-4-5 (B)(8)(c) and (d), shall be:

Local Streets	8%
Collector Streets	7%
Arterial Streets	5%

   c) Where a horizontal curve occurs on a grade of over five percent, the maximum allowable percent of grade on the curve shall be reduced by 0.5% of each 50 feet that the curve radius is less than 400 feet.
   d) Street grades shall not exceed 4.0% for a distance extending at least forty feet in each direction from a street intersection.
9. Street Names - names of new streets shall not duplicate names of existing streets, provided that new street which are extensions of, or which are in alignment with, existing or platted streets shall bear the names or numbers of such streets.
10. Visibility Requirements:
   a) Minimum forward sight distance of one hundred (100) feet will be maintained throughout the vertical and horizontal alignment, measured from a point four (4) feet above the centerline to a point one and a half (1 1/2) feet above the centerline.
   b) No substantial impediment to visibility shall be created or maintained above the height of three feet at street intersections within a triangular area described as

follows: Beginning at the point of intersection of the edges of the driving surface, then to points twenty-five (25) feet along both intersecting edges, and then along a transverse line connecting those points.

11. Alleys - Alleys for residential subdivisions will be discouraged unless they are a necessary feature to continue an existing pattern, to provide essentially needed access or property service entrances, and are not in conflict with design amenities of the subdivision.

C. Utilities Easements

1. Where necessary for installation and/or maintenance of utility systems, easements of at least 10 feet in width shall be reserved along rear lot lines of each lot, or at other locations which will not interfere with the siting of buildings.
2. Where a subdivision is traversed by a water course, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such water course, and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from one-hundred (100) year frequency storm.
3. In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems.

D. Blocks

1. The lengths, widths and shapes of blocks shall be determined with due regard to the following:
    a) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
    b) Requirements of the zoning ordinance as to lot sizes and dimensions.
    c) Needs for convenient access and control and safety for vehicular and

pedestrian traffic circulation.

d) Limitations and opportunities of topography.

2. Maximum block length between intersection streets shall be 1,500 feet.

E. Lots

1. Lot size, width, depth, shape and orientation and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of building with sufficient access, outdoor space, privacy and view.
2. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping, and loading areas required by the type of use and development contemplated.
3. Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
4. Each lot shall be provided with satisfactory access to an existing public street.
5. Double frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties from arterial streets or commercial uses, or to overcome specific disadvantages of topography and orientation.
6. A statement dissolving right of access from individual lots to the highway shall be included in the Final Plat.
7. Insofar as is practical, side lot lines shall be at right angles to straight streets and radical to curved streets.

7-4-6 **<u>Required Improvements</u>** The following improvements shall be required of the subdivider or developer of an approved subdivision within the Town of Silverton.

A. Guarantee of Completion

1. The subdivider or developer shall enter into a written agreement with the Town to guarantee construction of all required improvements,

including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage, potable water system, street lights, street names signs, and all other improvements covered by (B), (C), and (D) of this section. Said written agreement shall constitute a contract between the subdivider or developer and the Town of Silverton, and be termed a Guarantee of Completion. It shall enumerate the improvements to be constructed and shall set forth, either directly or by reference, the construction specifications. It shall provide a date for completion of the improvements and shall set forth the terms and conditions upon default by the subdivider or acceptance of the improvements by the Town.

2. Under such agreement the subdivider shall post a performance bond, or certified check, prior to final approval of the Final Plat by the Planning Commission, which bond or check shall be drawn in favor of the Town in an amount equal to the estimated cost of construction of improvements required as enumerated.
3. The performance bond or certified check posted by the subdivider or developer shall not be released until final construction of improvements has been completed, inspected at the subdivider's expense, and approved and accepted by the Town.
4. The improvements required by the following subsections (B), (C), and (D) shall be provided in each subdivision or development proposed and to the extent determined by the Planning Commission and Town Board and enumerated in the aforementioned Guarantee of Completion. Required improvements shall be designed in accordance with the approved plans, profiles, and the construction requirements and specifications of the Town.
5. No improvements shall be made until all plans, profiles, and specifications have been reviewed and approved by the Town.
6. If the Town determines that the subdivider will not construct any or all of the improvements in

accordance with the Guarantee of Completion, the Town shall have the power to annul the agreement and apply all or part of the bond or certified check to the construction or completion of any or all of the specified improvements in accordance with the agreed specification.

B. Street Improvements

1. Grading: Street right-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites.
2. Pavement Base: The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load.
3. Pavement: Pavement shall be constructed of asphalt or concrete of sufficient thickness to support the contemplated traffic load. Streets shall be paved to the widths required under 7-4-5 (B)(6).
4. Alleys: If alleys are provided, they shall be paved.
5. Curbs and Gutters: All streets shall be provided with concrete curbs and gutters for the pavement edging. Such curbs and gutters shall be designed as an integral part of the pavement.
6. Driveways and Accessways: Where appropriate to the type of development proposed, driveways or accessways shall be provided for vehicular access to each structure or parking or loading area. Driveways and accessways provided shall be of adequate width and constructed with suitable subgrade, base, drainage and surfacing to be durable under the use contemplated.
7. Sidewalks and Walkways: Sidewalks and Walkways shall be provided for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in 7-4-5 (B)(6). Sidewalks and walkways shall be durably constructed, with all-weather surfacing, and shall be adequately lighted and maintained for the use contemplated.
8. Street Name Signs: Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets, under standards established by the Town.

C. Public Improvements Required

1. Storm Drainage System: The following criteria shall be followed in the design of all drainage systems:

   a) The storm drainage system shall consist of natural drainage courses whenever possible and/or surface drainage structures, catch basins and other underground drainage structures. The storm drainage system shall be of sufficient size and design to carry off all predictable surface water runoff within the subdivision or development and storm water drainage which enters the development from adjacent areas based on a 25 year frequency storm.

   b) Catch basins shall be provided at all low points, at street intersections, and at intermediate locations as necessary to prevent overloading of the street gutters. Catch basins provided shall be connected to collection mains of adequate size with outfalls approved by the Planning Commission.

   c) Storm drainage shall not be permitted to empty into any sanitary sewerage system.

2. Sanitary Sewerage System: The sanitary sewerage system shall be connected to an existing public sanitary sewer system and shall consist of a closed system of sanitary sewer mains and lateral branch connections to each structure or lot upon which a structure is to be built. The sanitary sewerage system shall be of sufficient size and design to collect all sewage from all proposed or probable structures within the subdivision or development, utilizing the recommendations contained in the Domestic Services Improvement Plan for the Town of Silverton, June 1975.

3. Potable Water System: The potable water system provided shall connect to an existing public water system and shall consist of water mains directly connected to using structures by means of lateral branches. The water system shall be of sufficient size and design to supply potable water to each structure or lot upon which a structure is to be built, utilizing the recommendations contained in the Domestic Service Improvement Plan for the Town of Silverton, June 1975.
4. Fire Hydrants: Fire hydrants shall be installed at street intersections and at other points as necessary to assure that no building is located more than 400 feet from the nearest fire hydrant.
5. Underground Electric Power and Telephone Distribution Systems: Electric power and telephone connections and wire shall be placed below the surface of the ground in raceways and conduits or other acceptable means. Transformers, switching bases, terminal boxes, meters, cabinet, pedestal ducts and other facilities necessarily appurtenant to such underground connections shall be located on power poles, but shall be placed on or under the surface of the ground, and where placed on the surface shall be adequately screened and fenced as necessary for safety and concealment. Electrical transmission and distribution feeder lines and communication trunks and feeder lines may be placed above ground.
6. Street Lights: Ornamental street lighting and associated underground street lighting supply circuits shall be installed. The minimum requirement shall be 7,000 lumen lamps at a maximum spacing of 400 feet, with lighting at each intersection. The street lighting plan specifying the number, line and approximate location of street lights must be included on the Final Plat.
7. Railroad Signals: The subdivider will install electronic railroad signals at any vehicular railroad crossing located within the subdivision will substantially increase traffic at the crossings. Signals will be constructed to the specifications of

the Denver and Rio Grande Western Railroad or its successor, or of the duly licensed operator of any other line or lines.

8. Bridges: Any bridges necessary within, or providing access to the subdivision, shall be designed by a registered engineer, shall be approved as to placement and design by the Town Water and Sewer Superintendent or the San Juan County Road Overseer as appropriate, and shall be constructed to prevent obstruction to a 100-year flood.
9. Paths and Trails: Paths and trails for pedestrians, skiers, bicycles or horseback riders may be required by the Planning Commission in the interest of facilitating existing and anticipated patterns of non-motorized traffic within the growth area of the Town of Silverton, such paths to a minimum of six (6) feet in width, and to be specified by the Planning Commission in its negotiations on the Preliminary Plat as indicated in 7-4-3 (B)(3).
10. Off-street Parking: Off-street parking shall be constructed for all structures and facilities, with a minimum of one such space for every dwelling unit. Such areas will be constructed with a gravel base capable of meeting Colorado Department of Highways specifications, except that all driveways and parking areas for structures housing more than two dwelling units, commercial structures, industrial structures and public recreational facilities shall be paved with an asphaltic or higher-type surface. Pavement may be required by the Planning Commission for individual drives and parking areas or for other types of structures or facilities when deemed consistent with the purposes of this provision and necessary for erosion control, drainage, or other ecological considerations. Off-street parking spaces located directly adjacent to a public right-of-way, with no private driveway or maneuvering space, should be avoided.
11. Landscaping: Because landscaping is essential to

the ecology, aesthetics and soil conservation of the Town, the Town hereby finds and declares all landscaping, whether on public or private land, to be a public improvement for the benefit of the general public. As such, landscaping will be subject to inclusion in the Final Plan, and insured by the Guarantee of Completion provisions of this Ordinance provided for under 7-4-6 (A).

a) Landscaping Plans: Landscape plans will consist of suitable grasses, indigenous vegetation or such other vegetation as may be recommended by the Colorado State Forest Service. Cut and fill slopes shall be no steeper than 2:1 unless recommended by a qualified consultant. All exposed ground surfaces will be revegitated in some manner.

b) Preservation of Vegetation: When necessary to insure preservation of trees or other natural vegetation at a developed site, the Planning Commission or the Town Board may direct a designated official to conduct an on-site inspection and supervise flagging of trees to be preserved or designation of vegetation areas to be preserved as delineated by the Commission or Board.

12. Signing: Private and commercial or industrial signing in subdivisions shall be covered by 7-2-12 of this Code. Public signing shall be the responsibility of the Town of Silverton, except for street name signs as required by 7-4-6 (B)(8).

13. Trailers and Mobile Homes: Placement or use of trailers, mobile homes or mobile units of any type in subdivisions shall be covered by 7-2-10 and 7-2-11 of this Code.

7-4-7 <u>Dedication and Reservation of Land</u>

A. Dedication

1. Dedication of Land

a) Dedication of land, free of all liens and encumbrances, for park and recreation areas and public facilities shall be required in each new subdivision or other designation of the Town. The subdivider shall allocate and covey no less than 10% of the gross land area, exclusive of streets, alleys and utility easements of the proposed subdivision for such public purposes unless specifically waived in writing by the Planning Commission and/or Town Board. Specific sites to be dedicated for public purposes shall be subject to approval by the Planning Commission and Town Board upon consultation with appropriate public agencies having jurisdiction.

b) All land so dedicated to the Town shall be formally accepted by the Town through the adoption of an appropriate ordinance if they chose to accept such dedication and such dedication conforms to the requirements of the Article.

2. At the option of the Town, the subdivider shall, in lieu of such dedication or conveyance of land, pay to the Town of Silverton in cash an amount which is either 10% of the value of the gross land area before subdivision, or 25 cents per square foot of residential floor area and/or 50 cents per square foot of commercial or industrial floor area, whichever figure is greater. The equivalent cash valuation, when used, shall be based upon an appraisal by a competent, independent appraiser selected by the Town and the subdivider. The proceeds of any equivalent cash payment under this section shall be placed in a separate Town fund and shall be used only for the acquisition or

improvement of land for public park and recreation areas or other public facilities. This fee is provided for in 7-4-2 (C)(2) of this Code, and shall be paid as provided in that section.

3. The subdivider may, with approval of the Planning Commission, satisfy the requirements of this section by providing the land area specified in 7-4-7 (A)(1) for recreation, complete with recreational facilities and lands are available to the general public on an equitable basis. If such facilities are subsequently restricted from public use, the fees specified in this section shall become due and payable to the Town by the owner or owners of record at the time, based on current market value of the land.

B. Reservations

1. Reservation by covenant, in lieu of dedication, may be permitted in some cases such as a Planned Unit Development where land is to be used for recreational or amenity purposes by the property owners.

2. Reservation of land within a subdivision may be required for the duration of the Preliminary Plat approval in order to afford the appropriate public agency the opportunity to coordinate its acquisition of public land with the development of the subdivision. An agreement shall be entered into between the subdivider and the public agency regarding the timing and method of acquisition.

7-4-8 **<u>Variances and Modifications</u>**

A. Procedure - Application for variances or modifications to these regulations shall be submitted to the Planning Commission. Such application shall include a statement setting forth the nature and extent of the requested variance, or modification together with evidence supporting need for such variance. At the time of the filing of such an application, which must take place no less than ten (10) days prior to the Planning Commission meeting at which it is to first appear on the agenda, the applicant shall pay a fee in the amount of $25.00, non-refundable, which shall be deposited to the General Fund of the Town of Silverton. Notice of such request for variance shall be published at least five (5) days prior

to such hearing at the expense of the one requesting said variance.

B. Criteria for Grant of Variances or Modifications - Hardship: Where the Planning Commission and the Town Board find that extraordinary hardships may result from strict compliance with these regulations, they may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography of other exceptional conditions make such variance necessary; and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

C. Conditions - In granting variances and modifications, the Planning Commission and the Town Board may require such conditions, submissions, reports, affidavits, maps, plats or documents as will, in their judgment, secure substantially the objectives of the requirements and standards so varied and modified.

7-4-9 **Definitions** The language set forth in the text of this ordinance shall be interpreted in accordance with the following rules of construction: 1) The singular number includes the plural and the plural the singular; 2) The present tense includes the past and future tenses, and the future the present; 3) The word "shall" is mandatory, while the word "may" is permissive; 4) The masculine gender includes the feminine and neuter. The following words and terms, wherever they occur in this ordinance, shall be construed as here defined:

A. Block - A parcel of land bounded on all sides by a street or streets.

B. Comprehensive Plan - A plan for guiding and controlling the physical development of land use and circulation facilities in the Town and any amendment or extension of such a plan.

C. Consumer - Any person contacted as a potential purchaser, lessee, or renter as well as one who actually purchases, leases or rents property in a subdivision.

D. Dedication - A grant by the owner of a right to use land to the public in general involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.

E. Easement - A dedication of land for a specified use, such as providing access for maintenance of utilities.

F. Highway - Any main road or public passage, existing or proposed.

G. Lot - A parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.

H. Person - An individual, partnership, corporation, association, unincorporated organization, trust or any other legal or

commercial entity including a joint venture or affiliated ownership. The word "person" also means a municipality or state agency.

I. Plat - A map, drawing or chart upon which the subdivider presents proposals for the physical development of a subdivision, and which he submits for approval and intends to record in final form.

J. Reservation - A legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights.

K. Rights-of-Way - The width between property lines of a street.

L. Streets - A way for vehicular traffic, further classified and defined as follows:

1. Arterial streets are those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one part of the community to another.
2. Collector streets are those which collect traffic from local street and carry it to arterial streets or to local traffic generators such as neighborhood shopping centers and school. Collector streets include the principal entrance streets to a residential development, those linking such adjacent developments, and those streets providing circulations within such developments.
3. Local streets are those used primarily for direct access to properties abutting the right-of-way. Local streets carry traffic having an origin or destination within the development and do not carry through traffic.
4. Alley - A minor way which is used primarily for vehicular service access to the rear or side or properties otherwise abutting on a street.

M. Subdivider or Developer - 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 as to constitute a subdivision as herein defined, including any agent of the subdivider.

N. Subdivision:

1. The division of a parcel of land into 2 or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development; or

2. The improvement of one or more parcels of land for residential, commercial or industrial structures or groups of structures involving the division or allocation of land for the opening, widening, or extension of any street or streets, except private streets serving industrial structures; the division or allocation of land as open spaces for common use by owners, occupants or lease holders, or as easements for the extension and maintenance of public sewerage, water, storm drainage or other public utilities or facilities.

7-4-10 **Administrative Provisions**

A. Permit - No permits, building or otherwise, shall be issued by any officer of the Town of Silverton for the construction, occupancy or use of any building, or other improvements requiring a permit, upon any land for which a Plat is required by the Ordinance, unless and until the requirements hereof shall have been complied with. No building permit, except for public improvements, shall be issued prior to completion and preliminary acceptance of all public improvements, except street paving, required in a given subdivision by the Town Board in writing.

B. Vacation of Plat of Record - A landowner may make application to vacate any plat of record, or portion thereof, provided the plat is a legal plat of record, and its vacation will not interfere with development nor deny access via public right-of-way to adjoining properties, utility service or other improvements, and will not be contrary to the Silverton-San Juan County Comprehensive Plan.

1. Vacation of a utility easement shall be brought directly to the Town Board and shall be accomplished by letters of acquiescence from all interested utility companies.
2. All other vacation petitions shall be submitted to the Planning Commission for recommendation to the Town Board. The Town Board shall approve or deny the petition. If approved, the decision in writing shall be filed and recorded with the San Juan County Clerk and Recorder, and all fees for said recording shall be paid by the petitioner.

C. Penalties - The following penalties shall be applicable under this Article 4:

1. Fine or imprisonment - Any person who shall violate any of the provisions of this Article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine not less than $100.00 nor more than $300.00, or be imprisoned for a period not to exceed ninety (90) days, or be penalized by both such fine and imprisonment. Each day that a violation of this ordinance continues shall constitute a separate and distinct offense and shall be punishable as such. (All penalties are in conformity with C.R.S. '73 #31-23-101 ff).
2. Withdrawal of Approval - The Town Board may withdraw any recommendation of the Planning Commission as approval by said Board of a plan or plat, or any portion of such plan or plat, if and when it is determined that information provided by a subdivider or developer, upon which such approval was based, is false or inaccurate, and that if the true information had been known at the time of prior approval, such approval would not have been granted.
    a) Upon determination that reasonable grounds exist to believe that false or inaccurate information may have been provided, the Board shall set a public hearing at which any interested person or party may present testimony. The Board shall cause to be published a legal notice in a newspaper of general circulation in the Town of Silverton at least thirty (30) days prior to the date of the public hearing setting forth the nature of the hearing, a description of the property concerned and the date, time and place at which the hearing will be held. The Board shall further notify all persons with a property interest of record by registered mail at least fifteen (15) days prior to the date of

the public hearing. For such mailed notices, it shall be sufficient that the most current address on record with the San Juan County Assessor be used.

b) If approval of a recorded plat be withdrawn through this procedure, a decision of the Board shall be embodied in a written resolution stating the findings of fact, a description of the property and decision of the Board. Such resolution shall then be recorded with San Juan County Clerk and Recorder and shall be effective from the date of recording. Written notice of the vacation by the Board shall also be mailed to all persons with a property interest of record.

3. Forfeiture for Sales in Unapproved Subdivisions - Any party selling, agreeing, contracting or negotiating to sell any parcel of land in a subdivision for which a Final Plat has not been properly filed or recorded shall be liable for forfeiture of a penalty of $100.00 per lot or parcel involved, as specified and further detail in #31-23-166, C.R.S. '73.

D. Interpretation - On the interpretation and application of the provisions of this Ordinance, the following shall govern:

1. The provisions herein contained shall be regarded as minimum requirements for the protection of the public health, safety and welfare.
2. Whenever a provision of this Ordinance and any provision in any other law of the Town cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirement shall govern.
3. Any part of this ordinance which is in conflict herewith is hereby repealed.

E. Validity - Should any section, clause, sentence or part of this Ordinance be adjudged by any court of competent jurisdiction to be unconstitutional and/or invalid, the same shall not affect the

validity of the Ordinance as a whole or part thereof, other than the part so declared to be unconstitutional or invalid.

F. Amendment - The within Ordinance may be amended by the Town Board from time to time in accordance with the provisions of law.

7-4-11 Planned Unit Development

A. Intent - Planned Unit Development is provided in order to minimize the environmental impact of urban development, to enable the subdivider to make more efficient use of the site by minimizing grading and reducing the amount of land needed for streets and utilities, and to provide the consumer a wider choice of housing types and amenities.

B. The procedure for preparing, processing and presenting a Planned Unit Development shall be the same as that specified for all subdivision of land in this ordinance except that there shall be no partial submission of a Final Plat. The zoning procedures and requirements of Chapter 7, Article 2 of this Code must be met.

C. Requirements - Planned Unit Development is intended to allow originality in the planning of a community development by relaxing the minimum and maximum requirements set forth in the Ordinance. It will be expected that development under Planned Unit Development will provide for maintained open spaces and recreational areas, safety features for pedestrian and vehicular traffic, elimination of unsightly uniformity, and conservation of natural features.

1. The following requirements as set forth in the Zoning Ordinance of the Town can be modified as established by the Planned Unit Development plan, subject to the approval by the Planning Commission and d Town Board:
    a) Minimum lot area
    b) Minimum lot width
    c) Minimum setback
    d) Minimum offset
2. The following additional requirements are established for Planned Unit Development:
    a) Maximum building height not to exceed 35 feet.
    b) Maximum density or residential units shall be 12 units per acre or less if the Planning Commission and

Town Board so require. A requirement of a density less than 12 units per acre must be based on the proposed land use plan of the Town.

c) Minimum common open space shall be 30% of the gross acreage of the site.

d) United ownership of the site.

e) Where use(s) other than residential is (are) proposed:

(1) Architectural elevations at a scale of not less than 1/8" = 1' for all non-residential structures.

(2) Size, type, and location of all signs, other than street signs.

(3) Covenants specifying how common areas are to be maintained.

7-4-12 **Land Being Annexed** During the time lands are being annexed to the Town pursuant to subdivision or Planned Unit Development formulation in accordance with this Article, all the provisions of C.R.S. '73 #31-8-115 shall apply.

7-4-13 **Penalties** All penalty clauses include in this ordinance for violation of the subdivision regulations of the Town of Silverton, together with the amendments thereto have been set forth in their entirety in the above Section 2.

7-4-14 **Safety Clause** A finding by a court of any jurisdiction that one section or subsection of this ordinance shall be invalid as a matter of law in no way effect or impair the validity of the balance of this ordinance.

7-4-15 **Emergency Clause** This ordinance is necessary to the immediate preservation of the public peace, health, safety and welfare.
(7-4-4 amended 07-13-96)

ARTICLE 5
MEDICAL MARIJUANA OPERATIONS

7-5-1	**Location and Requirements**	**7-132**
7-5-2	**Advertisements and Signs**	**7-133**
7-5-3	**Indoor Use**	**7-133**
7-5-4	**Security**	**7-133**
7-5-5	**Emergency Clause**	**7-134**

7-5-1 **Location and requirements**

A. Permitted Locations – Medical marijuana-related businesses shall be located only in permanent locations established within the Business Pedestrian (B-P) or the South-East Economic Development (E-D) zoned areas of the Town and shall be considered "Uses Permitted by Right" in each of those two zones. Medical marijuana-related businesses shall not be permitted in the North-East E-D zone. It shall be unlawful to cause or permit the operation, establishment or maintenance of a medical marijuana-related business outside of the E-D or B-P zoned areas of the Town or from a movable, mobile or transitory location in any zone district or on any public rights-of-way within the Town, excluding delivery services with a lawful base of operation in San Juan County.

B. Penalty – It shall be unlawful to cause or permit the operation, establishment or maintenance of a medical marijuana-related business unless a use subject to review permit has been obtained pursuant to this Code, a business license has been obtained pursuant to this code, and unless the use is in compliance with such approval and all applicable regulations of this Code.

C. No medical marijuana-related business shall be established, operated or maintained within 150 feet of the exterior property boundary of property containing the following:

1. Any Civic/Open Space District zoned property in the Town;
2. Any licensed day care center;
3. Any alcohol or drug rehabilitation facility;
4. Any public community center, park, fairground or recreation center, or any publicly owned or

maintained building open for use to the general public;

5. Any other medical marijuana dispensary; or
6. Any halfway house or correctional facility.

D. No medical marijuana-related business shall be established, operated or maintained within 300 feet of the exterior property boundary of property containing the following:

1. Any public or private educational institution or school;

E. A medical marijuana-related business that, at the time it received its use-subject-to-review permit and business license, was in compliance with the location requirements for subsections (C) and subsection (D) of this section, does not violate that subsection if, when the dispensary applies to renew its valid business license, it no longer meets any of the location requirements in subsection (C) and (D). This provision only applies to the renewal of a valid business license and does not apply to an application for a business license that is submitted as a result of the previous business license expiring or being revoked.

7-5-2 **Advertisements and signs** Existing town sign regulations shall apply to medical marijuana dispensaries.

7-5-3 **Indoor use** All business related to, or distribution of, medical marijuana shall be conducted indoors, and business activities should be screened to prevent the viewing the growing or distribution of medical marijuana from the public right-of-way. It shall be unlawful for any person to consume, or permit consumption of, medical marijuana on the premises. Businesses shall operate only within the hours of 8am to 7pm

7-5-4 **Security** Medical marijuana dispensaries shall provide adequate security on the premises, and the use subject to review application shall include a narrative description of how the Applicant will provide security. Furthermore, medical marijuana-related businesses shall provide proof as to the functionality of a security system within twenty-four hours of such request by a Town Official or the Town Board.

7-5-5 **Emergency Clause** If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality

of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of made in such actions, suits, proceedings, or prosecutions.

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

CHAPTER 8 BUILDING REGULATIONS

Chapter 8 ARTICLE 1

ARTICLE 1
BUILDING STANDARDS

8-1-1	**Adoption of International Building Code**	**8-1**
8-1-2	**Amendments and Additions to International Building Code**	**8-1**
8-1-3	**Adoption of International Residential Code**	**8-4**
8-1-4	**Amendments and Additions to International Residential Code**	**8-5**
8-1-5	**Adoption of the International Energy Conservation Code**	**8-8**
8-1-6	**Amendments and Additions to International Energy Conservation Code**	**8-8**

8-1-1 **<u>Adoption of International Building Code</u>** The volumes, parts, chapters and appendices E-K of the International Building Code 2006 edition, as published by the International Code Council, together with amendments and deletions as set forth in sections 8-1-2 are hereby adopted pursuant to C.R.S. 31-16-201 et seq. All of the above codes shall have the same force and effect as of set forth herein in every particular. The subject matter of the adopted codes includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal demolition, conversion, occupancy, use, height, area and maintenance of all buildings or structures located within the Town of Silverton, Colorado. The codes also have the purpose of regulating enlargement, alteration, repair, moving, removal demolition, conversion, occupancy, and use of said buildings and structures.

8-1-2 **<u>Amendments and Additions to the Code</u>**

Chapter 1

Section 101
General

101.4.1 Electrical. The provisions of the official electrical code adopted by the State of Colorado at the time of application shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.4 Plumbing. The provisions of the official plumbing code adopted by the State of Colorado shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the *International Private Sewage Disposal Code* shall apply to private sewage disposal systems.

Section 104
Duties and Powers of Building Official

104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code, the building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 105
Permits

105.2 Building (*amend subsections)***:**
7. Painting, papering, tiling, carpeting, and similar finish work.
14. Building activities with a total valuation of less than $500, including labor and materials.

Section 107
Temporary Structures and Uses

107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses at a cost set from time to time by resolution. A permit must be issued prior to the placement of the temporary structures. A temporary structure permit is valid for a period of 90 days and is renewable for the same no more than three (3) times within a calendar year or up to eight (8) times within two years only when such a permit is associated with the construction of a primary structure.

Section 108
Fees

108.1 Payment of Fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been

paid. All fees provided herein shall be paid to the Town Clerk and deposited in the General Fund.

108.2. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established from time to time by resolution of the town board of trustees.

Section 113
Violations

113.4 Violation penalties. Any violation of any provision of this Code shall be punishable by a fine not exceeding five hundred dollars ($500) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each and every day that a violation continues after due notice has been served shall be deemed a separate offense.

Create a New Section:
Section 116
Shipping Containers and Portable Storage Units

116.1 General. Where permitted as a non-temporary accessory use, any shipping container or portable storage unit shall require a permit for that purpose to be issued by the Building Official at such a fee established from time to time by resolution of the Town Board. Such a permit is valid for a single calendar year (January-December) and is renewable indefinitely so long as all applicable guidelines are followed. A shipping container is also eligible for a temporary structure permit but is ineligible for a standard building permit.

116.2 Conformance. Shipping containers or portable storage units of any kind shall conform to the structural strength, fire safety, and shall have two points of egress as necessary to ensure public health, safety, and general welfare. Shipping containers or storage units do not require a footing or foundation as is required in this code, but are required to be adequately anchored as to ensure public health, safety, and general welfare.

Chapter 2

Section 202
Definitions

Shipping Container: A roofed or unroofed container placed outdoors and used for the storage of goods, materials, or merchandised, and which is used in connection with a lawful principal or

accessory use of the lot. The term storage container includes, but is not limited to, containers such as semi-trailers, roll-off containers, slide-off containers, portable storage units, and "piggy-back" containers.

Temporary Structure: A structure without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Temporary structures include, but are not limited to utility trailers, shipping containers, lean-tos, open sheds, bleachers, booths, and tents of all types, not including wood piles (covered or otherwise) or vehicles. Non-permanent structures (i.e. Campers) with specific provisions detailed elsewhere in the Town Code shall be subject to separate regulations.

Chapter 16
Structural Design

1612.3. Insert: "Town of Silverton and Unincorporated Areas"
1612.3. Insert: "March, 1978"

Chapter 31
Special Construction

Section 3103
Temporary Structures

3103 General. The provisions of this section shall apply to structures erected for a period of less than 270 days. Tents and other membrane structures erected for a period of less than 180 days shall comply with the *International Fire Code*. Those erected for a longer period of time shall comply with applicable sections of this code.

Chapter 34
Existing Structures

3410.2 Insert: January 1, 1973.

8-1-3 **<u>Adoption of the International Residential Code</u>** The volumes, parts, chapters and all appendices A-K and M-Q of the International Residential Code 2006 edition, as published by the International Code Council, together with amendments and deletions as set forth in sections 8-1-4 of the town code are hereby adopted pursuant to C.R.S. 31-16-201 et seq. All of the above codes shall

have the same force and effect as of set forth herein in every particular. The subject matter of the adopted codes includes comprehensive provisions and standards regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwelling and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress located within the Town of Silverton, Colorado.

8-1-4 **Amendments and Additions to the International Residential Code**

Chapter 1
Administration

Section R101
Title, Scope and Purpose

R101.1 Title. Insert: the Town of Silverton, Colorado

Section R104
Duties and Powers of Building Official

R104.1 General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

Section 105
Permits

R105.2 Building (*amend subsections)***:**

6. Painting, papering, tiling, carpeting, and similar finish work.
10. Building activities with a total valuation of less than $500, including labor and materials.

Section R107
Temporary Structures and Uses

R107.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses at a cost set from time to time by resolution. A permit must be issued prior to the placement of the temporary structures. A temporary structure permit is valid for a

period of 90 days and is renewable for the same no more than three (3) times within a calendar year or up to eight (8) times within two years only when such a permit is associated with the construction of a primary structure.

Section R108
Fees

R108.2. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established from time to time by resolution of the town board of trustees.

Section R113
Violations

R113.4 Violation penalties. Any violation of any provision of this Code shall be punishable by a fine not exceeding five hundred dollars ($500) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each and every day that a violation continues after due notice has been served shall be deemed a separate offense.

Create a New Section:
Section R115
Shipping Containers and Portable Storage Units

R116.1 General. Where permitted as a non-temporary accessory use, any shipping container or portable storage unit shall require a permit for that purpose to be issued by the Building Official at such a fee established from time to time by resolution of the Town Board. Such a permit is valid for a single calendar year (January-December) and is renewable indefinitely so long as all applicable guidelines are followed. A shipping container is also eligible for a temporary structure permit but is ineligible for a standard building permit.

R116.2 Conformance. Shipping containers shall conform to the structural strength, fire safety, and shall have two points of egress as necessary to ensure public health, safety, and general welfare. Shipping containers do not require a footing or foundation as is required in this code, but are required to be adequately anchored as to ensure public health, safety, and general welfare.

CHAPTER 8 BUILDING REGULATIONS

Chapter 2
Section R202
Definitions

Shipping Container: A roofed or unroofed container placed outdoors and used for the storage of goods, materials, or merchandised, and which is used in connection with a lawful principal or accessory use of the lot. The term storage container includes, but is not limited to, containers such as semi-trailers, roll-off containers, slide-off containers, portable storage units, and "piggy-back" containers.

Temporary Structure: A structure without any foundation or footing and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased. Temporary structures include, but are not limited to utility trailers, shipping containers, lean-tos, open sheds, bleachers, booths, and tents of all types, not including wood piles (covered or otherwise) or vehicles. Non-permanent structures (i.e. Campers) with specific provisions detailed elsewhere in the Town Code shall be subject to separate regulations.

Chapter 3
Building Planning

Table R301.2(1)
Climatic and Geographic Design Criteria

Required minimum roof live load (Snow Load): 90 lbs
Wind speed: 70 mph
Seismic design category: C
Weathering: Severe
Frost depth: 42"
Termite: Negligible
Winter design temperature: -20 F
Ice barrier underlayment required: Yes
Flood hazards: Adopted 9/1/1978
Air freezing index: 2355
Mean annual temperature: 35.7

Part VII – Plumbing
Part VIII- Electrical

All chapters within these sections are deleted in their entirety; however the State of Colorado, Department of Regulatory Agencies may have jurisdiction to enforce certain codes relating to plumbing and electrical installations.

8-1-5 **Adoption of the International Energy Conservation Code** The Town of Silverton, Colorado hereby adopts by reference the 2006 edition of the International Energy Conservation Code, as amended, as published by the International Code Council. This code shall be for the purpose of regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each an all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the Town of Silverton are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 8-1-6 of this ordinance and of the Code of the Town of Silverton, Colorado. Three (3) copies of said code are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

8-1-6 **Amendments and Additions to the International Energy Conservation Code** The following sections are hereby revised or added:

101.1 Insert: Town of Silverton

108
Violations

Violation penalties Any violation of any provision of this Code shall be punishable by a fine not exceeding five hundred dollars ($500) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment. Each and every day that a violation continues after due notice has been served shall be deemed a separate offense.

CHAPTER 8 BUILDING REGULATIONS

ARTICLE 2
INTERNATIONAL MECHANICAL CODE

8-2-1	**Adoption of Code the International Mechanical Code**	**8-9**
8-2-2	**Amendments and Alterations to the International Mechanical Code**	**8-9**

8-2-1 **Adoption of the International Mechanical Code** The Town of Silverton, Colorado hereby adopts by reference the 2006 edition of the International Mechanical Code, as amended, as published by the International Code Council. This code shall be for the purpose of regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each an all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Town of Silverton are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 8-2-2 of this ordinance and of the Code of the Town of Silverton, Colorado. Three (3) copies of said code are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

8-2-2 **Amendments and Additions to the International Mechanical Code**

Section 2

The following sections are hereby revised:

101.1 Insert: Town of Silverton
106.5.2 Insert: As adopted from time-to-time by resolution of the Silverton Town Board of Trustees.
106.5.3 Insert: 80% in two locations
108.4 Insert: Misdemeanor, $500, 90 days
108.5 Insert: $100, $1,000

CHAPTER 8 BUILDING REGULATIONS

ARTICLE 3
INTERNATIONAL FUEL GAS CODE

8-3-1	**Adoption of the International Fuel Gas Code**	**8-10**
8-3-2	**Amendments and Alterations to the International Fuel Gas Code**	**8-10**

8-3-1 **Adoption of the International Fuel Gas Code** The Town of Silverton, Colorado hereby adopts by reference the 2006 edition of the International Fuel Gas Code, as amended, as published by the International Code Council. This code shall be for the purpose of regulating and governing all fuel gas work done or performed as herein provided; providing for the issuance of permits and collection of fees therefor; and each an all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Conservation Code on file in the office of the Town of Silverton are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in section 8-3-2 of this ordinance and of the Code of the Town of Silverton, Colorado. Three (3) copies of said code are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

8-3-2 **Amendments and Additions to the International Fuel Gas Code**

Section 2

The following sections are hereby revised:

101.1 Insert: Town of Silverton
106.5.2 Insert: As adopted from time-to-time by resolution of the Silverton Town Board of Trustees.
106.5.3 Insert: 80% in two locations
108.4 Insert: Misdemeanor, $500, 90 days
108.5 Insert: $100, $1,000

CHAPTER 8 BUILDING REGULATIONS

ARTICLE 4
INTERNATIONAL FIRE CODE

8-4-1	**Adoption of the International Fire Code**	**8-11**
8-4-2	**Amendments and Alterations to the International Fire Code**	**8-11**

8-4-1 **Adoption of the International Fire Code** The Town of Silverton, Colorado hereby adopts by reference the 2003 edition of the International Fire Code, as amended, as published by the International Code Council and with the modifications set forth in part 8-4-2 of this ordinance. This code shall be for the purpose of prescribing regulations regulating and governing the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town of Silverton; providing for the issuance of permits and collection of fees therefore; repealing all other ordinance or parts of ordinance in conflict therewith. Three (3) copies of said code are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

8-4-2 **Amendments and Alterations to the International Fire Code**

Chapter 1
Administration

Section 101
General

101.1 Title. Insert: Town of Silverton

Section 103
Department of Fire Prevention

103.1 General. The Bureau of Fire Prevention shall be established in the Silverton Volunteer Fire Department and shall be operated under the supervision of the Chief of the Fire Department. The Chief of the Fire Department shall act as the fire code official.

103.2 Appointment. The Chief in charge of the Bureau of Fire Prevention shall be elected by the Silverton Volunteer Fire Department membership on the basis of his or her qualifications.

Section 109
Violations

109.3 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than five-hundred (500) dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 111
Stop Work Order

111.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than fifty dollars ($50) or more than one thousand ($1000) dollars.

Chapter 33
Explosives and Fireworks

Create Section 3301.2 and amend as follows: The storage of explosives and blasting agents is prohibited within the limits of the Town of Silverton.

Delete sections 3301.1.1- 3301.8.1.4
Delete sections 3304-3307

ARTICLE 5
BUILDING CONSERVATION

8-5-1	**Adoption of the Uniform Code for Building Conservation**	**8-12**
8-5-2	**Amendments and Additions to the Code**	**8-13**

8-5-1 **<u>Adoption of the Uniform Code for Building Conservation</u>** Pursuant to C.R.S. 31-16-2 et seq as amended, there is hereby adopted the Uniform Code for Building Conservation, 1991 Edition as published by the International Conference of Building Officials. The purpose of this code is to encourage the continued use or reuse of legally existing buildings and structures. Three (3) copies of said code

are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

This adoption shall specifically include the provisions set forth in the Uniform Code for Building Conservation, 1991 Edition and include appendix chapters 3 and 4.

8-5-2 Amendments and Additions to the Code

(a) Section 207 of the Uniform Code for Building Conservation is specifically amended as follows:

"In order to provide for final interpretation of the provisions of this code and hear appeals hereunder, there is hereby established a Building Conservation advisory and Appeals Board consisting of the Trustees of the Town of Silverton and the Mayor, who shall pass upon matters pertaining to building conservation.

The building official shall be an ex officio of and shall act as secretary to said Board, but shall have no vote upon any matter before the Board. The Board of Appeals shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official who shall make them freely accessible to the public."

(b) Violation penalties. Any violation of any provision of this Code shall be punishable by a fine not exceeding five hundred dollars ($500) or imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

ARTICLE 6
DANGEROUS BUILDINGS

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8-6-1 Adoption of Uniform Code for the Abatement of Dangerous Buildings

Pursuant to C.R.S. 31-16-201, et seq,, there is hereby adopted as the code for the abatement of dangerous buildings of the Town of Silverton, by reference thereto, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition of the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, to have the same force and effect as if

set herein in every particular. It is the purpose of this code to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Building Code, Housing Code or otherwise available by law, whereby buildings or structures, which from any cause, endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, whereby the same may be required to be repaired, vacated, or demolished. Three (3) copies of said code are on file in the office of the Town Clerk and may be inspected by the public during regular business hours.

8-6-2 **Amendments and Additions to the Code**

(a) The following penalty clause as contained in the Uniform Code for the Abatement of Dangerous Buildings is herewith set forth in full and adopted:

No person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, shall erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary or in violation of any provisions of this Code or any order issued by the Building Official hereunder. Any person violating the provisions of this Section shall be guilty of a misdemeanor for each day such violation continues.

(b) Violation penalties. Any violation of an provision of this Ordinance shall be punishable by the maximum penalties which may be assessed under state law in Silverton Municipal Court.

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8-7-1 **Savings Clause** If any part, section, subsection, sentence, clause, or phrase of this Ordinance or of the Code adopted hereby is for any reason held to be invalid, such decisions shall not affect the validity of the remaining sections of this Ordinance or of said Code; the Board of Trustees hereby declares that it would have passed this Ordinance and adopted said Code in each part, section,

subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more parts, sections, subsections, sentences, clauses or phrases be declared invalid.

8-7-2 **Repeal** Any or all Ordinances or parts of Ordinances of the Town of Silverton, in conflict or inconsistent herewith are hereby repealed, provided, however, that the repeal of an Ordinance or parts of Ordinances of the Town of Silverton shall not revive any section of an Ordinance or Ordinances heretofore repealed or superseded.

8-7-3 **Conflicts Between Codes** Whenever the provisions of this Ordinance or of the Code shall conflict with the provisions of a any other Town of Silverton Codes, Standards, or Regulations, the more restrictive requirements shall apply.

8-7-4 **Pending Court Proceedings** Nothing in this ordinance or the Code adopted hereby shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in section 8-5-2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

8-7-5 **Date of Adoption** The Town Clerk of the Town of Silverton is hereby ordered and directed to cause this ordinance to be published following the provisions of State Law. This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty days from and after the date of its final passage, adoption, and publication.

Section 3. That the Town Clerk of the Town of Silverton is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation in the Town of Silverton and to post other notice as required by Colorado State Statute.

Section 4. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect thirty (30) days from and after the date of its final passage, adoption, and publication.

CHAPTER 8 BUILDING REGULATIONS

CHAPTER 9 WATER and SEWER

Chapter 9 ARTICLE 1

GENERAL

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9-1-1 **Creation of Water and Sewer Department** There is hereby created and established a Public Works Water and Sewer Department of the Town of Silverton, for the purpose of the management, maintenance, care and operation of the water and sewer facilities of the Town.

9-1-2 **Board of Trustees: Powers** The Board of Trustees shall make and enforce such rules and regulations as it may deem necessary for the safe, efficient, and economical management of the Town water and sewer systems, and in addition to the provisions of this Article, shall have all those powers elaborated in CRS 1973 31-35-402, including, but not limited to, the construction and reconstruction of water and sewer lines and facilities and the levying and collection of all rates, fees and customer charges.

9-1-3 **Administrator: Powers and Duties**

A. The Public Works Director shall have the immediate control and management of all things pertaining to the Town Public Works Water and Sewer Department, and shall perform all acts that may be necessary for the prudent, efficient, and economical

management and protection of the property of said Public Works Water and Sewer Department, subject to the approval of the Board of Trustees.

B. Whenever, in the judgment of the Public Works Director, he deems it necessary, he may inspect the premises or building of any water and/or sewer consumer, provided that he has the permission of the property owner, for the purpose of examining the condition of all pipes, motors, meters, and water and sewer fixtures, or for the purpose of examining the manner in which the water or sewer is used. He shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water or sewer. Should any property owner refuse the Public Works Director admission for such inspection, the Public Works Director may report such occurrence to the Board who shall take appropriate action to include, should they deem it necessary, summarily cutting off such water and/or sewer service until the inspection is allowed.

9-1-4 **Service Line Extension: Permit Required** It shall be unlawful for any person to open, uncover, or in any manner make connecting with or receive service from any municipal water or sewer main or line, or to lay water, drainage, or sewer pipes on any premises or in any street or alley in the Town without first obtaining a written permit to do so, such permit to be approved by the Public Works Director, issued by the Town Clerk, and on a form provided by the Town.

9-1-5 **Tap Fees** At the time of issuance of a permit for a new tap an service connection, the applicant shall pay to the Town Clerk the appropriate water and sewer tap fees, including the plant investment fee(s) and the installation charge(s). Said payment must be made prior to any work being commenced on the connection to the municipal system. Under no circumstances shall any plant investment charge be waived, as said charge is made to provide revenues for future system improvements. The amount of the fees and charges shall be as set forth in the Town of Silverton Development Standards and Specifications, Section I: General Provisions and Fees. All plant investment fees shall be computed by multiplying the base fee, as establishes by the Board of Trustees, times the applicable equivalent residential unit (EQR) outlined in the fee policy, and all installation charges shall be a flat rate fee.

9-1-6 **Service Line Charges**

A. Construction and installation of all service lines shall conform to Town specifications as set forth by this Article, the Development

Standards and Specifications, and any other applicable Town policies. The new service line shall be installed by the Town from the main to the curb box at the property line, and the entire service line shall be inspected and approved by the Public Works Director or his designated representative, prior to the beginning of the service. Subsequent to installation and approval of the line, the Town shall own and maintain the new water line from the main up to but not including the curb box, and shall own and maintain the new sewer line from the main to the property boundary. The Town shall not accept, approve, maintain or repair any lines not in conformance with Town specifications.

B. Separate and independent water and sewer tap and service shall be provided for each dwelling within the Town of Silverton, unless otherwise approved by the Board of Trustees and the local health department. No person shall construct, maintain, or occupy any dwelling, or other residential structure or building which is not connected to the municipal water and sewer system. No building or occupancy permit shall be issued for the construction or remodeling of any building or structure not in compliance with this Section. (ref. CRS 25-10-111, 31-35-601)

C. Separate and independent water and sewer tap and service shall be provided for every commercial building or structure constructed after October, 1967, within the Town of Silverton, with adequate service lines and taps to provide separate water and sewer service to each commercial unit within the structure, or, if not divided into units, separate water and sewer service to each building lot or site. No business license shall be issued to any premise not in compliance with this Section.

D. Whenever any individual pumping station is necessary, the Town shall assume ownership of such when it is in the public right-of-way, and maintenance and replacement responsibilities shall be performed by the Town; however, all costs associated therewith will be borne on a pro-rata basis by the property owners using said pump. The pro-rata basis will be determined using the applicable EQR of each user.

9-1-7 **<u>System Improvements and Main Extensions: Permit Required</u>**

A. Any person desiring to provide water or sewer service to property within the Town of Silverton which is not served by an existing main shall be responsible for constructing all necessary main extensions and system improvements, including any system improvements necessitated by the size or nature of the proposed

development, and shall make application to do so on a form provided by the Town. Said application shall include maps, drawings, specifications, valuation of improvements, and any other information as may be required by the Public Works Director. The director shall have thirty (30) days from the date of submission to review the application documents and to approve or disapprove a permit for the improvements, such determination to be issued in writing.

B. Any person desiring to provide water or sewer service to property outside the municipal limits of the Town of Silverton which is not serviced by an existing main shall be responsible for constructing all necessary main extensions and system improvements, including any system improvements necessitated by the size or nature of the development, and shall make application to do so to the Board of Trustees, on a form provided by the Town. Said application shall include maps, drawings, specifications, valuation of improvements, and any other information as may be required by the Board. The Board shall have sixty (60) days from the date of submission to review the application documents and to approve or disapprove a permit for the improvements, such determination to be issued in writing.

C. If, in the opinion of the Public Works Director or the Town Board, it is necessary to hire engineering or other consultants to review and analyze the plans, the cost of any consultants hired by the Town shall be paid by the developer.

D. All improvements shall be done by and at the expense of the developer, and prior to or at the time of issuance of the permit, the developer shall post with the Town a performance bond equal to 100% of the estimated cost of the proposed water and sewer improvements, as determined by the Public Works Director, including by not limited to labor, engineering, construction, materials, inspection, and "as-built" drawings and, in addition, the developer shall pay all plant investment fees and other applicable charges with the new service.

E. The phrase "served by an existing main", for purposes of this Chapter as well as the entire Code of the Town of Silverton and the Development Standards and Specifications, shall apply only when the following conditions exist:

    1. The main collection or distribution line to which the service line will be connected must be of minimum size as specified in the Development Standards and Specifications.

2. The main collection or distribution line must be in the public right-of-way directly adjacent to the front, side, or rear of the property being served.
3. The service line must be able to be constructed so that it is perpendicular to the main line, not parallel or at an angle other than ninety (90) degrees.

F. The term "developer", for purposes of this Code and the Development Standards and Specifications, shall include any person or persons who desire or are required to extend water or sewer service beyond the extent of the existing municipal systems.

9-1-8 System Improvements and Main Extension Regulations

A. Construction and installation of all main water or sewer lines and system improvements shall conform to Town specifications as set forth in this Article, the Development Standards and Specifications, and any other applicable Town policies.

B. The completed project shall be inspected and approved by the Public Works Director, prior to the commencement of service, and the Town, by motion of the Board of Trustees, shall accept and assume ownership of the new main and improvements; however, the Town shall not accept, approve, or maintain any lines not in conformance with Town specifications. For a period of one (1) year following acceptance of the project, the developer shall be responsible for all maintenance, repair, and replacement costs necessary, and shall indemnify and hold the Town blameless of and against any and all damages or claims for damages, loss, charges, or expenses that may be brought by reason of work on or the workmanship of the project.

C. The Board of Trustees may require the filing of a warranty bond by the developer, in the form of a letter of credit equal to 100% of the total cost of construction, during the warranty period, for improvements in excess of $1,000, as provided in Section I-1.9 of the Development Standards and Specifications.

D. Following inspection and approval of the completed project, the developer shall provide satisfactory "as-built" drawings, and the performance bond shall be returned to the developer.

E. After the initial year of use, the Public Works Director shall again inspect the improvements, and the Town, by motion of the Board, shall accept and assume full responsibility of the new lines and improvements, and the warranty bond, if required, shall be returned to the developer at this time.

9-1-9 **Reimbursement for Main Extensions and System Improvements** In the event a developer constructs water and sewer improvements through an unserviced area of the Town of Silverton and subsequent service lines are connected to the new water or sewer lines as property abutting these lines is developed, the Town may collect a charge per foot of property frontage from the property owner prior to connection to the main. If such a charge is collected, the Town shall reimburse the developer to the extent of the collection: however, in no event shall the total reimbursements exceed the total cost of the system improvements. The reimbursement fee shall be figured as follows: The total original construction cost of the extension of the main distribution or collection line divided by the total footage thereof (which equals the cost per front foot) times the number of linear feet of property frontage being developed, computed in full lot increments, and not less than the minimum lot area requirements of the Town of Silverton zoning regulations. Property shall be considered to be developed at such time as a dwelling, building, occupied structure, or portion thereof, is constructed on a particular lot. Such reimbursement shall only be made for a period of ten years following the date of completion and initial acceptance of the improvements.

9-1-10 **Interference or Damage, Unsanitary or Unlawful Deposits Prohibited**

A. It shall be unlawful for any person to interfere with employees of the Town of Silverton in the discharge of their duties as relates to water or sewer or any other aspect of the general operations of the Town.

B. It shall be unlawful for any person to willfully or negligently interfere or tamper with, damage, destroy, uncover, or deface any structure, building, main, line, equipment or property which is part of the municipal water or sewer systems or facilities, or which is part of any facility owned or operated by the Town of Silverton.

C. It shall be unlawful for any person to deposit, or permit to be deposited, in any unsanitary manner upon public or private property within the Town or in any area within the jurisdiction of the Town, any human excrement waste.

D. It shall be unlawful for any person to discharge, or permit to be discharged, either directly or indirectly, into any natural outlet or property, sewer or drain within the Town or within the jurisdiction of the Town, any industrial, polluted, or other unacceptable waste, except where suitable treatment has been provided. In the event that the Public Works Director determines that such unacceptable waste is present in the system and is emanating

from a specific lot, building, or premises, the owner, lessor, renter, or occupant of such lot, building, or premises shall, at his own expense, be required to treat, neutralize, or in some other way prepare the noxious substance to the satisfaction of the Director, in order to convert the same into acceptable waste. For the purpose of this Code and the Development Standards and Specifications, the term "unacceptable waste" shall include the following:

1. Any liquid or vapor having a temperature higher than on hundred fifty (150) degrees Fahrenheit.
2. Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
3. Any garbage that has not been properly shredded.
4. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, grit, brick, cement, onyx, carbide, any other solid or viscous substance capable of obstructing the flow of sewers, or any other substance which would be capable of interfering with the proper operation of the sewage facility or lines.
5. Any water or waste having a PH lower than five and one-half (5 1/2) or higher than nine (9), or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage facility.
6. Any water or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with sewage processing, constituting a hazard to humans or animals, or creating any hazard in the receiving waters of the sewage treatment plant.
7. Any water or waste containing suspended solids of such character or quantity that unusual attention or expense is required to handle the material at the sewage treatment plant.
8. Any noxious or malodorous gas or substance capable of creating a public nuisance.

E. It shall be unlawful to discharge from a floor drain, basement drain, or any other under-drainage system directly or indirectly into the Town sanitary sewer system in all buildings, structures, or dwellings constructed after the date of passage of this ordinance,

March 22, 1982.

F. It shall be unlawful to dump septic tank sludge or trailer sanitary tank wastes into the Town sanitary sewer system except with the express permission of and at a location designated by the Public Works Director, and following payment of a fee for same, as established in the fee policy.

G. It shall be unlawful for any person to introduce the following pollutants to the waste treatment system of the Town of Silverton, Colorado from any source for non-domestic discharge:

1. Pollutants which create a fire or explosion hazard in the treatment facility, including, but not limited to, waste streams with a closed cup flashpoint of less than sixty (60) degrees Centigrade (140 degrees Fahrenheit) using the test methods specified in 40 CFR 261.21;
2. Pollutants which will cause corrosive structural damage to the treatment facility, but in no case discharges with a pH of lower than 5.0 s.u.;
3. Solid or viscous pollutants in amounts which will cause obstruction to the flow in the facility, or other interference with the operation of the facility;
4. Any pollutant, including oxygen demanding pollutants (e.g. BOD) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with any treatment process at the facility;
5. Heat in amounts which will inhibit biological activity in the facility resulting in interference but in no case heat in such quantities that the temperature in any treatment plant liquid stream exceeds forty (40) degrees Centigrade (104 degrees Fahrenheit);
6. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the treatment facility in a quantity that may cause acute worker health and safety problems;
8. Any trucked or hauled pollutants, except at discharge points specifically designated by the

Public Works Director of the Town of Silverton; and

9. Any specific pollutant which exceeds a local limitation which may be established by the Town of Silverton in accordance with the requirements of 40 CFR 403.5 (c) and (d).

H. Any person, firms, corporations, business organization or other entity violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day, or portion thereof, during which such violation is found to exist.

(adopted March 22, 1993)

9-1-11 Metering of Water

A. The Town may require that any property owner install a water meter, or that all water customers be metered, for purposes of properly measuring and computing water usage and service charges, or to prevent undue waste of water, or when mandated by state or federal regulations. Any property owner desiring a metered rate in lieu of a flat rate charge shall make written application to the Board of Trustees for a permit to install a meter, and approval or disapproval shall be at the sole discretion of the Board.

B. All buildings, occupied structures, dwellings, or water taps constructed or installed after March 9, 1981, shall be required to have a meter installed on the premises as per this Chapter and the Town of Silverton Development Standards and Specifications.

C. The property owner shall be responsible for purchase of the meter from the Town and for installation of the meter, which shall be done in accordance with Town of Silverton Development Standards and Specifications, and in a location approved by the Public Works Department. Following installation, the meter shall be inspected and approved by the Public Works Department prior to commencement of metered rates. The property owner shall be responsible for preventing freezing of the meter and for all necessary maintenance, repair, or replacement of the meter, which may be done by the Town at the owners request and expense. A broken or malfunctioning meter must be reported immediately to the Town Clerk or Public Works Department.

D. In the event a meter is inoperative for more than one week, a flat rate shall be charged for water usage during that particular quarter. No liability shall be incurred by the Town of Silverton, Board of Trustees, or any agent or officers thereof due to damage resulting from the malfunction of the meter subsequent to

installation.

F. It shall be unlawful to tamper with the meter or with any part of the meter installation.

9-1-12 Service Charges

A. There is hereby levied and charged to each lot, parcel of land, building and premise served by, connected to, or tapped into the Town of Silverton's water and/or sewer systems, water and sewer service charges in an amount established by Resolution of the Board of Trustees, such charges to be billed and payable quarterly-annually by all water and sewer customers at the beginning of each quarter. In no case shall service charges be assessed for a period of less than one full quarter (three months), and all service charges shall be assessed in full to each property or premises served by, connected to, or tapped into the municipal water and/or sewer systems every quarter, whether or not the service is in use or has been temporarily discontinued as provided for in paragraph C of this Section. Such minimum charge is made to amortize existing water and sewer loans and bonds, to provide revenue for future maintenance and improvements, for continual fire protection, and for other water and sewer services constantly available.

B. Quarterly service charges shall commence for a new service upon installation of the new tap.

C. Seasonal users or anyone desiring temporary discontinuation of water and sewer service shall notify the Town Clerk, and service shall be turned off at the curb box by the Public Works Department. Anyone desiring to have service restored shall notify the Town Clerk, and water will be turned on again. Prior to restoration of a previously discontinued service, all current and delinquent water and sewer service charges shall be paid in full.

D. Any property owner desiring permanent discontinuation of water and sewer service may request such in writing to the Town Clerk, but only in the event that the property is completely vacant, with no building, structure or mobile home. The existing tap(s) may remain connected to the main, but no further quarterly service charges will be levied against the property. In the event the owner wishes to totally abandon a service connection, such connection shall be effectively and properly sealed as directed by the Public Works Director. If at any time in the future a request is made to resume service to the property, the property owner shall pay the applicable plant investment fees as provided by Section 9-

1-5, and if the tap was disconnected, the property owner shall also pay the necessary installation charges for a new tap.

E. Water and sewer bills shall be mailed to the individual, corporation, partnership, other entity shown as the owner of the property in the office of the San Juan County Colorado Clerk and Recorder. An agent may be named by the property owner in writing to the Town Clerk and bills will be mailed to such agent so specified, but this shall in no way be interpreted to release any property owner from the full responsibility for any and all water and sewer charges incurred against his or her property.

F. This ordinance is necessary for the immediate preservation of the public health, safety, peace, and welfare.

9-1-13 **Delinquent Service Charges**

A. All quarterly service charges shall become delinquent following the last day of the first month of the quarter for which they are billed, and shall be subject to the maximum allowable interest rate provided in C.R.S. 1973 #31-35-402, which is 1% per month.

B. In the case of a delinquent account, the Town may discontinue water and sewer service to the property at the end of the quarter, and service to that property shall not be restored until all delinquent charges have been paid in full. Change of ownership during such delinquency shall not release the lien for charges against the original owner, nor permit water or sewer service to the new owner, until the lien has been discharged and account paid in full

C. Any delinquent water or sewer charges may, in addition to any other method provided for herein, be certified to San Juan County Treasurer for collection by the procedure provided in Section 3-9-1 of the Code.

9-1-14 **Waste of Water Prohibited** Consumers shall be responsible for preventing unnecessary waste of water and shall keep all water outlets closed when not in actual use. In addition to the penalty provided herein for violation of this Code, the water may be turned off, or required to be metered, where such waste occurs. This shall be most strictly enforced during periods when the Fire Department is in the process of fighting a fire in or near Silverton, and during such times the use of outdoor hoses or outlets or any water outlet where a constant flow of water is maintained is expressly forbidden.

9-1-15 **Water and sewer Charges a Lien on Property** All charges for the use of water, water or sewer service, and service connections shall be a lien upon the

lot and property upon or for which such service shall be or is being used, from the time that such charges become due and payable. Such lien may be enforced and such charges collected by action in any court of competent jurisdiction.

9-1-16 **Regulations Part of Contract** All regulation contained in this Chapter shall be considered a part of the contract of every person using the water and sewer systems of the Town of Silverton, and every person using such systems shall be considered as having expressly consented to be bound thereby.

9-1-17 **Exemplary Measures** If any state, federal, or local building or zoning regulations are found not to be complied with by any property owner, upon ten (10) days written notice requiring compliance, water service may be shut off. (amended 03/22/93)

CHAPTER 10 LICENSING

Chapter 10 ARTICLE 1

GENERAL PROVISIONS

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10-1-1 **Applications** Applications for all licenses and permits required by any provision of this Code or any adopted herein shall be made in writing to the Town Clerk in the absence of a specific provision to the contrary. Each application shall state the name of the applicant, the permit or license desired, the location to be used, if any, the time covered and the fee to be paid; and each application shall contain such additional information as may be needed for the proper guidance of the Town officials in the issuing of the permit or license applied for.

10-1-2 **Person Subject to License** Whenever in this Code or in any code adopted herein a license is required for the maintenance, operation or conduct of any business or establishment, or for doing business or engaging in any activity or occupation, any person or corporation shall be subject to the requirement if by himself or through an agent, employee, or partner, he holds himself forth as being engaged in the business or occupation; or solicits patronage therefore, actively or passively; or performs or attempts to perform any part of such business or occupation in the Town. A license is required by every business in the Town of Silverton. The term "business" shall be defined in general, but not be limited by the following: Activity or enterprise for gain, benefit, advantage, or livelihood, to include all trades, occupations, avocations,

professions, or calling of any kind.

10-1-3 **Forms** Forms for all licenses and permits, and applications therefor, shall be prepared and kept in file by the Town Clerk.

10-1-4 **Signatures** Each license or permit issued shall bear the signatures of the Mayor and the Town Clerk, in the absence of any specific provisions to the contrary. The Mayor may authorize in writing that his signature may be affixed by the Town Clerk by facsimile, rubber stamp or other method.

10-1-5 **Investigations** Upon the receipt of an application for a license or permit where any provision of this Code or any code adopted herein necessitates an inspection or investigation before the issuance of such permit or license, the Town Clerk shall refer such application to the proper officer, board, or commission for making such investigation within forty-eight (48) hours of the time of such receipt. The officer, board, or commission charged thereon shall make its report, favorable or otherwise, within ten (10) days after receiving the application or a copy thereof. The San Juan Basin Health Unit shall make or cause to be made an inspection in regard to such licenses in the connection of the care and handling of food and the prevention of nuisances and the spread of disease, for the protection of health; the Building Inspector shall make or cause to be made any such inspections relative to the construction of buildings or other structures. All other investigations except where otherwise specifically provided, shall be made by the Chief of Police or by another officer designated by the Town Administrator.

10-1-6 **Fees** In the absence of any specific provisions to the contrary, all fees and charges of licenses or permits shall be paid in advance at the time application therefore is made to the Town Clerk. Except as otherwise provided, all license fees shall become a part of the general fund. (Fees are determined, when not otherwise specified, as indicated in Chapter 3, Sections 3, 5, 6, and 7)

10-1-7 **Termination of Licenses; Renewal** In the absence of any specific provision to the contrary, all annual licenses shall terminate on the last day of the fiscal year. Unless specifically otherwise stated, all annual licenses may be renewed upon payment of the annual license fee to the Town Clerk without further examination or investigation.

10-1-8 **Building and Premises** No license shall be issued for the conduct of any business, and no permit shall be issued for anything or act, if the premises and building to be used for the purpose do not fully comply with the requirements of this Code and any code adopted hereby. No such license or permit shall be

issued for the conduct of any business or performance of any act which would involve a violation of the Zoning Code of the Town (Chapter 7, Section 2 of this Code).

10-1-9 **Change of Location** The location of any licensed business or occupation or of any permitted act, may be changed, provided, ten (10) days notice thereof is given to the Clerk, in the absence of any provision to the contrary; provided that the building and zoning requirements of this Code and any code adopted hereby are complied with.

10-1-10 **Inspections**

(a) Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code or by any code adopted herein, or are reasonably necessary to secure compliance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee, or the person in charge of the premises to be inspected to admit thereto for the purpose of making the inspection any officer or employee of the Town who is authorized or directed to make such inspection at any reasonable time that admission is requested, and it shall be unlawful for such person to fail or refuse to admit such officer or employee for such purpose.

(b) Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any provision of this Code or any code adopted herein or to detect violations thereof, it shall be the duty of the licensee of the municipality whose business is governed by such provisions to give to any authorized officer or employee of the Town requesting the same sufficient samples of such material or commodity for such analysis upon request, and shall be unlawful for such licensee to fail or refuse to give such samples to such officer or employee.

(c) Conviction of a violation of any provision of this Section shall automatically forfeit and revoke any license issued under this Chapter; provided, that there shall be no violation of this Section unless written demand is made upon the licensee or person in charge of the premises, in the name of the Town stating that such inspection or sample is desired at the time it is sought to make the inspection of or obtain the sample.

10-1-11 **Revocation** The Board of Trustees may, upon seven (7) days written notice to a licensee stating the contemplated action and in general the grounds

therefore, and after a reasonable opportunity to be heard, revoke any license issued by the town if it finds that:

(a) The licensee has failed to pay the annual license fee;

(b) The licensee has failed to file any reports or furnish any other information that may be required by the provisions relating to the specific license;

(c) The licensee has violated any of the terms of the provisions pertaining to his license or any regulation or order lawfully made relating thereto; or

(d) Any fact or condition exists which, if it had existed or had been known to exist at the time of application for such license, would have warranted the refusal of the issuance of such license.

10-1-12 **Return of Fees** Upon refusal of any license, the fee therefore paid in advance shall be returned to the applicant. In the event that any license is revoked, all monies paid therefore shall be and remain the monies of the Town and no refund shall be made to any licensee.

10-1-13 **Posting License** It shall be the duty of any person conducting a licensed business in the Town to keep his license posted in a prominent place on the premises used for such business at all times.

10-1-14 **Right of Town to Impose Conditions upon Issuance of Business License**

(a) The Board of Trustees of the Town of Silverton shall have the right to impose any reasonable and necessary terms and conditions which it deems proper upon a business prior to the issuance of a business license therefore. In appropriate cases, the Board of Trustees may allow a business to operate upon a conditional occupational license while compliance is made with any such terms and conditions ordered by the Board. If compliance is not accomplished within any reasonable time limits imposed by the Board, a conditional occupational license may then be revoked by action of the Board of Trustees, following written notice to the owner, operator, or agent of the affected business that such action may take place at the time specified in such notice, as provided in Section 10-1-11(c) of this Code.

(b) Yard and/or Garage Sales are permitted within the Town of Silverton and are not subject to provisions of Section 10-1-2 unless such a Yard and/or Garage Sale exceeds 10 consecutive days or 3-48 hour weekends per 4 month period, when such sale, whether indoors or outdoors, shall be subject to the provisions of Section 10-1-2.

CHAPTER 10 LICENSING

ARTICLE 2
COIN OPERATED AMUSEMENT DEVICES

10-2-1	**Owners Licensed**	**10-5**
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10-2-1 **Owners Licensed** That the owner of each and every coin operated amusement device or juke box used, installed, kept for operation, displayed for public patronage, or operated within the Town of Silverton, be required to obtain and pay a license fee for each and every year or fraction of a year that such coin operated amusement device or juke box is so owned, used, installed, kept, displayed, or operated.

10-2-2 **Definition** A coin operated amusement device shall be defined as, and include any machine, mechanical table, gadget, or apparatus placed in operation by the insertion of a coin in or upon the machine, mechanical table, gadget or apparatus; A juke box shall be defined as any machine which, upon insertion of a coin, will produce music of the player's choice. Provided that any machine or device exclusively vending a commodity, goods or postage stamps is hereby exempted and excluded from the operation of this Ordinance.

10-2-3 **License to Be Posted** The owner, operator or agent shall, before placing any such coin operated amusement device or juke box in use, display or keeping within the Town of Silverton, procure a license from the Town Clerk and Recorder and shall conspicuously display the license on the coin operated amusement device or juke box for which the license is issued.

10-2-4 **License Fee and Period** The license fee for each year or a fraction of a year for a coin operated amusement device shall be twenty-five dollars ($25.00) and for a juke box the license fee shall be ten dollars ($10.00) per year or fraction thereof. The license year shall end December 31, of each year.

10-2-5 **Form of License** Each license shall be numbered consecutively as issued and shall state the amount paid for such license: the period for which it is given: the type of coin operated amusement device or juke box licensed; some number

or identi-feature of the device; the name of the owner or his agent: the location of the device: be signed by the Mayor and bear the attest of the Town Clerk and Recorder and the seal of the Town. The Town Clerk upon issuing a license for a coin operated amusement device or juke box shall make out a receipt in duplicate for the money paid, giving the licensee the original and keeping the duplicate for the Town files; then enter the license in the License Register and shall at the first regular meeting of the Town Board in each calendar month, make a full report of the same. Provided that no license shall be issued to any applicant unless he shall be over twenty-one (21) years of age and a citizen of the United States.

10-2-6 **Rules for Operation** No person, corporation or association of persons holding a license under the terms of this Ordinance shall permit the playing of juke boxes as defined herein between the hours of 2 a.m. and 6 a.m. of any day.

10-2-7 **Penalty** The ownership, use, installation, keeping, displaying and operating of any coin operated amusement device or juke box without a license shall constitute an offense and upon conviction thereof, the owner or operator shall be liable to a fine in a sum of not more that three hundred ($300.00) dollars, or by imprisonment in jail not exceeding ninety (90) days, or by both such fine and punishment. The ownership, use, installation, keeping, displaying and operation of any coin operated amusement device or juke box for any fraction or period of a day without a license shall constitute and be a separate offense. The penalty herein provided is not the exclusive remedy but it is to be considered as a supplemental and additional right or remedy that the Town of Silverton may have or pursue against anyone guilty of violating the terms of the Ordinance.

CHAPTER 10 LICENSING

ARTICLE 3
MISCELLANEOUS

10-3-1	**License Necessary When**	**10-7**
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10-3-1 **License Necessary When** No person, corporation, or association of persons, shall within the corporate limits of the Town of Silverton, transact, conduct, carry on, or engage in any business, avocation, trade or calling named or included in this Article, without first obtaining a license therefore, and without first paying into the Treasury of the Town for such license the respective sums as hereinafter specified for each such business, avocation, trade or calling as follows to-wit:

(a) Circus For each circus, menagerie or circus and menagerie combined, twenty-five dollars ($25.00) per day, or fraction thereof, each day shall end at midnight.
Side-show For each side-show or separate attraction connected with any circus or menagerie for which a separate admission fee is charged, ten dollars ($10.00) per day or fraction thereof, and each such day shall end at midnight.

(b) Swings, Merry-Go-Rounds, etc. For each swing, merry-go-round, striking machine, cane rack or any other device or apparatus for amusement, or trial of skill or strength, ten dollars ($10.00) per day or fraction thereof, and each such day shall end at midnight, or fifty-dollars ($50.00) for thirty consecutive days.

(c) Shooting Gallery For each shooting gallery ten dollars ($10.00) per week or fraction thereof, and each such week shall end at midnight of each Saturday following the issuance of the license. No more than eight rifles or target pistols shall be permitted on a single license.

(d) Billiards and Pool (repealed)

(e) Bowling Alleys and Shuffleboards For each and every bowling alley and shuffleboard used or played upon for a consideration, ten dollars ($10.00) per year or fraction thereof, and each such year shall end with the municipal year.

(f) Dance Floors For each and every dance floor within a building or enclosure where dancing is permitted, twenty-five dollars ($25.00) per year or fraction thereof, and each such year shall end with the municipal year.

(g) Advertising Shows For any shows, lectures, concerts or performance of any kind or nature whatsoever given for the purpose of advertising or selling anything of any kind or nature whatsoever, whether an admission fee is charged or not, and whether voluntary contributions are solicited or not, ten dollars ($10.00) per day or fraction thereof, and each such say shall end at midnight; provided, however, any such show, exhibition or performance need secure no such license when the same is given or held at a duly licensed theatre, motion picture house or opera house as hereinafter provided.

(h) Animal Shows For each show of any wild or tame animal, foul, beast, bird, human monstrosity or freak of nature, performance or horsemanship, feats of activity or strength, athletic feats, and other similar shows or exhibitions, except where connected with a circus, where an admission fee is charged, or voluntary contributions solicited, ten dollars ($10.00) per day or fraction thereof, and each such day shall end at midnight; provided, however, any such show, exhibition, or performance need secure no such license when the same is given or held in duly licensed theatre, motion picture house, or opera house as hereinafter provided.

(i) Lectures and Concerts, etc. For all jugglery performances, sleight of hand, attempts at necromancy, performances of hypnotists or mesmerists, or any similar performances or shows, and all professional or traveling magic lantern shows, theatrical performance, operas, concerts and lectures, except when in contribution solicited, five dollars ($5.00) per day or fraction thereof and each such day shall end at midnight; provided, however, that may such show, exhibition, or performance need secure no such license when the same is given or held in a duly licensed theatre, motion picture house, or opera house as hereinafter provided.

10-3-2 **Theatre Exits and Ventilation** No annual theatre license shall be issued to any theatre, motion picture house, opera house, or any other house or room used or intended to be used as such unless and until the same be provided with at least two doorways of not less than five feet in width and with a proper and sufficient aisle and passage of not less than four feet in width leading to and

from every such doorway; and all such aisles and passages shall at all times be kept free and clear of chairs, stools, and benches and any and all other obstructions, so that in case of fire or other sudden alarm those who may be assembled within such building or rooms may speedily and safely escape therefrom, and all such doors of every such building or room shall open outwards and every owner and every person having use, charge or control of any such building or room shall, during the whole of every exhibition, performance, or assemblage, therein, cause all the doors thereof to be left unfastened or latched upon the inner side only so that any person may readily and speedily open the same from the inner side of such room or building, and all such rooms shall be provided with no less than three suitable openings and with all necessary openings so that the same may at any and all times be properly ventilated; and each such doorway or exit, opening from a darkened room, shall have a lighted sign above such doorway marked "exit".

10-3-3 **Billiard and Pool** Proprietors of billiard, pool, bagatelle, and pigeon hole tables, and any and all similar tables, used or played upon for a consideration shall pay twenty-five ($25.00) dollars per year or fraction thereof, for each such table, and each such year shall end with the municipal year.

10-3-4 **Selection of License** In the event any uncertainty shall arise or exist concerning the nature or kind of license to be issued for any show, circus, lectures, concert, or performance of any kind or nature whatsoever, or any business, calling or avocation of any kind or nature whatsoever, the Town Clerk and recorder in issuing any such license shall be bound by the selection or determination or instructions shall be binding until set aside by the majority vote of the Board of Trustees.

10-3-5 **Immoral Exhibitions** No licensee of any show, theatrical play, musical concert or any other exhibition, shall give or allow any exhibition or performance, theatrical or otherwise, that is in its tendency against good morals or decency.

10-3-6 **License Record** The Town Clerk and Recorder shall keep a separate record of Liquor, Bicycle, Dog, and Occupational licenses in which shall be entered the name of each and every person licensed pursuant to the Ordinances of the Town - except those relating to Liquor, Bicycle, and Dog Licenses - the date of the license, the purpose and period for which it is granted, the amount paid therefor and shall at the first regular monthly meeting of the Board of Trustees in each month make a full report of the same.

10-3-7 **Penalties** Any person carrying on any business, trade, or occupation which by this ordinance is required to be licensed shall post such license conspicuously at the place where such business is carried on, if practicable, and is not practicable shall then keep the same at all times easily accessible and show the same to any officer of the Town when requested to do so and any person violating this Section may be fined in a sum not more than three hundred ($300.00) dollars or ninety (90) days in jail or both such fine and imprisonment.

ARTICLE 4
BUSINESS LICENSE FEE

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10-4-1 **Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

1. Business means all activities engaged in or caused to be engaged in with the object of gain, benefit, advantage, or livelihood, direct or indirect, to include all trades, occupations, avocations, professions, or calling of any kind.
2. Engaged in business means performing or providing services or selling, leasing, renting, delivering, or installing tangible personal property for storage, use or consumption. "Engaged in business" in the town includes, but is not limited to, any of the following activities by a person:
    a. Directly, indirectly, or by a subsidiary maintaining a building, store, office, salesroom, warehouse, or other place of business within the jurisdiction;

b. Sending one (1) or more employees, agents or commissioned sales persons into the jurisdiction to solicit business or to install, assemble, repair, service or assist in the use of its products or for demonstration or other reasons; or

c. Maintaining one (1) or more employees, agents or commissioned sales persons on duty at a location within the jurisdiction.

3. Employees means persons working within the town for remuneration under the control and direction of an employer,

4. Home occupation means any business situated in a residential zone; conducted principally within a dwelling unit, enclosed garage, or accessory building; and carried on by the residents of said dwelling. Provided, however, such business use must be clearly incidental and secondary to the use of the property for residential purposes and shall neither change nor adversely affect the character of the property, adjoining properties, or the neighborhood for residential purposes.

5. Nonprofit corporation means a corporation in which no part of the income or profit is or could be distributed to its members, directors, or officers and is incorporated in the State of Colorado as a nonprofit corporation.

10-4-2 **Distribution of Financial Cost of Governmental Services**

The Board of Trustees hereby finds, determines and declares that considering the relationship of businesses and occupations in the Town to the municipal welfare and the provision of governmental services within the Town require a proper, just, and equitable distribution of the financial cost of governmental services within the Town. After due consideration of all matters related to the municipal welfare and the provision of governmental services within the Town, the business fees imposed herein are declared to be reasonable, proper, uniform, non-discriminatory, and necessary for a just and equitable distribution of the cost of governmental services within the Town. It is intended that revenues raised from the assessment of business fees herein shall be expended for the purpose of providing services that directly benefit the business community and that such revenues shall not be used for general governmental purposes,

10-4-3 **Business License Required**

1. It shall be unlawful for any person to establish any place of business in the town, or engage in business within the town, without first obtaining a business license to conduct such business. Any person or corporation shall be subject to the requirement of obtaining a business license if by himself or through an agent, employee, or partner, he holds himself forth

as being engaged in business; solicits patronage therefor, actively or passively; or performs or attempts to perform any part of such business in the Town.

2. Only one (1) general business license shall be required for any establishment operating as a single enterprise. Separate general business licenses shall be required for each location of an enterprise operating at more than one (1) location within the town limits. Specialty licenses shall be required in addition to general business licenses when applicable. Business licenses cannot be transferred upon a change of ownership.
3. The sponsor or organizer of a special event involving the conduct of business by one or more vendors (e.g. arts and crafts festival, music festivals, etc.) shall be responsible for securing and paying for a temporary business license to cover all vendors and businesses associated with the special event. In making application for a group business license, the sponsor or organizer shall provide the Clerk-Treasurer with a complete and accurate listing of all participating vendors and businesses, and their respective sales tax account numbers. The sponsor/organizer shall secure the group business license prior to staging their event by paying a business license fee, calculated on the basis of the number of vendors times the number of days the event is scheduled to entail times the daily business fee rate as set by resolution of the Town Board. The Town Clerk-Treasurer, or a designated official, is authorized to periodically visit the special event site and inspect all business activities to ascertain that all business activities are properly covered by the group business license issued. If businesses are found to be operating without authorization under the group business license issued, the sponsor or organizer shall immediately secure and pay for additional temporary business licenses as necessary to cover all vendors participating in the event, including the payment of late fees for each business found to be operating without authorization under the group business license.

10-4-4 **Exemptions** The business license requirements provided for in this article shall not apply to federal, state, county, or municipal offices and activities. Such requirements shall not apply to utility companies for which an occupational tax has been assessed and the fee for the privilege of doing business inside the town limits has been waived by ordinance of the Town Board. Employees and nonprofit corporations are exempt from the business license and fee requirements provided for in this article. Yard or garage sales are exempt from the business license and fee requirements of this article provided such sales do not exceed three days in any calendar year.

10-4-5 **Contents, Applications and Records**

1. All licenses shall specify the name of the licensee; a business address; the nature of the business; the term of the license; the place to which the

license attaches; the amount payable thereon; and the date upon which the license expires.

2. Applications for business license shall be on forms provided by the Town Clerk-Treasurer. After receipt of a complete application, including the payment of all applicable fees therefor, and the results of any pertinent investigation of an application, the Town Clerk-Treasurer may issue a business license. The Clerk-Treasurer may impose any reasonable and necessary terms and conditions to any business license issued as authorized in Section 10-4-7 of the Town Code. Each license issued shall bear the signatures of the Mayor, which may be affixed by facsimile, rubber stamp, or other method, and attested to by the Town Clerk-Treasurer.
3. The Clerk-Treasurer shall keep an adequate record of all business licenses issued on file.

10-4-6 **<u>Investigations</u>**

1. Prior to submitting an application for a new business license, the applicant shall first obtain an application from the Town Clerk-Treasurer, and then schedule inspections and review of the business license with those departments or agencies deemed necessary by the Town Clerk-Treasurer.
2. All premises must be brought to current codes and standards as required and identified by the Town of Silverton, regardless of prior occupancy.
3. All departments or agencies identified by the Clerk-Treasurer shall conduct such necessary investigation or inspection within a reasonable timeframe. The department or agency shall either sign the investigation report included within the business license application indicating compliance with applicable codes, regulations, or requirements by the applicant, or provide written feedback to the applicant for necessary corrective measures. A business license shall not be issued until all necessary departments or agencies have signed off on the investigation report, or submitted a report outlining conditions for issuance of a business license.
4. Whenever it is necessary to inspect the premises of any business or proposed business, it shall be the duty of the licensee or the person in charge of the business premises, to admit thereto any authorized officer, employee, or agent of the Town, for the purpose of making such inspection. It shall be unlawful for such licensee or person to fail or refuse to admit an authorized officer, employee, or agent of the Town, at any reasonable time, for the purpose of making such inspections(s).
5. Once all required signatures are obtained, the applicant may submit their business license to the Clerk-Treasurer. The Clerk-Treasurer shall have seventy two (72) hours to issue or deny the business license in accordance with Section 10-4-7 below.

6. Applications without proper signatures from investigating departments/agencies shall be deemed incomplete, and shall be denied.

10-4-7 **Denial**

Application for a business license shall be made to the Town Clerk-Treasurer who shall have the power to grant or deny such business license in accordance with this section. The Clerk-Treasurer shall have the authority to impose conditions on any business license to assure that the licensed business operates in compliance with all provisions of the Town Code and all Town Regulations and to mitigate adverse impacts to other lawful land uses under the provisions of the Town Code. Denial shall be for cause. Due notice of the denial shall be provided the applicant, which notice shall include the grounds for denial. The license fee paid for any license so denied, excepting any fee assessed for a new license, shall be returned to the applicant. Any of the following reasons may be considered cause for denial of a business license:

1. Failure to file any reports, to pay any required fees or taxes, or to furnish information as may be required in the investigation or inspection of any application for a business license;
2. Previous revocation or suspension of a business license held by the applicant;
3. Nonconformance of the premises or building to be used for the business with the requirements of pertinent City Codes;
4. Nonconformance of the business with current zoning or, in the case of home occupations, incompatibility with adjacent land uses;
5. Undue congestion of public throughways;
6. Creation of a potentially hazardous or unsafe condition;
7. Posing a danger to public health; or
8. Any fact or condition exists which, if such fact or condition had existed or had been known to exist at the time of application for a business license, would have warranted the denial of such business license.

10-4-8 **Fees**

1. The license fee upon every business in the Town, except those exempted in Section 10-4-4, shall be determined according to the number of employees hired, whether full or part time. The number of employees shall be determined as the greatest number of employees anticipated to be hired in the subject year, based upon the greatest number of employees actually hired in any month during the preceding year. The license fee for a new business shall be based on the estimated greatest number of employees to be hired in any month during the subject year. The license fee to be paid by each business shall be in accordance with a business license fee schedule adopted by resolution of the Town Board as

the same may be adopted and amended from time to time. An owner shall be considered an employee for the purposes of this section.

2. The license fee to be paid by each temporary business shall be in accordance with a business license fee schedule adopted by resolution of the Town Board, as the same may be adopted and amended from time to time.
3. An application/inspection fee of twenty-five dollars ($25.00) shall be imposed upon any new application for a business license, including applications for a cancelled or temporary license; or upon any existing business that changes its location with the Town limits.
4. Businesses operating year-round shall be renewed and fees paid annually by January 31. A late fee of twenty-five $25.00 shall be assessed for renewals completed after January 31. Any business operating without a renewed business license by March 1 shall have their business license revoked, and shall comply with all requirements of this Code applicable to a new business license.
5. Businesses operating during the summer season shall be renewed and fees paid annually by May 1. A late fee of $25.00 shall be assessed for seasonal renewals completed after May 1 after the applicant has already opened for business or engaged in business. Any business operating without a renewed business license by May 31 shall have their business license revoked and shall be required to apply for a new business license, and shall comply with all requirements of this code applicable to a new business license.
6. All applicable fees shall be paid at the time application for a business license is filed with the Town Clerk-Treasurer.

10-4-9 **Posting and Exhibiting**

Every license granted under the provisions of this article shall be posted in a conspicuous place at the business location for the full term of the license. Licenses shall be removed upon expiration. It shall be the duty of each person, or a designated representative or agent, to whom a license has been issued to show the same at any proper time if requested to do so by any town official.

10-4-10 **Expiration of License Term**

1. Excepting only temporary business licenses, all business licenses shall expire on December 31st of each calendar year.
2. Temporary business licenses shall expire upon such date as specified on the temporary business license.

10-4-11 **Revocation**

1. The Town Administrator shall have the authority to suspend any business license now or hereafter issued; upon seven (7) days written notice to the licensee stating the contemplated action and, in general, the grounds

thereof, and after reasonable opportunity to be heard, revoke any license issued by the Town if he finds that:

a. Fraud, misrepresentation, or any false statement contained in the application for license;
b. Conduct of business in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public;
c. Conviction of any violation of federal, state, or municipal law in the course of operation of the licensed business;
d. Repeated violations of one or more town ordinances at the licensee's place of business, by the licensee or employees or patrons of the business;
e. The conduct of the licensee's business causes the Town to expend public funds beyond normal requirements to protect the public health, welfare, and safety as a result of the conduct of the licensee's business;
f. The licensee remains in arrears in payment of sales tax to the State longer than thirty (30) days after payment is due; or
g. The business is of such a nature, or is operated in such a manner, that it is frequented by individuals who:
    1. Consistently disrupt the normal and reasonable peace and tranquility of the neighborhood; or who
    2. By intimidation, threat, harassment or other hostile conduct seriously disrupt any other business in the immediate neighborhood thereby causing such other business unreasonable economic loss;
h. The licensee fails to keep and maintain permanent records which, in accordance with accepted accounting practices as determined by the finance director, are necessary for establishing licensee's sales tax liability;
i. For any other reason listed in this article.

2. In the event that any license is revoked, all moneys paid therefore shall be and remain the moneys of the Town and no refund shall be made to any licensee.

10-4-12 **<u>Appeals</u>**

A license applicant may appeal any license denial by the Clerk-Treasurer or license revocation by the Town Administrator to the Town Board. The appeal shall be in writing, stating the grounds for the appeal, and shall be filed, together with a review fee of three hundred dollars ($300), with the Clerk-Treasurer within five (5) days of the decision of the Clerk-Treasurer or Administrator. Upon receipt of an appeal, the Town Board shall provide the appellant opportunity for a public hearing, and following a reasonable time for the appellant to appear before the Board and show cause why his license should not be denied or

revoked, the Town Board shall decide to uphold, modify, or overturn the decision of the Clerk-Treasurer or Administrator. If the decision of the Clerk-Treasurer or Administrator is overturned by the Town Board, the review fee shall be refunded in its entirety to the appellant.

10-4-13 **Legal Right of Town**

The Town of Silverton shall have the right to recover all sums due by the terms of this article by judgment and execution thereon in a civil action in any court of competent jurisdiction. Such remedy shall be cumulative, with all other remedies provided herein for the enforcement of this article.

10-4-14 **Violations**

Failure to comply with the terms of this article by payment of fees or to otherwise comply with the terms of this article shall constitute a violation. Any person convicted of a violation of this article shall be fined an amount not to exceed three hundred dollars ($300) or imprisoned for a period not to exceed ninety (90) days, or both.

ARTICLE 5
LICENSING OF MEDICAL MARIJUANA OPERATIONS

10-5-1	**Short Title**	**10-17**
10-5-2	**Findings**	**10-17**
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10-5-4	**Town of Silverton Medical Marijuana Licenses**	**10-19**
10-5-5	**Operational Requirements**	**10-24**

10-5-1 **Short Title** This Article shall be known and may be cited as the "Town of Silverton Medical Marijuana Licensure Rules and Guidelines"

10-5-2 **Findings**

A. Lawfulness - The production, sale and use of medical marijuana shall be lawful within the statutory limits of the Town of Silverton provided that all licensure, permitting, land use and other requirements established under this Code are satisfied and further provided that any business operating pursuant to the terms of this Article operate in conformance with all such requirements as established by Amendment 20, the Colorado Medical Marijuana Code, and any such rules or regulations appurtenant thereto as the State may promulgate from time to time.

B. Local Option – Pursuant to Section 12-43.3-106 of the Colorado Medical Marijuana Code, the Town of Silverton – by and through either its elected authority or general electorate – maintains the right to declare the activities contemplated herein to be unlawful upon a majority vote of either its governing body or by the general electorate at a regular or special election called in accordance with the Colorado Municipal Election Code of 1965 or Uniform Election Code of 1992.

10-5-3 **Definitions** Terms used in this Article shall be given their plain meaning when not otherwise given explicit meaning in this Section (3). As used in this Article, the following words and phrases shall be construed with the following meanings:

"Applicant" includes any person seeking to obtain a Town of Silverton license for the purposes of operating a lawful medical marijuana-related business within the jurisdictional limits of the Town.

"Local Licensing Authority" is that body responsible for granting final approval of, and issuing municipal medical marijuana licenses to, medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers. Such authority shall consist of the Town of Silverton Board of Trustees, which body shall approve local medical marijuana licenses by a simple majority vote unless and until such entity, by resolution, proscribes an alternate approval process and/or delegates its authority vested herein.

"Optional Premises" means a property or portion thereof individually licensed in conjunction with a licensed medical marijuana center and employed as an ancillary growing facility servicing the latter.

"Optional Premises Cultivation Operation" means any person operating a lawful, licensed business for the purpose of growing and cultivating medical marijuana in conjunction with either a licensed medical marijuana center or medical marijuana-infused goods production facility.

"Person" includes any natural person, partnership, association, company, corporation, limited liability company or any agent or officer thereof.

"Medical Marijuana Center" means and includes any natural person, partnership, association, company, corporation, limited liability company or any agent or officer thereof operating a lawful, licensed business for the purpose of selling medical marijuana to registered patients or primary caregivers but shall not include primary caregivers.

"Medical Marijuana-Infused Goods Production Facility" means any person lawfully creating medical marijuana-infused products pursuant to the terms and conditions of this article and which has a written agreement or contract with a medical marijuana center licensee.

"Patient" means any individual permitted to lawfully purchase, receive and use medical marijuana in accordance with the terms of Amendment 20 of the constitution of the State of Colorado.

"Primary Caregiver" means a person, other than a patient and the patient's physician, who is eighteen years of age or older, who may lawfully engage or assist no more than five such patients at any given time in the provision and use of medical marijuana. When this relationship exists, the Primary Caregiver shall bears a significant responsibility for managing the well-being of his or her patients permitted to use medical marijuana by virtue of a debilitating medical condition.

"State Licensing Authority" is the Executive Director of the State of Colorado Department of Revenue or the Deputy Director of the Department of Revenue if the Executive Director so designates.

10-5-4 **Town of Silverton Medical Marijuana Licenses**

A. License Required – No person or entity shall operate as a medical marijuana center, a medical marijuana-infused goods production facility, or an optional premises cultivation operation without obtaining both state and local licenses therefore, the latter of which shall be issued by the Town consistent with the terms of this Section (3) and shall be renewed on a bi-annual basis.
B. License Not Required
    1. Medical Marijuana Patients. Patients lawfully registered with the state for the purposes of using medical marijuana to treat a debilitating condition shall not be required to obtain a Town of Silverton medical marijuana license.
    2. Primary Caregivers. Any individual registered with the State of Colorado as a Primary Caregiver and operating lawfully as such under the terms of Sections 25-1.5-106(5)-(6) of the Colorado Revised Statutes shall not be required to obtain a Town of Silverton medical marijuana license. Any Primary Caregiver operating within the jurisdictional limits of the Town of Silverton and receiving compensation for such services may nevertheless be subject to the business license requirements of Article I of this Chapter.

C. License Types – Consistent with Colorado Medical Marijuana Code Section 12-43.3-401 and the three types of lawful business types enumerated therein, the Town of Silverton shall issue three types of local operational licenses, each of which shall be renewed on an annual basis:
    1. License to Operate a Medical Marijuana Center. Such licenses shall be issued to Applicants who submit a valid application therefore and seek to lawfully sell medical marijuana pursuant to the terms and conditions of Section 12-43.3-402 of the Colorado Medical Marijuana Code.
    2. License to Operate a Medical Marijuana-Infused Goods Production Facility. Such licenses shall be issued to Applicants who submit a valid application therefore and seek to lawfully produce and sell medical marijuana-infused products pursuant to the terms and conditions of Section 12-43.3-404 of the Colorado Medical Marijuana Code.
    3. License to Operate an Optional Premises Cultivation. Such licenses shall be issued only in conjunction with the issuance of either a License to Operate a Medical Marijuana Center as proscribed in Subsection (a) of this section and shall be issued to Applicants who submit a valid application therefore and seek to lawfully cultivate medical marijuana pursuant to Section 12-43.3-403 of the Colorado Medical Marijuana Code.

D. Application for Licensure – Persons or entities seeking to operate any of the three business types enumerated in Subsection (B) of this Section within the jurisdictional limits of the Town of Silverton shall first file and have approved, an application tendered by the Town Clerk for such purposes. Applicants shall submit a completed copy of such form as the Town Administrator may designate but which shall accommodate application to the Town for any of the business types included in Subsection (B) of this section and shall at a minimum include the following:
    1. The street address or addresses of the medical marijuana operation or operations the Applicant seeks to license under the provisions of these Rules and state law, which information shall be subject to the confidentiality requirements of Section 12-43.3-310(14) of the Medical Marijuana Code where applicable;
    2. The Applicant's name, mailing address and telephone number. If the Applicant is not the owner of the identified location of the proposed business, a notarized statement from the owner of such property authorizing the

submission of the application and operation of the business on the premises;

3. Plans and specifications for the interior of the building if the building to be occupied is in existence at the time. If the building is not in existence, the Applicant shall file a plot and plan and a detailed sketch for the interior and submit an architect's drawing of the building to be constructed.
4. An indication that the Town has received a completed set of the Applicant's fingerprints on a form approved by the Town Administrator;
5. An indication as to which type of license(s) is being sought. If the Applicant is seeking to obtain a License to Operate an Optional Premises Cultivation, Applicant must concurrently apply for and obtain either a License to Operate a Medical Marijuana Center or a License to Operate a Medical Marijuana-Infused Goods Production Facility. If the proposed optional premises cultivation operation is to serve an existing, lawfully licensed medical marijuana center or medical marijuana-infused goods production facility, Applicant may indicate as much on the application, identify the operation to be served by such optional premises cultivation operation, and upon verification of Town staff of this information, the Licensing Authority may issue an independent License to Operate an Optional Premises Cultivation notwithstanding the terms of this Subsection (5).
6. An attestation that the Applicant has either submitted an application for an annual Town of Silverton Business License or is submitting such application in conjunction with the medical marijuana license application. The form shall verify Applicant's understanding that obtaining a Town license permitting the lawful operation of a medical marijuana facility does not relieve such Applicant or facility of any standards that may be triggered by the business license initiation and renewal processes. Applicant shall acknowledge that such review may include compliance determinations at both the local and state levels and that such determinations may include, but may not be limited to, those relating to applicable zoning standards, building and fire codes and electrical compliance.
7. An application fee in an amount as has been established by Resolution upon a majority vote of the Town Board,

made payable to the Silverton Town Treasurer, and assessed in accordance with Section 12-43.3-503.

E. Processing Priority – the Town Clerk shall process applications submitted pursuant to this Section in the order in which applications for Town Business Licenses appurtenant thereto are received. When multiple applications are referred to the Local Licensing Authority for its consideration, the Authority shall consider the order of receipt in evaluating potential separation requirements as established in Chapter 7 of this Municipal Code.

F. Local Licensing Authority Review – In accordance with Colorado Medical Marijuana Code Section 12-43.3-303, when presented with an application for a medical marijuana license, the Local Licensing Authority or its Town staff designees shall commence an investigation the purpose of which shall be to render a determination on the propriety of issuing a license to the particular applicant and for the particular premises identified in the application under consideration.

G. Hearing – Upon receipt of an application for a license under this Section, the Licensing Authority may schedule a public hearing upon the application to be held not less than thirty days after the date of the application. If the Licensing Authority elects to hold such hearing, the Town Clerk shall post and publish notice thereof not less than ten (10) days prior to the scheduled date of such hearing and shall carry out all other public notice requirements as proscribed by Section 12-43.3-302 of the Colorado Medical Marijuana Code. Notwithstanding any provisions to the contrary herein, any hearing conducted in response to an application to approve a medical marijuana operation pursuant to these Licensure Rules and Guidelines shall comport with the confidentiality requirements of Section 12-43.3-310(14) of the Medical Marijuana Code where applicable.

H. Concurrent State-Local Approval – Consistent with the provisions of Colorado Medical Marijuana Code Sections 12-43.3-302(5), either the Local Licensing Authority or an Applicant with Local Licensing Authority Approval may request that the state licensing authority conduct a concurrent review of a new license application prior to the Local Licensing Authority's final approval of the license application. In such cases, the Local Licensing Authority will continue to independently review the Applicant's license application.

I. Final Determination – Not less than twenty-five days after the receipt of a complete application, the Local Licensing Authority shall make known its findings in writing to both the Applicant and other such interested parties as may exist relative to the

application. The Local Licensing Authority has authority to refuse to issue a license for good cause, subject to judicial review.

J. Pre-Issuance Inspection – Should the Local Licensing Authority not reject an application for good cause, it shall require the Applicant to provide proof that any license application fee due to the State has in fact been duly paid to the State Department of Revenue in accordance with the requirements established by Section 12-43.3-310(6) of the Colorado Medical Marijuana Code. By verification through the Town Building Inspector or other appropriate authority as it may designate, the Local Licensing Authority shall also confirm the premises upon which the business to operated is ready for occupancy and that such furniture, fixtures, and equipment is in place as is conceived and upon inspection of the premises, shall issue a positive determination that the Applicant has complied with the architect's drawing, plot plan and detailed sketch for the interior of the building submitted with the application.

K. Issuance of License – Upon approval of an application and verification of the terms established in Section 10-5-4(J) of this Code, the Local Licensing Authority shall approve an application and direct staff to issue the proper license to the Applicant which shall be in a form to be approved by the Town Administrator.

L. State Notification – Upon approval of an application for local licensure, the Local Licensing Authority shall notify the State Licensing Authority of such action, following which the State Licensing Authority shall investigate and either approve or disapprove the application for state licensure. If application for state licensure is denied, any approval for local licensure shall be considered null and void unless and until the state application is remedied and approved.

M. Renewals – Notwithstanding the terms of Subsection (C) of this Section, Applicants seeking to renew existing operational licenses issued under this Article may do so subject to a $100 annual renewal fee and by and through a shortened renewal form as designated by the Town Administrator. Such form may elicit any such information as sought through the initial application process but may also ask for additional information reasonably related to the renewal process.

N. Suspension or Revocation of License – If, in the opinion of the Local Licensing Authority, a licensee otherwise permitted to operate a medical marijuana-related business in accordance with these provisions and those of the Colorado Medical Marijuana Code has failed to abide by the terms of any portion thereof, the Authority may suspend or revoke such license by a majority vote.

O. Appeal – The Town Board of Adjustment shall serve as the sole appellate authority for any final decision issued by the Local Licensing Authority, be it approval or denial of a license application or the suspension or revocation thereof. The appeal process for any reconsideration of a decision concerning a medical marijuana operation shall be in accordance with that procedure dictated by Section 7-1-8(D) of this Municipal Code.

10-5-5 **Operational Requirements** Any business licensed by the Town of Silverton pursuant to these Rules and Guidelines shall maintain operational standards consistent with the Colorado Medical Marijuana Code and any State regulations as may be promulgated in support thereof. A failure of any operation licensed under these Rules and Guidelines may expose the owner and/or operator of such establishments to fines and criminal penalties as dictated by the Colorado Medical Marijuana Code.

A. Inspection – For the purposes of enforcing the provisions of these Rules and Guidelines, all Town-licensed premises, including any places where medical marijuana is grown, stored, cultivated, sold, or dispensed, shall be subject to inspection by Town staff during all business hours and other times of apparent activity in accordance with Colorado Medical Marijuana Code Section 12-43.3-701.

CHAPTER 10 LICENSING

CHAPTER 11 PUBLIC PROPERTY

Chapter 11 ARTICLE 1

STREETS and SIDEWALKS

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11-1-1 **Board of Trustees: Powers** The Board of Trustees shall establish, extend, improve, and make all rules to regulate the use, excavation, and improvement of all streets, alleys, sidewalks, curbs, gutters, curb walks, within the jurisdiction of the Town, and shall have all those powers granted in C.R.S. 1973 31-15-702.

11-1-2 **Administrator: Powers and Duties** The Public Works Director shall have the immediate control and management of all things pertaining to the Town streets, alleys, sidewalks, curbs, gutters, curb walks, and crosswalks, and shall perform all acts that may be necessary for the prudent, efficient, safe, and economical management and protection of the public right-of-ways, property, and facilities, subject to the approval of the Board of Trustees.

11-1-3 **Property Owner Responsible for Sidewalk**

A. It shall be the duty and responsibility of any owner of property fronting any street within the Town to construct and maintain the sidewalk, curb, and gutter adjacent to or adjoining said property in good repair, in conformity with the established grade of the adjacent street, in accordance with this Article, the Development Standards and Specifications, and any other applicable Town policies, and free from snow, ice, mud, dirt, debris, rubbish, refuse, obstacles, encroachment, or obstruction.

B. If any impediment or obstruction, including but not limited to those listed above, is found on any public sidewalk, curb or gutter, the Board of Trustees, the Public Works Director, the Chief of Police or other law enforcement official of the Town, shall give

written notice to the owner or occupant of the adjacent property to remove such impediment or obstruction within forty-eight (48) hours after receipt of such notice, and if this is not properly accomplished, the Town may have the obstruction removed and all costs for such removal assessed to the property owner or occupant, as provided in C.R.S. 1973 31-15-401 (1)(d).

C. The Board of Trustees, the Public Works Director, or the Town Building Inspector may authorized temporary or other types of impediments or obstacles, such as scaffolding, decorative benches, etc., as may be necessary or desirable, and where applicable, in accordance with the Uniform Building Code adopted by the Town.

D. The Board may, by motion, determine that construction, repair, or replacement of any portion of a sidewalk, curb, or gutter is necessary or expedient, and shall give written notice to the owner or owners of the property or properties adjacent to such sidewalk, curb, or gutter to complete the necessary improvements within a required length of time. If this is not properly accomplished the Town may have the work done and assess all costs against the property owners, as provided in C.R.S. 1973 31-15-703. Such construction, repair, or replacement may be ordered, in addition to any other reason, in the event that any existing sidewalk, curb, or gutter or any sidewalk, curb, or gutter built hereafter, is found to be below grade, or in any other way does not conform to the grade of the adjoining street as established by ordinance and policy.

11-1-4 <u>Mandatory Construction of Sidewalks</u>

A. If the Board of Trustees determines that construction, reconstruction, extension, or completion of a sidewalk, curb, or gutter along any side of a block or blocks within the Town of Silverton is necessary, expedient, and in the best interests of the Town, or if the owners of sixty percent (60%) of the property frontage along any side of one or more blocks shall, in writing, petition the Board for construction, reconstruction, extension, or completion of a sidewalk, curb, or gutter on such side of such block or blocks, the Board of Trustees shall, by ordinance, require said improvements to be made and all costs assessed to the owners of each lot adjacent to the improvements, as provided in C.R.S. 1973 31-15-702(b), 31-15-703, and 31-35-303.

B. The ordinance authorizing such work shall specify the property in front of which the improvements are to be constructed, the

names of the owners of said property, the specifications and dimensions of said improvements, and any other information as may be required by C.R.S. 1973 313-35-305. A copy of said ordinance shall be mailed to each property owner.

C. The cost of the construction or reconstruction shall be initially paid by the Town and assessed to the property owners adjacent to the improvements in proportion to the number of feet of property fronting said improvements. Following completion of the improvements authorized as per this section and to the satisfaction of the Board, the Town Clerk shall prepare and file a schedule showing the whole cost of construction, exclusive of street and alley crossings, together with a schedule showing the number of feet adjoining such improvements, the names of the owners of each lot or lots fronting or adjoining thereupon, the number of feet each owner has which fronts or adjoins the improvements, and the amount assessed against each owner. Such assessment shall constitute a lien against the property and shall be due and payable within thirty (30) days after filing, unless the Board directs that such payments may be made in partial amounts within such time and in such amounts to include any interest as the Board may determine.

D. Collection of delinquent assessments may be done by certifying the amount due to the County Treasurer as provided in Section 3-9-1 of this Code and CRS 1973 31-15-704 and 31-15-401(1)(d).

11-1-5 <u>Construction, Repair or Excavation in Public Right-Of-Way: Permit Required</u>

A. It shall be unlawful for any person other than those under contract with the Town to construct, reconstruct, alter, repair, extend, open, excavate, or trench any street, alley, sidewalk, curb, gutter, curb walk, crosswalk, or marquee within the Town of Silverton without first obtaining a permit to do so, on a form provided by the Town. Application for such permit, and any required maps, drawings, specifications, and valuation of improvements, shall be reviewed and approved or disapproved by the Public Works Director, and issued by the Town Clerk following payment of any necessary fees or bond as established by this Article or Town policies. This shall include excavation for the purpose of any and all underground installations of any type. A permit granted by authority of this Article shall be effective for one (1) year from the date of issuance. All work must be done in compliance with Town specifications and shall be done by and at the expense of the developer.

B. Any person desiring to develop a lot or property within the Town of Silverton which is not served by an existing street or alley shall be responsible for the construction of the street or alley and the necessary improvement for proper access, and shall make application to do so on a form provided by the Town. Said application shall include maps, drawings, specifications, valuation of improvements, and any other information as may be required by the Public Works Director. The Director shall have thirty (30) days from the date of submission to review the application documents and to approve or disapprove a permit for the improvements, such determination to be made in writing.

C. If, in the opinion of the Public Works Director or the Town Board, it is necessary to hire engineering or other consultants to review and analyze the plans, the cost of any consultants hired by the Town shall be paid by the developer.

D. The phrase "served by an existing street or alley" for the purpose of this Article and the entire Code of the Town of Silverton and Development Standards and Specifications, shall apply only when the following conditions exist: The street or alley is an improved and maintained Town street or alley located within the boundaries of the platted public right-of-way, as shown on the Base Map of Streets and Alleys, Ute Engineering, 1982, and the Colorado Department of Highways' General Highway Map of San Juan County and the Town of Silverton.

E. The term "developer", for the purpose of this Code and the Development Standards and Specifications, shall include any person or persons who desire or are required to provide proper street access beyond the extent of the existing municipal street system, and any person or persons who improve a parcel of property or construct a dwelling, building, structure, or portion thereof on a particular lot.

F. For very minor repairs or improvements costing less than $500, the permit and permit fee may be waived by the Public Works Director.

11-1-6 <u>Bond Required</u>

A. Prior to issuance of a permit, the property owner, developer, contractor or company performing the work shall file with the Town Clerk a performance bond in an amount equal to 100% of the estimated cost of construction of the improvements as determined by the Public Works Director, and as provided in Section I-1.8 of the Development Standards and Specifications.

For very minor repairs costing less than $500, said bond may be waived by the Public Works Director.

B. The completed project shall be inspected by the Public Works Director, and if satisfactorily completed, the improvements will be approved and the performance bond returned.

C. For a period of one (1) year following approval of the project, the property owner, developer, contractor, or company that did the work shall be responsible for all repair or replacement costs caused by defective work, materials or design, and shall indemnify and hold the Town blameless of and against any and all damages or claims of damages, loss, charges, and expenses that may be brought by reason of such work.

D. The Board may require a warranty bond equal to 100% of the total cost of construction for jobs in excess of $1000, as provided in Section I-1.9 of the Development Standards and Specifications.

E. If, in the opinion of the Public Works Director or the Town Board, it is necessary to hire engineering or other consultants to inspect the project, the cost of any consultants hired by the Town shall be paid by the developer.

F. After the initial year of use, the Public Works Director shall again inspect the improvements, and the Town, by motion of the Board, shall accept and assume full responsibility of the improvements, and the warranty bond, if required, shall be returned to the developer at this time.

11-1-7 **Reimbursement for Street Extensions and System Improvements** In the event a developer constructs street system improvements through an unserviced area of the Town of Silverton and subsequent development of property abutting these improvements occurs, the Town shall collect a charge per foot of property frontage from the property owner prior to issuance of a building permit, or within six months of the date of such permit. If such a charge is collected, the Town shall reimburse the developer to the extent of the collection, however, in no event shall the total reimbursements exceed the total actual cost of the system improvements. The reimbursement fee shall be figured as follows: the total actual construction cost of the street extension or improvement divided by the total footage thereof (which equals the cost per front foot) times the number of linear feet of property frontage being developed, computed in full lot increments, and not less that the minimum lot area requirements of the Town of Silverton zoning regulations. Corner lots shall be assessed for costs of both arterial and collector street construction regardless of which street the dwelling or structure uses for access or faces. Property shall be considered to be developed at such time as a dwelling, building, structure, or

portion thereof is constructed on a particular lot. Such reimbursements shall only be made for a period of ten (10) years following the date of completion and initial approval of the improvements.

11-1-8 **Peddling Prohibited in Public Right-Of-Way** Use of town streets, sidewalks, or any other public right-of-way for the purpose of peddling, hawking, vending or selling of merchandise, or any other commercial enterprise is prohibited, with the exception of selling Colorado grown food products and the selling of rocks or mineral specimens by children under twelve years of age.

ARTICLE 2
CONSTRUCTION AND REPAIR
repealed May 10, 1982

ARTICLE 3
STREET NUMBERING AND NAMING

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11-3-1 **Numbers Required** It is the duty of the owner or occupant of every building in the Town to number such building in accordance with the provisions of this section and with the numbers assigned by the Town Administrator. The Town Administrator shall assign to every building its proper number. The expense of such numbering shall be paid by the owner or occupant of the building.

11-3-2 **System of numbering** In numbering the buildings upon the streets of the Town all even numbers shall be on the North and East side of each street or avenue and all odd numbers shall be on the South and West side of each street or avenue, provided, however, that where said street or avenue shall curve or change direction, said street or avenue shall nevertheless be numbered in accordance with the principal direction thereof.

11-3-3 **Placing Numbers** It shall be the duty of the owner or occupant of any building to place assigned numerals in conspicuous position at the front of each building and, upon notice from the Town Clerk or Chief of Police, such numerals shall be so placed within thirty (30) days after service of such notice.

11-3-4 **Material of Numerals** All numerals shall be of some metallic, glass, porcelain or other durable material, or gilt lettering on the inside of a glass transom of the door, and shall be distinctly legible and at least three (3") inches in height.

11-3-5 **Unauthorized Numbers** It shall be unlawful for any owner or occupant of any building to use or permit to be used upon any building any number other than the number assigned by the Town Clerk.

11-3-6 **Map of Streets** The Town Clerk shall prepare, or cause to be prepared, from time to time when directed by the Board, a general map of the Town of Silverton showing block numbers and street names.

11-3-7 **Naming Streets** The Board shall have the power to name or re-name any of the street or public highways of the Town and the Board shall have the power to divide or subdivide any of the streets, public highways or public lands into street, roadways, butters, sidewalks and parks. All streets in the Town of Silverton shall, as of the date this ordinance is passed, bear the name that is carried on the official and recorded Plat of the Town-site of Silverton, except the name Blair Street is changed to Empire Street. (amended 08/27/83)

ARTICLE 4
PARKS

11-4-1	**Town May Establish Parks**	**11-7**
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11-4-1 **Town May Establish Parks** The Town of Silverton, which is incorporated under

the laws of this state, shall have authority to acquire, establish, and maintain in the manner provided for by state law, public parks or pleasure grounds, boulevards, parkways, avenues, and roads. C.R.S. 1973 31-25-301

11-4-2 **Definitions** For the purpose of this section, the following words, unless the context requires otherwise, shall have the following meanings:

(1) "Town" is the Town of Silverton

(2) "Park" is a park, reservation, playground, beach, recreation center or any other area in the Town, either new, existing, or which shall be subsequently acquired in accordance with the provisions of 11-4-1, owned or used by the Town, and devoted to active or passive recreation.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

11-4-3 **Park Hours; Camping Prohibited** The parks shall be opened daily to the public from 6:00 A.M. to Midnight, and no person other than an employee of the Town shall remain in the parks at any other time. The Town Board, Town-County Coordinator, or Parks and Recreation Director may extend or limit the time herein specified in the case of a special event or other special circumstances. There shall be no camping or overnight parking allowed in any of the parks, and such offense shall be punishable in the same manner as any other Town Ordinance.
The above stipulations shall not apply to Molas Lake Parks.

11-4-4 **Destruction of Park Property** It shall be unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage, or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises; or in any other way injure or impair the nature, beauty, or usefulness of any park or recreation area.

11-4-5 **Erection of Tents and Buildings** It shall be unlawful to build or place any tent, building, booth, stand, or other structure in or upon any of the parks, parkways, or other recreational facilities without first having obtained a permit to do so from the Town Clerk. The above procedure does not apply to the Molas Lake property, which shall allow the erection of tents and structures as designated by the arrangement with the Bureau of Land Management.

11-4-6 **Fire Prohibited** It shall be unlawful to light, make, or use any unenclosed picnic or trash fire within the parks, parkways, or other recreation facilities owned or operated by the Town; provided, however, that this section shall not apply to authorized park employees. Fires may only be built in fire places or on

grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by the Town Administration. Insofar as open fires have been declared unlawful in the Town of Silverton and fires may only be built in fireplaces or on grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by Town administration, any individual found to have committed a violation of this provision shall be subject to a fine of $150.00 for each identified infraction thereof.

11-4-7 **Animals in Public Parks** It shall be unlawful for any person, not holding a valid special use permit issued by the Town's administration office, to ride, lead, tether, or graze any horse, mule, sheep, or other livestock in any public park, recreation area, or cemetery, and such offense shall be punishable in the same manner as any other Town Ordinance. The Town administration office is authorized to issue special use permits, after payment of a special use permit fee, as established by resolution of the Town Board, to allow horses in any public park, recreation area, or cemetery, provided the following conditions are met:

a. The permit is issued for a special occasion (i.e. wedding, anniversary, etc.);
b. No more than five (5) horses are allowed at any time, and the horses are confined to established pathways;
c. The horses are diapered to prevent manure deposits, or the permit holder posts a one hundred dollar ($100) cash bond, in addition to all other required deposits, with the Town. The cash bond will be refunded if the horses do not travel off established pathways, there is no damage to the park or recreation area by the horses, and the area is cleaned of any and all manure within four (4) hours after the horses exit the park, recreation area, or cemetery. (amended 11/24/96)

11-4-8 **Huckstering Prohibited** It shall be unlawful to offer any goods, services, or thing for sale within parks, parkways, or recreational facilities, or on the streets an sidewalks within three hundred (300) feet of the boundary of the same without first having obtained a license or permit to do so in the same manner and pursuant to the terms and conditions fixed by the Town Board.

11-4-9 **Rule and Regulations** The Town Administrator is hereby empowered and authorized to adopt rules and regulations for the management, operation, and control of parks, parkways, and recreational areas. (amended 07-14-84)

ARTICLE 5
VACATION OF STREETS AND ALLEYS

11-5-1	**Allowed When**	**11-10**
11-5-2	**Title Vests**	**11-10**
11-5-3	**Vacated Streets and Alleys**	**11-10**
11-5-4	**Vacation Repealed**	**11-10**
11-5-5	**Street Vacation**	**11-11**
11-5-6	**Street Vacation**	**11-11**
11-5-7	**Street Vacation**	**11-12**
11-5-8	**Blank**	**11-13**
11-5-9	**Street Vacation**	**11-13**

11-5-1 **Allowed When** Vacation of streets and alleys is allowed when, in the opinion of the Town Board of Trustees, it is found and determined that the public use, convenience, and necessity, has not for a long time past required and does not now require the use of such portions of said streets and alleys. All proceedings shall be in compliance with C.R.S. 1973 #43-2-301.

11-5-2 **Title Vests** Whenever any street or alley is vacated, title shall vest in the abutting land owners.

11-5-3 **Vacated Streets and Alleys** All street and alleys vacated by ordinances adopted prior to the date this code of ordinance is adopted and hereby specifically continued as such vacated streets and alleys and are hereby incorporated as such into this code by reference with the full effect of the ordinance underlying their initial vacation.

11-5-4 **Vacation Repealed**

(a) That whereas it appears that the Town of Silverton on the 23rd day of July, 1956 passed and adopted Ordinance 155, an Ordinance to Vacate a Portion of Eighth Street of the Town of Silverton, Colorado, reserving in said ordinance, by Section 3 thereof, an express reservation of the right to repeal the said ordinance at any time after the expiration of one year, if within the one year period from the date of passage of the said ordinance no structure or building has been erected upon the vacated land.

(b) That whereas no structure of building had been erected within the one year time allowance on said vacated land, nor has

structure or building been erected to date.

(c) The Town of Silverton now hereby repeals Ordinance No. 155, an Ordinance to Vacate a Portion of Eighth Street of the Town of Silverton, Colorado, pursuant to its express reservation of the right to do so expressed in Section 3 of said ordinance.

11-5-5 **Street Vacation** Ordinance No. 192, passed, approved and adopted on July 10, 1969, appears to by incomplete in its ordaining section; and there appears no conflicting matter in the minutes of Board of Trustees meetings concerning this question; and the intent of the aforementioned ordinance, to be carried out, needs correction, and as so corrected when stated as follows:

(a) That whereas Lloyd Rogers and Glen Brown have heretofore made application to the Board of Trustees of the Town of Silverton to vacate a portion of Snowden Street between 8th and 9th Streets, and a portion of East Street, approximately 120 feet long between Blocks E and F in the Wyman's Addition, and such application has set out and stated what appears to this Board to be good and sufficient grounds for vacating said tracts of land; and whereas it appears proper and sufficient grounds exist for such action, therefore

(b) Be it Ordained that the portions of Snowden Street and East Street hereinabove described be vacated and abandoned as roadways or streets.

(c) It is expressly declared and hereby reserved that such abandonment shall in no wise affect the jurisdiction or control of the Town over such portions of said streets as to the right of the Town hereinafter to enter thereon and construct and maintain public utility therein, such as sewers, water mains, or electric light lines; and that easements are reserved to the Town therein to the extent of a strip of ground at least twenty (20) feet in width, the centerline of said easements to be the centerline of said streets, for such purpose.

11-5-6 **Street Vacation**

(a) That whereas the County of San Juan has heretofore made application to the Board of Trustees of the Town of Silverton to vacate the heretofore unvacated portion of the alley through Block 4 adjacent to Lot 6 of said Block 4 (designated on attached map as Section B-1), and,

(b) That whereas the County of San Juan has made application to the Board of Trustees of the Town of Silverton to vacate the heretofore unvacated portion of the unnamed diagonal street

through Block 4 adjacent to the aforementioned portion of the alley (designated on attached map as section B-2), and,

(c) Whereas it appears that proper and sufficient grounds exist for said action, Be it Ordained that the portion of the alley and the unnamed diagonal street hereinabove described be vacated and abandoned as a roadway or street.(d) It is expressly declared and hereby reserved that such abandonment shall in no way affect the jurisdiction or control of the Town of Silverton over such portion of said alley and street as to the right of the Town hereinafter to enter thereon and construct and maintain any public utility therein, such as sewers, water mains, or electric light lines; and that an easement is reserved for the Town therein to the extent of a strip of ground at least ten (10) feet in width for such purposes.

(e) This ordinance shall be in force and effect from and after thirty (30) days from publication thereof its passage. (effective 4-14-79)

11-5-7 **<u>Street Vacation</u>**

1. That whereas it appears that Terrence Marshall Kerwin is the owner of Lots numbered nineteen (19) through twenty-two (22), inclusive, in Block Four (4), Reese Addition to the Town of Silverton; and whereas it appears that William W. Fletcher and Deeanna L. Fletcher are the owners of Lots twenty-three (23) and twenty-four (24) in Block Four (4), Reese Addition to the Town of Silverton, and

   Whereas, it appears that such a portion of Blair Street is not now improved or used as a public roadway, and there is no probability that it will be needed for such purpose in the future as the cost of improving it for a roadway or street will be excessive and it is not needed for such purpose by the Town of Silverton; and

   Whereas, Terrence Marshall Kerwin, William W. Fletcher, and Deeanna L. Fletcher have appeared before this board and made request that such portion of Blair Street be vacated, and it appears t hat no one will be injured by the granting of such request, and

   Whereas, a public hearing with reference to this proposed vacation of street was had on May 29, 1985, and no one appeared to protest the grant of such vacation; therefore:

2. Be it Ordained that the portion of Blair Street between 17th Street and 18th Street of the Town of Silverton, lying adjacent to Lots nineteen (19) through twenty four (24), inclusive, Block Four

(4), Reese Addition to the Town of Silverton, lying Northwest of State Highway 110, be vacated and abandoned as a roadway or street; and that ownership of the same be conveyed by quit claim deed to the adjacent property owners specified above. It is expressly declared and hereby reserved that such abandonment shall in no wise affect the jurisdiction or control of the Town over such portion of said street for the purpose of constructing and maintaining sewer, gas, water, cable TV, telephone lines, light poles or power lines, in, under, and over the portion of the street hereby vacated.

Further, there is expressly reserved by the Town of Silverton a ten (10) foot wide easement along the Northwesterly side line of the state highway right of way for S.H. 110; a five (5) foot easement along the centerline of Blair Street, and a ten foot wide easement for the purpose of access to a fire hydrant located at the Northeasterly end of Lot 24, Block 4, Reese's Addition to the Town of Silverton; such easement to be located adjacent to said Lot 24, Block 4, Reese Addition to the Town of Silverton and extending to the centerline of said vacated portion of Blair Street, such easements are shown on a map of the Vacated property attached hereto as exhibit A.3. This Ordinance shall be in force and effect from and after thirty (30) days from the publication hereof after its passage. (effective 10-09-85)

11-5-8 **blank**

11-5-9 **<u>Street Vacation</u>** Be it ordained by the Board of Trustees of the Town of Silverton, Colorado, that: Whereas, it appears that the Town of Silverton, Colorado is the owner of the following real property situate in the Town of Silverton, Colorado:

Lots 1--24, inclusive, Block 94, Town of Silverton;
Lots 1--24, inclusive, Block 98, Town of Silverton;
Lots 1--24, inclusive, Block 99, Town of Silverton;
Lots 1--24, inclusive, Block 110, Town of Silverton; and
Lots 1--24, inclusive, Block 111, Town of Silverton; and

Whereas, it appears that a portion of the roadway specified above which adjoins such property is not now improved or used as a public roadway, and use as a public roadway of these roadway portions is not now projected to be required by the Town of Silverton and its inhabitants, and

Whereas, certain alleyways encompassed by said properties are not now improved or used as public rights-of-way, and use of said alleyways for public purposes as rights-of-way is not now projected to be required by the Town of

Silverton and its inhabitants, and

Whereas, the public us, convenience, and necessity has not for a long time past required and does not now require the use of such portions of said streets and alleys, and

Whereas, vacation of a portion of these streets and alleys is necessary for construction and maintenance of a sewer plant, sewer ponds, and necessary appurtenances thereto for the Town and its inhabitants; and

Whereas, a public hearing with reference to this proposed vacation of streets and alleys was held on March 26, 1990, following proper notice, and no one appeared to protest the grant of these vacations.

Now therefore, be it ordained by the Board of Trustees of the Town of Silverton, Colorado that:

The following described portions of roadways and alleyways lying within the boundaries of the Town of Silverton, Colorado be vacated and abandoned as roadways, streets, or alleys, the Board of Trustees of the Town having found and determined that the public use, convenience, and necessity has not for a long time past and does not now require the use of these streets and alleys for the public use as roadways or rights-of-way:

(a) A portion of Cement Street from its centerline as it lies adjacent to Lots 13 through 24, inclusive, Block 111, Town of Silverton, passing through Second (2nd) Street and continuing adjacent to Lots 13 through 24, inclusive, Block 98, Town of Silverton and continuing to the centerline of Third (3rd) street, Town of Silverton.

(b) A portion of Third (3rd) Street from its centerline as it lies adjacent to Lot 24, Block 98, Town of Silverton, and Lot 1, Block 98, Town of Silverton.(c) A portion of Third (3rd) Street, in its entirety, from the centerline of Mineral Street and lying adjacent to Block 94 and Block 99, Town of Silverton, and continuing to the centerline of Empire Street, Town of Silverton.

(d) Those certain alleyways shown on the official plat of the Town of Silverton which are encompassed within the boundaries of Block 110, Town of Silverton; Block 99, Town of Silverton; Block 111, Town of Silverton; and Block 98, Town of Silverton;

All as reflected upon that certain map attached hereto and made a part hereof which designates those portions of roadways and alleyways specified above intended to be vacated hereby.

Title to said vacated streets and alleys shall remain vested in the

Town of Silverton, Colorado, acting by and through its Mayor and Board of Trustees, said Town of Silverton, Colorado being the record owner of the properties lying adjacent to said vacated streets.

Nothing herein shall affect the jurisdiction and control of the Town of Silverton, Colorado over the use of said vacated streets and alleyways, it being the intention of the Town to utilize said vacated portion for public purposes. (passed 01-28-91)

ARTICLE 6
ANNEXATION OF TERRITORY

11-6-1	**Allowed When**	**11-15**
11-6-2	**Lands Annexed**	**11-15**
11-6-3	**Stanley Placer Addition Land Annexed**	**11-15**
11-6-4	**Authority**	**11-16**
11-6-5	**Annexation Complete**	**11-16**
11-6-6	**Zoning**	**11-16**
11-6-7	**Cement creek Addition Land Annexed**	**11-16**
11-6-8	**Greene Street Addition Land Annexed**	**11-17**
11-6-9	**Walter and Little Casino Addition Land Annexed**	**11-19**
11-6-10	**Part of Clemmons Placer Land Annexed**	**11-20**
11-6-11	**Kendall Mountain Recreation Area Land Annexed**	**11-21**
11-6-12	**Mill Site Annexed**	**11-21**
11-6-13	**Clemmons Placer MS 601 Annexed**	**11-21**

11-6-1 **Allowed When** The Municipal Annexation Act of 1965, laid out in detail in C.R.S. 1973, as amended, Chapter 31, Section 8, will be required to be followed for all municipal annexations, and is hereby incorporated herein to.

11-6-2 **Lands Annexed** All Lands annexed by ordinances adopted prior to the date this Code of Ordinances becomes effective are hereby specifically continued as such annexed lands and are hereby incorporated as such into this Code by reference with the full effect of the ordinance underlying their initial annexation.

11-6-3 **Stanley Placer Addition Land Annexed**

(a) The Town of Silverton hereby annexes to the Municipality of Silverton the following described territory:

Beginning at Corner No. 1, a post four (4) inches in diameter, with mound of stones, marked "1-10-59", the same being Corner No. 2 of Lot No. 601, patented to Charles C.

Clemmons et. al. with their Placer Mine, from which a spruce twelve (12) inches in diameter, bears South eighty five (85) degrees, thirty five (35) minutes East, at the distance of thirty two (32) feet, and "Silverton", U.S. Locating Monument bears North three (3) degrees, forty nine (49) minutes West at the distance of eighteen hundred and seventy nine and seven tenths (1879-7/10) feet; Thence from said Corner No. 1, North thirty six (36) degrees fifty five (55) minutes East, seventy eight (78) feet to West bank of Cement Creek; one hundred and seventy two (172) feet to East bank of said Creek; three hundred and seventy (370) feet to Corner No. 2, a Post four (4) inches in diameter, with mound of stones marked "2/1059", the same being Corner No. 3 of said Lot No. 601, from which a spruce eight (8) inches in diameter, bears North forty seven (47) degrees, twenty five (25) minutes West at the distance of eighty two and three tenths (82-3/10) feet; a Shaft bears South twenty seven (27) degrees; thirty minutes East at the distance of one hundred and sixty eight (168) feet; a Shaft bears South thirty two (32) degrees East at the distance of three hundred and sixty eight (368) feet; and an Assay Office bears South seventeen (17) degrees, forty five (45) minutes East at the distance of one hundred and eighteen (118) feet; Thence from said Corner No. 2, South fifty (50) degrees fifty five (55) minutes East, five hundred and eighty eight (588) feet to Corner No. 3, a Post four (4) inches in diameter, with mound of stones marked "3/1059" the same being Corner No. 4 of said Lot No. 601; Thence South thirty six (36) degrees, fifty five (55) minutes West, three hundred and seventy (370) feet to Corner No. 4, a Post four (4) inches in diameter with mound of stones marked "4/1059", the same being Corner No. 5 of said Lot No. 601; Thence North fifty (50) degrees, fifty five (55) minutes West, four hundred and sixty (460) feet to East bank of said Creek; five hundred and thirty (530) feet to West bank of said Creek; five hundred and eighty eight (588) feet to the place of beginning, containing five (5) acres of land more or less, as represented by Plat Map attached as exhibit A, and the same is annexed to the Town of Silverton as the Stanley Placer addition to the Town of Silverton.

11-6-4 **Authority** This annexation is accomplished in accordance with C.R.S. 1973 #31-8-106(1), as an enclave entirely contained within the boundaries of the Town of Silverton for a period of over three years.

11-6-5 **Annexation Completed** The annexation of said territory to the Town of Silverton shall be complete and said territory shall become part of the Town of Silverton on the effective date of this ordinance.

11-6-6 **Zoning** The property above described as the Stanley Placer Addition of the Town of Silverton, annexed on June 23, 1975, shall be zoned in accordance with the surrounding property and shall be included in the Residential-2 District.

11-6-7 **Cement Creek Addition Land Annexed**

A. The following described real property, to wit:
Part of the Clemmons Placer Claim, survey number 601 of the Animas Mining District, San Juan County, Colorado described as follows:

Beginning at a point where the Southerly boundary of parcel number three of Ordinance number 194 of the Records of the Town of Silverton, Colorado intersects the Westerly boundary of the Lions Park Addition to the said Town of Silverton (center line of Cement Creek) whence the locating monument Silverton Bears N 35° 27' 14" W, 430.48 feet; thence along the said Westerly boundary of the Lions Park Addition to the Town of Silverton (the center line of Cement Creek) the following:

S 15° 46' 26" E, 28.38 feet; thence S 14° 31' 08" W, 180.00 feet; thence S 01° 13' 52" W, 119.26 feet; thence S 25° 17' 03" E, 137.51 feet; thence S 07° 06' 17" W, 292.99 feet to the Westerly boundary of the Court House Square Addition to the said Town of Silverton; thence leaving the said Westerly boundary of the Lions Park addition to the Town of Silverton (the center line of Cement Creek) S 37° 24' 22" W, 142.04 feet along the said Westerly boundary of the Court House Square Addition to the Town of Silverton to the Easterly boundary of the Wyman Addition to the said Town of Silverton; thence along the said Easterly boundary of the Wyman Addition to the Town of Silverton the following:

N 05° 03' 12" W, 195.23 feet; thence N 37° 24' 51" E, 51.05 feet; thence N 10° 15' 12" E, 210.17 feet; thence N 12° 34' 48" W, 385.66 feet to the said Southerly boundary of the parcel number three of Ordinance number 194; thence leaving the said Easterly boundary of the Wyman Addition to the Town of Silverton N 77° 25' 12" E, 139.89 feet along the said Southerly boundary of parcel number three of Ordinance number 194 to the point of beginning.

The Cement Creek Addition to the Town of Silverton contains 1.46 acres. (The property described) shall be and hereby is annexed into the Town of Silverton as the "Cement Creek Addition to the Town of Silverton, Colorado".

B. The annexation of such property to the Town of Silverton shall be complete and the property shall become a part of the Town of Silverton on the effective date of this ordinance.

C. This property shall be zoned in accordance with the surrounding property. The Cement creek Addition to the Town of Silverton shall be zoned Residential-2 District. (effective 01-16-82)

11-6-8 <u>Greene Street Addition Land Annexed</u>

A. The following described real property, to wit:

Part of the Clemmons Placer Claim, survey number 601 of the Animas Mining District, San Juan County, Colorado described as follows:

Beginning at a point where the Northerly line of the Court House Square Addition to the Town of Silverton, Colorado (center line of Cement Creek) intersects at the center line of Greene Street whence the center line monument at the intersection of Fifteenth and Greene Street in the said Town of Silverton bears S 37° 24' 55" W, 293.53 feet; thence along the

Northerly line of the said Court House Square Addition (center line of Cement Creek) N 02° 44' 49" W, 46.51 feet to the Southwesterly Corner of the Kinney Tract Addition to the said Town of Silverton; thence along the Easterly boundary of the said Kinney Tract Addition N 37° 24' 55" E, 270.92 feet to the Southerly boundary of the Clemmons Addition to the said Town of Silverton; thence S 52° 35' 05" E, 30.00 feet along the said Southerly boundary of the Clemmons Addition to the Southeast Corner of the said Clemmons Addition; thence N 37° 24' 55" E, 200.00 feet along the Easterly line of the said Clemmons Addition (center line of Greene Street) to the Northeast Corner of the said Clemmons Addition; thence N 52° 35' 05" W, 50.00 feet along the Northerly boundary of the said Clemmons Addition to the Easterly boundary of the Lions Park Addition (Westerly line of Greene Street); thence N 37° 24' 55" E, 576.50 feet along the Easterly line of the Lions Park Addition (Westerly line of Greene Street) to the Northeast Corner of the Lions Park Addition (a point on line 7-8 of the said Clemmons Placer Claim); thence S 47° 27' 32" E, 100.40 feet along the said line 7-8 of the Clemmons Placer Claim to the Northwest Corner of the Reese Addition to the said Town of Silverton (Easterly line of Greene Street); thence S 37° 24' 55" W, 1016.97 feet along the Westerly line of said Reese Addition (Easterly line of Greene Street) to the Northerly line of the Stanley Placer Addition to the Town of Silverton (line 2-3 of the Stanley Placer Claim, survey number 1059 of the Animas Mining District); thence N 49° 41' 21" W, 29.55 feet along the Northerly line of the said Stanley Placer Addition (line 2-3 of the said Stanley Placer Claim) to the Northwest Corner of the said Stanley Placer Addition (corner number 2 of the said Stanley Placer Claim); thence S 38° 08' 39" W, 25.00 feet along the Westerly line of the said Stanley Placer Addition (line 1-2 of the said Stanley Placer Claim) to the Northerly line of parcel number one as described by ordinance number 194 of the records of the said Town of Silverton; thence N 49° 41' 21" W, 20.00 feet along the said Northerly line of parcel number one as described by ordinance number 194; thence S 37° 24' 55" W, 28.78 feet along the Westerly line of the said parcel number one as described by ordinance number 194; thence S 52° 35' 05" E, 19.62 feet along the Southerly line of the said parcel number one as described by ordinance number 194 to the Westerly line of the said Stanley Placer Addition to the Town of Silverton (line 1-2 of the said Stanley Placer Claim); thence S 38° 08' 39" W, 28.81 feet along the said Westerly line of the Stanley Placer Addition (line 1-2 of the Stanley Placer Claim) to the Northeast Corner of the said Court House Square Addition (center line of Cement Creek); thence N 02° 44' 49" W, 30.16 feet along the Northerly line of the Court House Square Addition (center line of Cement Creek) to the point of beginning.

The Greene Street Addition contains 2.05 acres. (The described property) shall be and hereby is annexed into the Town of Silverton as the "Greene Street Addition to the Town of Silverton, Colorado".

B. The Annexation of such property to the Town of Silverton shall be complete and the property shall become a part of the Town of Silverton on the effective date of this ordinance.

C. This property shall be zoned in accordance with the surrounding property. The Greene Street Addition to the Town of Silverton shall be zoned Residential-2 District. (effective 01-16-82)

11-6-9 Walter and Little Casino Addition Land Annexed

A. The following described real property, to wit:

Those portions of the Walter Lode Claim and Little Casino Lode Claim which extend into the Taylor Addition to the Town of Silverton, San Juan County, Colorado, more specifically described as follows:

WALTER TRACT:

A portion of the Walter Lode, U.S. Mineral Survey 18251, which is located in unsurveyed Township 41 North, Range 7 West of the New Mexico Principal Meridian, San Juan County Colorado, and is described as follows:

Beginning at Corner No. 1, the intersection of course 1-2, U.S. Mineral Survey No. 18251, Walter Lode, and course 3-4, M.S. 712, Taylor Placer (not patented), a U.S. Bureau of Land Management brass cap on a 1/2" diameter steel stake, marked "cor. 6, TR. 37/18251, 1963", from which Corner No. 4 of the Little Casino Tract bears N 38° 13' E, 128.04 feet, and USLM Silverton, a BLM brass cap on a 2 1/2" diameter iron post surrounded by a mound of stone, set in 1963, and located at the North end of the Town of Silverton, at the toe of Anvil Mountain, bears N 58° 13' 26" E, 3225.51 feet;

Thence S 1° 23' E, along course 6-7 of Tract 37, 92.06 feet to Corner No. 2, a BLM brass cap on a 1/2" diameter steel stake, marked "cor. 1, 18251" and "cor. 7, TR. 37, 1963";
Thence S 88° 37' W, along course 7-8 of Tract 37, 159.72 feet to Corner No. 3, the intersection of course 4-1 of M.S. 18251 (Walter Lode) and course 3-4 of M.S. 712 (Taylor Placer, not patented), a BLM cap on a 1/2" diameter steel stake marked "cor. 8, TR. 37/18251, 1963";
Thence N 38° 13' E, along course 3-4 of M.S. 712 (Taylor Placer, not patented), 249.79 feet to Corner No. 1, the place of beginning.

All monument descriptions, bearings, and distances found in this description were derived or directly obtained from official plat and field note data representing a survey of Tract 37, Township 41 North, Range 7 West, NMPM, executed May 8, 1963 to May 24, 1963 by the U.S. Bureau of Land Management.

LITTLE CASINO TRACT:

A portion of the Little Casino Lode, U.S. Mineral Survey 18251, which is located in unsurveyed Township 41 North, Range 7 West of the New Mexico Principal Meridian, San Juan County, Colorado, and is described as follows: Beginning at Corner No. 1, the intersection of course 1-2, U.S. Mineral Survey No. 18251, Little Casino Lode and course 4-1, M.S. 712, Taylor Placer (not patented), a U.S. Bureau of Land Management brass cap on a 1/2" diameter steel stake, marked "cor. 2, TR. 37, 1963", from which USLM Silverton, a BLM brass cap on a 2 1/2" diameter iron post surrounded by a mound of stone, set in 1963, and is located at the North end of the Town of Silverton, at the toe of Anvil Mountain, bears N 56° 27' 53" E, 2820.33 feet;

Thence S 25° E, along course 2-3 of Tract 37, 735.9 feet to Corner No. 2, a BLM brass cap on a 1/2" diameter steel stake, marked "cor. 1, 18251" and "cor. 3, TR. 37, 1963";

Thence S 65° W, along course 3-4 of Tract 37, 300 feet to Corner No. 3, a BLM brass cap on a 1/2" diameter steel stake, marked "cor. 4, 18251" and "cor. 4, TR. 37, 1963";

Thence N 25° W, along course 4-5 of Tract 37, 830.99 feet to Corner No. 4, the intersection of course 3-4, M.S. 18251 (Little Casino Lode) and course 3-4, M.S. 712 (Taylor Placer, not patented), a BLM brass cap on a 1/2" diameter steel stake, marked "18251/cor. 5, TR. 37, 1963" from which Corner No. 1 of the Walter Tract bears S 38° 13' W, 128.04 feet;

Thence N 38° 13' E, along course 3-4 of M.S. 712 (Taylor Placer, not patented), 225.72 feet to Corner No. 5, a BLM cap on a 2 1/2" diameter post in a large mound of stone, marked "cor. 4, 712, 1963";

Thence S 51° 25' E, along course 4-1 of M.S. 712, 220.44 feet to Corner No. 1, the place of beginning.

All monument descriptions, bearings, and distances found in this description were derived or directly obtained from official plat and field note data representing a survey of Tract 37, Township 41 North, Range 7 West, NMPM, executed May 8, 1963 to May 24, 1963 by the U.S. Bureau of Land Management.

Walter Tract contains approximately 0.35 acres. Little Casino Tract contains approximately 5.97 acres. (The described property) shall be and hereby is annexed into the Town of Silverton as the "Walter and Little Casino Addition to the Town of Silverton, Colorado".

B. The annexation of such property to the Town of Silverton shall be complete and the property shall become a part of the Town of Silverton on the effective date of this ordinance.

C. This property shall be zoned in accordance with the surrounding property. The Walter and Little Casino Addition to the Town of Silverton shall be zoned Residential-1 District. (effective 01-16-82)

11-6-10 **<u>Part of Clemmons Placer Land Annexed</u>** That the following described real property be hereby annexed to the Town of Silverton, Colorado; the annexed area being more particularly described as follows:

Part of the Clemmons Placer Mining Claim, U.S. Survey No. 601, located in the Animas Mining District, San Juan County, Colorado, more particularly described as follows: Beginning at a point in the apparent center line of Cement Creek whence the U.S. Mineral Monument "Silverton" bears N 50° 30' W, 211.1 feet; thence along said center line the following: S 26° 34' E, 172.2 feet; thence S 15° 56" E, 88.9 feet; thence S 13° 31' W, 179.4 feet; thence S 00° 11' W, 11919 feet; thence S 18° 27' E, 129.3 feet; thence S 02° 57' W, 341.7 feet; thence S 53° 38' E, 190.5 feet; thence N 36° 22' E, 50.0 feet; thence S 53° 38" E, 120.0 feet; thence N 53° 38' W 120.0 feet; more or less to the Northwesterly side of Greene Street; thence along said Northwesterly side N 36° 22' E, 526.5 feet; thence N 48° 42' W, 107.2 feet; thence S 39° 30' W, 9.0 feet; thence N 50° 30' W, 861.9 feet; more or less to the point of beginning, a tract containing 9.3 acres, more or less. (effective 01-16-82)

11-6-11 **Kendall Mountain Recreation Area Annexed** The Kendall Mountain Placer, U.S. Mineral Survey No. 2468, Animas Mining District, San Juan County, Colorado, as set forth in that certain plat recorded in Book 205 at Page 234 on November 6, 1974 be and it is hereby annexed to the Town of Silverton, Colorado, as the "Kendall Mountain Recreation Area." (amended 06/13/97)

11-6-12 **Mill Site Annexed** That the property know as Mill Site No. 1 MS No. 24 and Mill Site No. 2 M.S. 425 described as follows:

Beginning at Corner No. 1 Mill Site No. 1, thence S. 50 degrees 30'00" E., 544.27 feet to Corner No. 2 Mill Site No. 1, identical with Corner No. 1 Mill Site No. 2, thence S 50degrees 30'00" E., 483.49 feet to Corner No. 2 Mill Site No. 2, thence N. 38 degrees 52'12" E., 454.17 feet to Corner No. 3 Mill Site No. 2; thence N. 50 degrees 33'00" W., 482.09 feet to Corner No. 4 Mill Site No. 2, thence S. 39 degrees 03'09" W., 135.69 feet to Corner No. 3 Mill Site No. 1 on line 4-1 Mill Site No. 2; thence N. 50 degrees 29'07"W., 536.77 feet to Corner No. 4 Mill Site No. 1; thence N. 88 degrees 21'24" W., 322.02 feet to Corner No. 5 Mill Site No. 1; thence S. 24 degrees 41'29" E., 276.90 feet to Corner No. 1 Mill Site No. 1 and point of beginning.

11-6-13 **Clemmons Placer MS 601 Annexed**

A. That the following described real property be hereby annexed to the Town of Silverton, Colorado. The annexed area being a Tract of Land lying and being a part of the Wyman tract of the Clemmons Placer Mining Claim, U.S. Survey No. 601, located in the Animas Mining District, San Juan County, Colorado, according to the patent recorded June 21, 1882 in Book A-1 at Page 201, and being more particularly described as follows:

Beginning at Corner No. 1, Clemmons Placer MS 601, which is also corner No. 1, Town of Silverton, defined by a 3" BLM brass cap monument, from whence corner No. 2 Town of Silverton, bears South 38° 16'00" West, 1295.58 feet, with all other bearings contained herein being relative thereto; thence South 51° 58'54" East, 486.67 feet along the Town of Silverton And Clemmons Placer Boundary; North 36° 49'12" West, 283.79 feet to a point on the southerly boundary of the Bertramville Subdivision, Reception No. 123471, in the records of San Juan County; South 76° 10'48" West, 372.58 feet to the southwest corner of said Bertramville Subdivision; South 38° 16'00" West, 745.95 feet to the point of the beginning.

The Clemmons Placer Addition to the Town of Silverton contains 9.9 acres.

B. The annexation of such property to the Town of Silverton shall be complete and the property shall become a part of the Town of Silverton on the effective date of the ordinance.

C. This property shall be zoned R-1-A Single Family Residential District.

ARTICLE 7
GRADE OF STREETS AND SIDEWALKS
repealed 05-10-82

CHAPTER 12 LOCAL IMPROVEMENT DISTRICTS

Chapter 12 ARTICLE 1

FORMATION OF DISTRICTS

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12-1-3	**Contents of Petition**	**12-1**
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12-1-1 **Authority** The Board of Trustees shall have the authority to establish improvement districts in the Town for the purpose of constructing or installing therein any public improvements including parking and off-street parking facilities, but excepting light or gas systems or plants.

12-1-2 **Petition** The organization of a district must be initiated by petition which is to be filed with the Town Clerk. The petition must be signed by no less than a majority of the taxpaying electors owning real or personal property in the proposed district having an assessed value of not less than one half of the value of all real and personal property in said district. In addition to the required signature, there must be:

(a) Address of the residence of the signer

(b) Address or property description of the property within the proposed district if it is different than the residence of the signer

(c) Date of signing

(d) After the filing of a petition, no petitioner shall be permitted to withdraw his name there from.

12-1-3 **Contents of Petition** The petition must contain:

(a) The name of the proposed district, which shall include the name

of the Town, a descriptive name or number and the words, "general improvement district"

(b) A general description of the improvement to be constructed

(c) The estimated cost of the proposed improvement

(d) A general description of the boundaries of the district, with sufficient specificity that the property owners will be able to determine if they are located within the district.

(e) The names of three (3) taxpaying electors who will represent the petitioners and who will have the power to enter into agreements relating to the organization of the district

(f) A prayer for the organization of the district

12-1-4 **Defects in Petition** Defects in the petition will not be grounds for dismissal and the Board of Trustees shall allow any petition that is filed to be amended to correct such defects. If similar or duplicate petitions are filed, they shall be regarded as one (1) petition.

12-1-5 **Bond** At the time of filing the petition or at any time prior to the hearing on said petition, a bond shall be filed with security approved by the Board or cash sufficient to pay all expenses connected with the proceedings in case the organization of the district is denied. If the Board should determine that the bond is insufficient, an additional bond or cash may be required within a time to be fixed by the Board, not less than ten (10) days distant. Upon failure of the petitioners to file or deposit the required bond or cash, the petition shall be dismissed.

12-1-6 **Hearing** After the filing of the petition, the Board of Trustees shall fix a place and time, not less than twenty (20) days nor more than forty (40) days after the petition is filed, for a hearing thereon.

12-1-7 **Notice** The Town Clerk shall publish notice of the pendency of the petition, of the purposes and boundaries of the proposed district and of the time and place or the hearing thereon.

(a) Publication shall be once a week in three (3) consecutive weekly editions of a newspaper of general circulation within the proposed district.

(b) The Town Clerk shall also mail a copy of the notice to each taxpaying elector in the district at his last known address, as disclosed by the tax records of the county.

(c) The notice of hearing on the petition must set forth the fact that all property in the district is subject to the lien of the indebtedness and must set forth the amount of the proposed

indebtedness.

12-1-8 **Board Determinations** The Board shall make a determination as to the number of taxpaying electors and the assessed valuation of the property in the district. The Board shall dismiss the petition and assess the costs against the petitions if it is found:

(a) The petition is not signed by at least a majority of the taxpaying electors owning property within the district having an assessed value of not less than one half (1/2) of the assessed value of all the real and personal property in the district

(b) The proposed improvement will not confer a general benefit on the district

(c) The cost of the improvement would be excessive as compared with the value of the property in the district

12-1-9 **District Established** If it appears to the Board of Trustees that the petition for the organization of the district has been duly signed and presented in conformity with this ordinance and the statutes of the state, and that the allegations of the petition are true, the Board, by ordinance, shall declare the district organized and give it the corporate name specified in the petition.

12-1-10 **Appeal** The finding of the Board on the question of the genuineness of the signatures and all matters of fact incident to such determination shall be final and conclusive on all parties in interest. An appeal or writ or error shall lie from an order dismissing said petition.

12-1-11 **Ordinance Filed** Within thirty (30) days after the district has been declared duly organized, the Town Clerk shall file with the County Clerk and Recorder a copy of the ordinance establishing the district.

12-1-12 **Organization and Powers** The organization and the powers and authority shall be in accordance with the provisions of Article 25, Chapter 31, of the Colorado Revised Statutes, 1973.

12-1-13 **Election Required on Indebtedness** Whenever the Board of Directors of any district formed in accordance with this ordinance and the statutes shall determine by ordinance that the interest of the district and the public interest and necessity demand the acquisition, construction, installation or completion of any improvements to carry out the purpose of the district, requires the creation of an indebtedness of five thousand ($5,000.00) dollars or more, the proposition for the issuance of such obligations, bonds or other indebtedness must be submitted to the taxpaying electors of the district at an election held for that

purpose.

12-1-14 **Requirements for the Ordinance** The ordinance creating the indebtedness must contain:

(a) The declaration of public interest and necessity
(b) Provisions for the holding of such election
(c) The objects and purposes for which the indebtedness is proposed to be incurred
(d) The estimated cost of the works or improvements
(e) The amount of principal of the indebtedness to be incurred
(f) The maximum rate of interest to be paid on such indebtedness
(g) The date upon which the election shall be held and the manner for holding the election
(h) The method for voting for or against the incurring of the proposed indebtedness
(i) The compensation to be paid the officers of the election
(j) Designate the polling places and the officers for each, consisting of three (3) judges, one (1) of whom shall act a clerk for each polling place.

ARTICLE 2
SPECIAL IMPROVEMENT DISTRICT #76-1

12-2-1	**Creation of District**	**12-4**
12-2-2	**Ordinance Authorizing Issuance of Bonds**	**12-7**
12-2-3	**Approval and Assessment of Costs**	**12-13**

12-2-1 **Creation of District** An Ordinance Creating Special Improvement District No. 76-1 in the Town of Silverton, Colorado, ordering the replacing of existing sidewalks, curb, and gutter, and signs with new sidewalks, curb and gutter, together with all necessary replacement improvements and incidentals; providing for the issuance of bonds in payment for said improvements; providing for notice to contractors and other details in connection with district; and declaring an emergency.

1. Creation of District That a special improvement district for the purpose of replacing the existing sidewalks, curb and gutter, and signs with new sidewalks, curb and gutter together with all necessary replacement improvements and incidentals are hereinafter described, is hereby created and established in accordance with Laws of the State of Colorado, and shall be

known and designated as "Special Improvement District No. 76-1." All proceedings heretofore taken and adopted in connection with the District are hereby ratified, approved and confirmed.

2. Approval of Engineering Plans That the engineer's plans together with all of the details, specifications, estimates, maps and schedules thereto attached or appended, are hereby approved and adopted.
3. Boundary of District The extent of the area included within the District and to be assessed with cost of the improvements shall be all of the real property fronting Greene Street, from the south curb line of 14th Street to the north curb line of 11th Street. The description of the District boundary is as follows:

Beginning at intersection of the centerlines of Greene Street and 14th Street; thence S 36° 22 'W, 1140.0 feet to the centerline of 11th Street, thence S 53° 38' E, 300.0 feet along the centerline of 11th Street, thence N 36° 22' E, 1140.0 feet to the centerline of 14th Street; thence N 53° 38' W, 150.0 feet, more or less, along the centerline of 14th Street to the point of beginning.

4. Description of Improvements The kind of improvements and the streets to be improved are as follows:
   a) Remove existing sidewalks, curb and gutter, and signs.
   b) Construct new sidewalks to include placing of base coarse, forming of curb and gutter, pouring and finishing concrete (sidewalks to be 1/2 feet wide, 6-inch curb and 24-inch gutter).
   c) Relocate existing fire hydrants.
   d) Necessary excavation and street grading, and any necessary replacements and incidentals to complete the improvements in accordance with the plans and specifications.

   Such improvements shall be installed on the following streets:
   a) Greene Street From the south curb line of 14th Street to the North curb line of 11th Street. Said improvements are wholly within the boundaries of the Town of Silverton, San Juan County, Colorado.
5. Improvements Authorized The replacement, construction and installation of the improvements in and for the District, as shown by the plans, specifications, and maps thereof, prepared by the Engineer and approved by the Board of Trustees of the Town and soon to be on file in the office of the Town Clerk, be and the same

are hereby authorized and ordered, the material to be used in the construction of said improvements to be accordance with such maps, plans and specifications.

6. Cost of Improvements The probable total cost of said improvements to be replaced, constructed and installed is $92,756.25; the probable cost for such improvements shall not exceed the unit cost per lineal front foot as more particularly set forth in the Resolution of Intention to create the District, passed and adopted on February 23, 1976. It is anticipated that the Town will not pay any part of the cost of improvements except to the extent an assessment is made against the property owned by the Town. The method of assessment of cost shall be in accordance with Resolution passed by the Board of Trustees on February 23, 1976.
7. Payment of Assessments The assessments will be due and payable without demand within thirty (30) days from and after the publication of the Ordinance assessing the whole cost of said improvements against the real property in the District. In the event any owner of real estate shall fail to pay the whole of such assessment against his or her property within said thirty (30) days, then the whole cost of the improvements so assessed against such property shall be payable in ten (10) equal annual installments of principal. The first of such installments of principal shall be due and payable successively on the same day in each year thereafter, until all are paid in full. The rate of interest to be paid on unpaid and deferred installments will be established by ordinance to be adopted by the Board of Trustees at a later date.
8. Special Improvements Bonds By virtue of and pursuant to the Laws of the State of Colorado, local improvement bonds of the Town shall be issued for the purpose of paying for the local improvements described in this Ordinance, in an amount not to exceed the cost and expenses of said improvements, including engineering, legal and incidental expenses, as provided by law. The bonds shall be issued based upon estimates approved by the Board of Trustees, and as authorized by an Ordinance to be passed by the Board at a later date. The maximum net effective interest rate of the local improvement bonds for Special Improvement District No.76-1, shall not exceed nine per centum (9%) per annum. The bonds and the interest thereon shall be payable out of the special assessments to be levied against real property included within the District and specially benefited by the improvements to be constructed and installed.

9. Construction Bids The Mayor and Town Treasurer are hereby authorized to advertise for bids to construct such improvements in the same time and manner required by the Laws of the State of Colorado, which advertisements may run concurrently with the publication of this Ordinance.
10. General Benefits The Board of Trustees hereby finds and determines that the improvements proposed to be constructed and installed will confer a special benefit upon the property within the District and a general benefit upon the Town as a whole.
11. Repealer All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.
12. Emergency Provision By reason of the fact that the completion at the earliest possible date of the improvements described in this Ordinance is necessary to insure that the construction bids will be within the engineers estimates and to take advantage of a favorable bond market and that such is necessary to the immediate preservation of the public property, health, peace and safety, it is hereby declared that an emergency exists and that this Ordinance shall take effect following publication.
13. Recording This Ordinance, after its passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and Town Clerk and be published in the official newspaper of the Town, in accordance with the law.

12-2-2 **Ordinance Authorizing Issuance of Bonds** An ordinance authorizing the issuance of Special Assessments Bonds in the principal amount of $91,000.00 of the Town of Silverton, Colorado, for Special Improvement District No. 76-1; prescribing the form of the bonds, and providing for the payment of the bonds and the interest thereon, and declaring an emergency.

1. Bond Details By virtue of and pursuant to the Laws of the State of Colorado, Special Assessment Bonds of the Town of Silverton, for Special Improvement District No. 76-1, shall be issued for the purpose of paying for local improvements to be constructed in said District. The bonds shall be in the principal amount of $91,000, shall be dated September 1, 1976, and consist of 91 bonds in the denomination of $1,000 each, numbered 1 to 91, inclusive. The bonds shall be payable to bearer and shall be due and payable on September 1, 1986, subject to call and prior payment in direct numerical order on any interest payment date, upon payment of par and accrued interest. Notice of such prior redemption shall be published once a week for three consecutive

weeks (4 times) in a newspaper of general circulation in the Town. The notice shall specify by number the bonds so called, and all bonds shall be paid in their numerical order. The holder of any such bonds may at any time furnish his post office address to the Town Treasurer, and in such case, a copy of the notice shall be mailed by the Town Treasurer to the bondholder, at such address, on or before the first day of such publication.

The Bonds shall bear interest as evidenced by "A" coupons attached to said bonds, payable on March 1, 1977, and semi-annually thereafter on March 1 and September 1, each year, as follows:

Bond Numbers	Amount	"A" Interest Rate
1 to 21, incl.	$21,000	6.00%
22 to 36, incl.	15,000	6.00%
37 to 51, incl.	15,000	6.00%
52 to 61, incl.	10,000	6.00%
62 to 66, incl.	5,000	7.50%
67 to 71, incl.	5,000	7.50%
72 to 76, incl.	5,000	7.50%
77 to 81, incl.	5,000	7.50%
82 to 86, incl.	5,000	7.50%
87 to 91, incl.	5,000	7.50%

In addition to the "A" interest rate set forth above, bonds numbered 1 to 91, inclusive, shall bear additional interest as evidenced by supplemental coupons designated "B" payable on March 1 and September 1 at the rate and for the period from October 1, 1976 to the date indicated below, as follows:

Bond Numbers	"B" Interest Rate	"A" Interest To
1 to 21, incl.	3.00%	9/1/77
22 to 36, incl.	3.00%	9/1/78
37 to 51, incl.	3.00%	9/1/78
52 to 61, incl.	3.00%	9/1/78
62 to 66, incl.	1.50%	9/1/78
67 to 71, incl.	1.50%	9/1/78
72 to 76, incl.	1.50%	9/1/78
77 to 81, incl.	1.50%	9/1/78
82 to 86, incl.	1.50%	9/1/78
87 to 91, incl.	1.50%	9/1/78

The net effective interest rate of this issue of bonds is 8.00258% per annum. The

principal of and interest on said bonds shall be payable at the office of the Town Treasurer, in Silverton, Colorado.

2. Execution of Bonds and Interest Coupons The bonds shall be signed with the facsimile signature of the Mayor of the Town, sealed with a facsimile of the seal, countersigned by the facsimile signature of the Town Treasurer, attested by the manual signature of the Town Clerk and the interest coupons attached thereto shall be signed with the facsimile signature of the Town Clerk. When issued as aforesaid as part of said bonds, the interest coupons shall be the binding obligation of the Town according to their import.

The bonds and interest coupons, bearing the signatures of the officers in office at the time of the signing thereof, shall be the valid and binding obligations of the Town, notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices.

3. Form of Bonds and Interest Coupons The bonds and interest coupons to be attached thereto shall be in substantially the following form:

(Form of Bond)
UNITED STATES OF AMERICA
STATE OF COLORADO COUNTY OF SAN JUAN
TOWN OF SILVERTON
SPECIAL IMPROVEMENT DISTRICT NO. 76-1
SPECIAL ASSESSMENT BOND
No._____ $1,000

The Town of Silverton, in the County of San Juan and State of Colorado, for value received, hereby promises to pay to the bearer hereof, solely out of the special fund hereinafter designated but not otherwise, the principal sum of

ONE THOUSAND DOLLARS

in lawful money of the United States of America, on the 1st day of September, 1986, with interest thereon as evidenced by interest coupons designated "A" at the rate of _____ per centum (_____%) per annum from date until payment, payable on March 1, 1977, and semi-annually thereafter on March 1 and September 1 each year, and additional interest as evidenced by interest coupons designated "B" at the rate of _____ per centum (_____%) per annum for the period from _____ 1, 1976 to _____ 1, 19____, inclusive, such interest payable on the same dates as the "A" interest coupons during said period of time, both principal and interest being payable at the office of the Town Treasurer, in Silverton, Colorado,

upon presentation and surrender of the attached coupons and this Bond as they severally become due or are called for payment.

This Bond is subject to call and redemption in direct numerical order of the issue of which it is one, on any interest payment date, upon payment of par and accrued interest to the date of redemption. Notice of such prior redemption shall be published once a week for three consecutive weeks in a newspaper of general circulation in the Town of Silverton, prior to the date of redemption. After the redemption date so designated, interest on the bonds so called shall cease.

This Bond is one of a series issued for the purpose of paying the costs of the replacement of existing sidewalks, curb and gutter and signs, with new sidewalks, curb and gutter, together with all necessary replacement improvements and incidentals, in Special Improvement District No. 76-1, in the Town of Silverton, Colorado, by virtue of and in full conformity with the Constitution and Laws of the State of Colorado, and an Ordinance of the Town duly adopted, approved, published and made a law of the Town prior to the issuance hereof.

Payment of this Bond and the interest thereon shall be made only from and as security for such payment there is pledged, a special fund designated as the "Special Improvement District No. 76-1 Bond and Interest Fund" which fund shall contain initially any monies in the construction account remaining after the cost of improvements has been paid in full and thereafter to contain the monies collected on account of the assessments to be levied against the property included within the District and specially benefitted by the construction and installation of improvements therein. In addition, Section 31-25-533, Colorado Revised Statutes, 1973, as amended, and the Ordinance authorizing this Bond, provides that whenever three-fourths of the bonds issued for the construction of improvements under Title 31, Article 25, Part 5, Colorado Revised Statutes 1973, as amended, have been paid and cancelled and for any reason the remaining assessments are not paid in time to pay the remaining bonds for the District and the interest due thereon, the Town of Silverton shall pay the bonds when due and the interest due thereon and reimburse itself by collecting the unpaid assessments due the District.

It is hereby certified and recited that the total issue of bonds of the Town for the District, including this Bond, does not exceed the amount authorized by law; that every requirement of law relating to the creation of Special Improvement District No. 76-1, the construction of said local improvements and the issuance of this Bond has been fully complied with by the proper officers of the Town, and that all conditions required to exist and things required to be done precedent to and in the issuance of this Bond to render the same lawful and valid, have happened, been properly done and performed, and did exist in regular and due time, form and manner, as required by law.

This obligation is not to be considered or taken to be within or any part of the limitation imposed by law as to the indebtedness of the Town, and shall not be a general obligation of the Town.

For the payment of this Bond and the interest thereon, the Town pledges all of its lawful corporate power.

IN TESTIMONY WHEREOF, the Town of Silverton has caused this Bond to be signed with the facsimile signature of the Mayor of the Town, countersigned by the facsimile signature of the Town Treasurer, attested by the manual signature of the Town Clerk, sealed with a facsimile of the corporate seal of the Town, and the interest coupons attached hereto be signed with the facsimile signature of the Town Clerk as of the 1st day of September 1976.

TOWN OF SILVERTON, COLORADO

SEAL By:_____

ATTEST: Mayor

_____ _____

Town Clerk Town Treasurer

(Form of Interest Coupon)

No._____ $_____

On the 1st day of September 19____, unless the Bond to which this coupon is attached has been called for prior redemption, the Town of Silverton, in the County of San Juan and State of Colorado, will pay to the bearer the amount shown hereon in lawful money of the United States of America, solely out of the Special Improvement District No. 76-1 Bond and Interest Fund, at the office of the Town Treasurer, in Silverton, Colorado, being interest then due on its Special Assessment Bond, dated September 1, 1976 bearing No. _____.

_____

Town Clerk

4. Application of Bond ProceedsThe proceeds of the bonds shall be applied only to pay the costs and expenses of constructing the improvements in the District and all other costs and expenses incident thereto. Neither the purchaser of the bonds nor the holder of any of them shall be in any way responsible for the application of the proceeds of said bonds by the Town or any of its officers. In the event that all of the proceeds of said bonds are not required to pay such costs and expenses, any remaining amount shall be used for the purpose of calling in and paying the principal of and interest on said bonds. All or any portion of the bond proceeds may be temporarily invested, or reinvested, pending such use, in securities or obligations which are lawful investments for such municipalities in the State of Colorado. It is hereby covenanted and agreed by the Town that the temporary investment or reinvestment of the bond proceeds, or any portion thereof, shall be of such nature and extent, and for such period, that the bonds of the Town shall not become "arbitrage bonds"

within the meaning of Section 103(d) of the Internal Revenue Code, and pertinent regulations, and such proceeds, if so invested or reinvested, shall be subject to the limitations and restrictions of said Section 103(d), as the same now exists or may later be amended, and shall further be subject to any applicable regulations of the Internal Revenue Service.

5. Special Improvement District No. 76-1 Bond and Interest Fund
The bonds and the interest thereof shall be payable solely from the local improvement fund, designated as the "Special Improvement District No. 76-1 Bond and Interest Fund", which shall contain; initially any monies in the construction account remaining after the cost of improvements has been paid in full and thereafter to contain the monies collected on account of the assessments to be levied against the property within the District and specially benefitted by the construction of improvements therein. Whenever the Town Treasurer has funds in the treasury to the credit of Special Improvement District No. 76-1, exceeding six months interest on the unpaid principal of the bonds issued and outstanding, bonds shall be called for payment, by advertisement in a newspaper of general circulation in the Town, in accordance with Section 1 of this Ordinance. After the expiration of the period for cash payments of assessments in full, the Town shall, to the extent possible, pay each year no less that 10% of the total amount of bonds outstanding after the payment of the bonds with the proceeds of such cash payments of assessments in full.

6. Additional Security for the Payment of Principal and Interest
Pursuant to the provisions of Section 31-25-533, Colorado Revised Statutes 1973, as amended, whenever three-fourths of the bonds for the improvements constructed under the provisions of said Part 5 have been paid and cancelled and for any reason the remaining assessments are not paid in time to pay the remaining funds for the District and the interest due thereon, the Town of Silverton shall pay the bonds when due and the interest due thereon and reimburse itself by collecting the unpaid assessments due the District.

7. Assessment of Costs Upon completion of the local improvements, or upon completion from time to time of any part thereof, or whenever the total cost can be definitely ascertained, the Board of Trustees shall cause to be prepared a statement showing the whole cost of the improvements, the portion thereof to be paid by the Town, if any, and apportion the cost upon each

lot or tract of land to be assessed for the construction of improvements. The Board of Trustees shall further cause assessments to be levied against the property included within the special improvement district and specially benefitted by the construction and installation of such improvements, in accordance with law.

8. Repealer All ordinances, or parts thereof, in conflict herewith are hereby repealed.
9. Recording and Authentication This Ordinance, after its passage, shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and Town Clerk and be published in the official newspaper of the Town, in accordance with law.
10. Declaration of Emergency By reason of the fact that it is necessary to proceed with the construction and installation of improvements as soon as possible when weather conditions are favorable, and that it is necessary to issue bonds in order to pay the costs of construction and installation which will hereafter become due, it is hereby declared that this ordinance is necessary for the preservation of the public peace, health, or safety, shall be passed and approved as an emergency ordinance, and become effective upon publication.

12-2-3 **Approval and Assessment of Costs** An Ordinance approving the whole cost of improvements made in Special Improvement District No. 76-1, in the Town of Silverton, Colorado; approving and confirming the apportionment of said cost to each lot or tract of land in said district; assessing a share of said cost against each lot or tract of land in the district; and prescribing the manner for the collection and payment of said assessments, and declaring an emergency.

1. Confirmation of Assessment Roll That the whole cost and apportionment of the same, as set forth in the assessment roll, is hereby approved and confirmed. Said apportionment is hereby declared to be in accordance with the special benefits which the property in the District will receive by reason of the construction of said improvements, and a share of said cost is hereby assessed to and upon each lot or tract of land within the District in the proportions and amounts set forth in said assessment roll as filed in the office of the Town Clerk, and which is made a part hereof and incorporated herein by specific reference.
2. Payment of Assessments That the assessments shall be due and payable at the office of the Town Treasurer of the Town of Silverton, within thirty days after the publication of this

Ordinance, without demand; provided that all such assessments may be paid, at the election of the property owner, in installments, with interest as hereinafter provided. Failure to pay the whose assessment within said period of thirty days shall be conclusively considered and held an election of the part of all persons interested, whether under disability of otherwise, to pay in said installments. An allowance of 5% shall be made on all payments of assessments made during such thirty day period of time, but not thereafter. Such election shall be conclusively held and considered as a waiver of any right to question the power or jurisdiction of the Town to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or the correctness of the assessments, or the validity of the lien thereon. In the event of such election to pay in installments, the assessments shall be payable at the office of the County Treasurer of San Juan County, Colorado, in ten (10) equal annual installments of principal, the first of which installments of principal shall be due and payable on or before the first day of July, 1977. The remainder of said installments shall be due and payable successively on or before the 1st day of July, in each year thereafter until paid in full, with interest on the unpaid principal amount at the rate of eight and one-half per centum (8 1/2%) per annum, commencing as of the effective date of this Ordinance, and payable each year at the time of paying installments of assessments. The tenth and last installment of assessments will be due and payable on July 1, 1986.

3. Penalty for Default or Non-payment Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately. The whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per centum (1%) per month, or fraction of a month, until the date of tax sale, as provided by law. At any time prior to the date of the tax sale, the owner may pay the amount of all unpaid installments with interest at one per centum (1%) per month, or fraction of a month, and all penalties accrued and shall thereupon be restored to the right to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any installment or payment may, at any time, pay the whole of the unpaid principal with accrued interest to the date of the next assessment installment payment date.

4. Assessment Lien All assessments levied against the real

property in Special Improvement District No. 76-1, together with all interest thereon and penalties for default in payment thereof, and all costs in collecting the same, shall constitute, from the date of the final publication of this Ordinance, a perpetual lien in the several amounts assessed against each lot or tract of land. Such lien shall have priority over all other liens except general tax liens, and shall be enforced in accordance with the laws of the State of Colorado.

5. Assessments Against Divided or Subdivided Tracts If any tract of real property included within Special Improvement District No. 76-1 is hereafter divided or subdivided into two or more such tracts or parcels, the Town Clerk is hereby authorized and directed to divide the assessment against such tract in the same portion that the tract itself is subdivided into two or more parcels, and to certify the revised assessments to the County Treasurer of San Juan County, Colorado.

6. Notice of Payment of Assessments The Town Clerk shall cause notice of assessments due to be published one time, on the same day as the final publication of this Ordinance. Such notice shall set forth the place of payment and the time for the thirty day period to close, and shall be in substantially the following form:

NOTICE OF ASSESSMENTS DUE FOR IMPROVEMENTS
CONSTRUCTED IN SPECIAL IMPROVEMENT DISTRICT NO. 76-1
IN SILVERTON, COLORADO

PUBLIC NOTICE IS HEREBY GIVEN that all assessments or any portion of the assessment levied against property within Special Improvement District No. 76-1, in the Town of Silverton, may be paid at any time on or before January 17, 1977, which is not less that thirty (30) days after publication of the assessment ordinance upon its passage, without penalty, interest or costs. An allowance of 5% shall be made on all payments of assessments made during such thirty day period of time, but not thereafter. All assessments or parts thereof not paid on or before the expiration of said thirty day period will bear interest at a rate not to exceed 8 1/2% per annum.

The assessment may be paid in ten (10) equal annual installments, with interest on unpaid installments, the first installment being due and payable on July 1, 1977, and subsequent installments shall be due and payable on the same day of the month each year thereafter, until said assessments are paid in full.

If the amount of the assessment is paid in full anytime after the end of the thirty day period, interest on such amount to the next installment payment date of assessment will be added.

All payments made within the thirty (30) day period of time should be made to the

Town Treasurer, In Silverton.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of the Town of Silverton, as of the 13th day of December, 1976.

(SEAL) (*s*) Elaine Kiefer _____

Town Clerk, Silverton, Colorado

Publish in : Silverton Standard
Publish on: December 16, 1976

7. Severability That if any one or more sections or parts of this Ordinance shall be adjudged unenforceable or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, it being the intention that the various provisions hereof are severable.
8. Repealer All ordinances or parts thereof in conflict with this Ordinance are hereby repealed.
9. Recording and Authentication This Ordinance, immediately on its passage shall be recorded in the Town Book of Ordinances kept for that purpose, authenticated by the signatures of the Mayor and Clerk and shall be published as required by law.
10. Emergency Provision By reason of the fact that Special Improvement Bonds for the District have been issued and the first interest payment is due on March 1, 1977, to be payable from special assessments, and that it is necessary to levy and collect assessments against the property included within the District at the earliest possible date, it is hereby declared that an emergency exists, that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety, and that it shall be in full force and effect upon publication.

CHAPTER 12 LOCAL IMPROVEMENT DISTRICTS

CHAPTER 13 MODEL TRAFFIC CODE

Chapter 13 ARTICLE 1
MODEL TRAFFIC CODE

13-1-1	**Adoption**	**13-1**
13-1-2	**Additions or Modifications**	**13-1**
13-1-3	**Penalties**	**13-1**
13-1-4	**Application**	**13-2**
13-1-5	**Validity**	**13-2**
13-1-6	**Repeal**	**13-2**
13-1-7	**Interpretation**	**13-2**
13-1-8	**Certification**	**13-2**
13-1-9	**Effective Date**	**13-2**

13-1-1 **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 in its entirety, with the exceptions listed and stated below, the 2010 revised edition of the "Model Traffic Code for Colorado" 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 for Colorado" relates primarily to comprehensive traffic control regulations 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 Nation. Three (3) copies of the "Model Traffic Code for Colorado" adopted herein are now filed in the office of the Clerk of Silverton, Colorado and may be inspected and viewed during regular business hours. The 2010 revised edition of the "Model Traffic Code for Colorado" is adopted as if set out at length save and except the following Articles, Sections and or Sub-Sections which are declared to be inapplicable to this municipality and therefore expressly deleted; none.

13-1-2 **Additions or Modifications** The said adopted Model Traffic Code for Colorado Municipalities shall be subject to the following amendments:
Modifications:

Section 109 (9); shall only apply to the roadway known as Greene Street and shall not apply to every other street, alley, sidewalk area, driveway, park, public way 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. Article 11, Section 1101 (2) (b) and (c) shall be modified to read, "(b) Fifteen (15) miles per hour in any business, commercial, or industrial district within the corporate limits of the Town of Silverton, with the exception of Greene Street which is 25 miles per hour ," and " (c) Fifteen

(15) miles per hour in any residential district within the corporate limits of the Town of Silverton, with the exception of Greene Street".

Additions:

Section 1204 (1) (l); in any alleyways Section 1204(2)(b); 'The placement of municipal signage so as to enforce the terms of this provision is not deemed necessary pursuant to Part 1, Section 105 of this Code.

Deletions:

Section 1204 (2) (e)

13-1-3 **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 provisions stated or adopted in this ordinance.

(b) Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine not exceeding three hundred dollars ($300), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

13-1-4 **Application** This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or 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 5-1, 5-2, 5-12, 21-13, and 23-3 of the adopted Model traffic Code respectively concerning reckless driving, careless driving, unauthorized devices, eluding officer, and accident investigation shall apply not only to public places and ways but also throughout this municipality.

13-1-5 **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.

13-1-6 **Repeal** Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions 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.

13-1-7 **Interpretation** This ordinance shall be 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.

13-1-8 **Certification** The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

13-1-9 **Effective date** This ordinance shall take effect from and after the 15th day of November, 2011.

Chapter 13 ARTICLE 2
MODEL TRAFFIC CODE

13-2-1	**Adoption**	**13-3**
13-2-2	**Additions or Modifications**	**13-3**
13-2-3	**Penalties**	**13-3**
13-2-4	**Application**	**13-4**

13-2-1 **Use of Off-Highway Vehicles on Municipal Roads and Right-of-Ways Prohibited** Pursuant to Colorado Revised Statutes § 33-14.5-108, it is generally unlawful to operate off-highway-vehicles ("OHVs") on Town streets, roads, alleys and other public right-of-ways. Upon such authority, the Town of Silverton hereby declares it a municipal offense to ride, operate or cause to ride or operate an OHV on the Town streets or right-of-ways as such vehicles are defined by C.R.S. § 33-14.5-101(C). Any individual found to have violated this provision shall be subject to penalty pursuant to the terms of Section 13-2-2 of this Article 2.

13-2-2 **Penalties for Violations and Penalty Assessment** Any person found to have operated an OHV in violation of Section 13-2-1 of this Article 2 shall be issued a penalty assessment citation or summons. The issuance of a summons shall carry with it a mandatory court appearance, which appearance date shall be indicated thereupon. Violators issued a penalty assessment shall be assessed a fine in the amount of $75.00, payable to the Clerk of the Municipal Court and will be given the option to remit such amount to the Clerk within 210 days of the date of the issuance of the citation. If such payment is not received within 20 days of the date of the citation, the citation becomes a summons to municipal court, whereby the violator shall be required to appear in Court on the summons date indicated on the citation. Should the defendant fail to appear on such date, the Court shall issue a bench warrant naming the defendant for his/her failure to appear. Should the defendant appear on such date and be found guilty on the offence, the Municipal Court shall fine the violator not more than $75.00, and may impose whatever such reasonable court costs as the Town has established.

13-2-3 **OHV Designation** Pursuant to C.R.S. § 33-14.5-108(1)(a) allowing for municipal government exemptions to the general prohibitions against the

operation of OHVs on Town and City streets and right-of-ways, subject to reasonable regulation as the Town may from time to time adopt by administrative function, and notwithstanding the provisions of Section 13-2-2 of this Chapter, the operation of OHVs shall be lawful on the following Town streets and right-of-ways and the same shall not be considered to be in violation of the provisions of Section 13-2-1 of this Town Code:

In Exhibit A

- 21st Street to the southwest Silverton Town boundary
- Hazleton Street to the northeast Silverton Town boundary
- Alley from 21st Street between Kendall Street and Hazelton Street to the northeast Town boundary
- Alley from 21st Street between Hazelton Street and the southwest Town boundary

In Exhibit B

- The entire portion of County Road 110A – a thoroughfare commonly known as "the Truck Bypass Road" – that traverses lands within the municipal boundaries of the Town

13-2-4 **Supremacy of Law** The Town recognizes that the State of Colorado mandates that operators of all motor vehicles on State roads and highways and upon the roads and highways of subdivisions thereof, including the Town of Silverton, comply with certain provisions relating to the lawful operation of all motor vehicles on public streets in accordance with the Colorado Uniform Safety Code of 1935, C.R.S. § 42-4-101 et seq. As such, in no way through the provisions of this Article 2 does the Town attempt to preempt relevant provisions of State law including, but not limited to , such laws dictating that operators of all vehicles on public streets maintain minimum insurance coverage and at all times possess and carry a valid driver's license.

(adopted October 10, 2011)

CHAPTER 14 REFUSE

Chapter 14 ARTICLE 1

GENERAL

14-1-1	**Definitions**	**14-1**
14-1-2	**Accumulation of Refuse: Prohibited and Declared a Nuisance**	**14-1**
14-1-3	**Abatement**	**14-1**
14-1-4	**Accumulation and Deposit of Garbage, Etc. Prohibited**	**14-2**
14-1-5	**Refuse Not to Be Thrown in Street, Vacant Lot, Etc.**	**14-2**
14-1-6	**Responsibility of Owners, Lessees, Etc., for Refuse on Premises**	**14-2**
14-1-7	**Building Materials to Be Remove from Construction Sites**	**14-3**
14-1-8	**Removal of Refuse For Business Required**	**14-3**
14-1-9	**Accumulation and Use of Manure**	**14-3**
14-1-10	**Burning of Garbage and Waste Material**	**14-3**
14-1-11	**Town Disposal Sites**	**14-3**
14-1-12	**Use of Town Disposal Sites**	**14-3**

14-1-1 **Definitions** For the purposes of this chapter, the word "refuse" shall mean and include any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire and metal binding, sacks or losses discarded or unused material; all rubbish of any kind or nature whatsoever, to include any type of abandoned machinery or vehicle; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known.

14-1-2 **Accumulation of Refuse; Prohibited and Declared Nuisance** Any accumulation of refuse on any premises, improved or unimproved, in the Town is prohibited and hereby declared to be a nuisance.

14-1-3 **Abatement** Whenever the Board shall direct, the Town Clerk shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made by the Board requiring the removal of any accumulated refuse from such property or premises within thirty (30) days after service of notice, except for designated health hazards which shall have five (5) days notice under this provision. If such property owner, agent, or person having charge of such property shall not remove such refuse in accordance with the requirement of such order, the Board may order that such refuse be removed by the Town Clerk or other agent of the

Board and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided that in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the Board will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten (10%) percent penalty to defray cost of collection, as provided by the laws of the state.

14-1-4 **Accumulation and Deposit of Garbage, Etc. Prohibited** No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or tends to become a nuisance or in such a manner endangers or tends to endanger the public health. No person having the occupancy, control, or management of any premises shall cause or permit any garbage, waste material, rubbish, or ashes to be accumulated thereon in such a manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials, or ashes in or upon any public street, alley, or other public place or upon his own premises or the premises of another.

14-1-5 **Refuse Not to be Thrown in Street, Vacant Lot, Etc.** No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones, or rubbish of any kind or nature whatsoever to include any type of machinery or vehicle, or any other refuse or material shall be thrown or swept into, or placed or abandoned on any street, sidewalk, gutter, sewer intake, alley, vacant lot or other property.

14-1-6 **Responsibility of Owners, Lessees, Etc., for Refuse on Premises** It shall be the duty of every person, whether owner, lessee, or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition, permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises.

14-1-7 **Building Materials to Be Removed from Construction Sites** All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire, or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing or reconstructing of any room, basement, wall, fence or sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property.

14-1-8 **Removal of Refuse from Business Required** Discarded automobile parts, automobiles, machinery, stoves, furniture, wool, hides, junk yard refuse and packing house or slaughterhouse refuse shall be removed periodically from such respective establishments by the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to the Town dump by the establishment creating such deposit. Any accumulation of refuse that is highly explosive or inflammable which might endanger life or property shall be removed to such places as approved by the Chief of Police or the Chief of the Fire Department; such removal to be handled by the establishments responsible therefore.

14-1-9 **Accumulation and Use of Manure** Other than a light spread of manure, which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose, or kept in any place for later use, but shall be either plowed under or removed by the owner, occupant, or agent.

14-1-10 **Burning of Garbage and Waste Material** No person shall set on fire or burn any garbage, rubbish, or waste material or any hay, grass clippings, or other combustible materials of any type. Any such act is a nuisance because of smoke and odor, and also is prohibited by federal and state law.

14-1-11 **Town Disposal Sites** All garbage, rubbish, waste material and ashes disposal sites owned or under the control of the Town, together with all matter whatsoever deposited or existing thereon, shall be the property of the Town, and no person shall enter upon such sites, or carry off, dispose of, burn, or in any manner disturb anything deposited or existing upon such sites, except by direction or authority of the Public Works Director.

14-1-12 **Use of Town Disposal Sites** No person using a refuse disposal site owned or under the control of the Town shall deposit or place refuse in any location or by any procedure other than in those locations and by those procedures approved and specified by the Public Works Director, or by the attendant or other person in charge of a privately operated disposal site. For

purposes of this section there will be evidence of a violation if the disposal site user deposits refuse either contrary to a posted sign or contrary to a verbal order of the Public Works director or the attendant. Violation of this section shall constitute a minimum $25.00 fine and a maximum $300.00 fine.

ARTICLE 2
MUNICIPAL SOLID WASTE DISPOSAL SITE

14-2-1	**Town-County Solid Waste Disposal Site Designation**	**14-4**
14-2-2	**Service Charges**	**14-4**
14-2-3	**Issuance of Permit**	**14-5**
14-2-4	**Sanitary Landfill Fees a Lien on Property**	**14-5**
14-2-5	**Regulations a Part of Contract**	**14-5**
14-2-6	**Emergency Clause**	**14-5**

14-2-1 **Town-County Solid Waste Disposal Site Designation** The following described area shall hereby be designated as the exclusive solid waste disposal site and facility for the Town of Silverton and San Juan County, as authorized by C.R.S. 1973 30-20-107.

Beginning at a point whence Corner No. 5 of Mineral Survey, 11596, Ann Harris Placer bears S 64° 42' W, 2308 feet; thence N 43° 47' W, 300 feet; thence N 52° 18' E, 315 feet; thence N 77° 37' E, 300 feet; thence S 69° 57' E, 515 feet; thence S 70° 03' E, 870.7 feet to the point of beginning.

The landfill site is approximately one mile easterly of the Silverton corporate limits and lies just North of Highway 110. It consists of 5.7 acres. It is owned by Standard Metals Corporation and leased to San Juan County.

14-2-2 **Service Charges** Fees for the use and maintenance of the sanitary landfill solid waste disposal site, or any privately operated landfill or transfer station site authorized by the Town, are hereby levied an charged in amounts established by Resolution of the Board of Trustees. Such fees shall be billed and payable quarterly-annually as a part of the water and sewer billing, and all procedures, penalties, delinquent charge procedures, and regulations for collection and payment of bills specified in Section 9-1-12 and 9-1-13 of this Code shall be established and enforced as part of this Ordinance. Supplemental fees shall be assessed for the disposal of all extraordinary amounts of waste materials from any single source, and to any customer not a resident of the town and not being billed a service charge under the above procedure. Such supplemental fees shall be due and payable at the time of admittance to the landfill or transfer station site. This ordinance is necessary for the immediate

preservation of the public health, safety, peace and welfare.

14-2-3 **Issuance of Permit** Upon receipt of payment of the proper fee, the Town Clerk shall issue a permit for use of and access to the landfill site, in such form as shall be designated by the Board of Trustees. The permit will be issued to the owner of the property for which the fee has been assessed, or to such person(s) as he or she shall designate to be the recipient of said permit, such designation to be made in writing to the Clerk. In the event a permit is lost, a new permit shall be issued by the Clerk to the property owner or to the person(s) he or she has designated to be the recipient of said permit, upon payment of a $.50 reissuance charge.

14-2-4 **Sanitary Landfill Fees a Lien on Property** All fees and charges authorized by Section 14-2-2 of this Code shall be a lien upon the lot and property upon or for which such charges are levied, from the time such charges shall become due and payable. Such lien may be enforced and such charges collected by action in any court of competent jurisdiction. In addition to method provided for herein, any delinquent fees and charges may be certified to the San Juan County Treasurer for collection by the procedure specified in Section 3-9-1 of this Code.

14-2-5 **Regulations a Part of Contract** All regulations contained in or referenced by this Chapter shall be considered a part of the contract of every person using the above designated sanitary landfill facility, and every person using such site shall be considered as having expressly consented to be bound thereby.

14-2-6 **Emergency Clause** The above Article is adopted on an emergency basis, this measure being necessary for the immediate preservation of the public health, safety, and general welfare. (eff. 12/21/83)

CHAPTER 14 REFUSE

ARTICLE 3
PRIVATELY OPERATED REFUSE DISPOSAL SITES

14-3-1	**Definitions**	**14-6**
14-3-2	**Requirements for Establishing Refuse Disposal Sites**	**14-6**
14-3-3	**Minimum Operating Standards**	**14-7**
14-3-4	**Town Shall Supervise Refuse Sites**	**14-7**
14-3-5	**Rates**	**14-7**
14-3-6	**Operator Shall Enter into an Agreement**	**14-8**
14-3-7	**Application for Operating a Town Refuse Disposal Site**	**14-8**
14-3-8	**Duration of Designation**	**14-8**

14-3-1 **Definitions** For the purpose of each and every provision of this section, the following definitions of terms shall apply:

(1) Refuse Disposal Site shall refer to any location designated by the Board of the Town of Silverton where any approved final treatment utilization, processing, or depository of solid wastes occurs.

(2) Sanitary Landfill shall refer to the active portion of the landfill site where refuse is being dumped, compacted, and covered.

(3) Disposal shall refer to the processing of solid wastes by sanitary landfill, by incineration, by composting, by grinding, or any other equivalent sanitary method.

14-3-2 **Requirements for Establishing Refuse Disposal Sites** Any refuse disposal site to be designated by the Board as a Town of Silverton disposal site shall meet the following requirements:

(a) The proposed site shall meet and comply with the zoning regulations applicable thereto.

(b) The site shall have been approved and comply with the zoning regulations adopted by the Town of County Health Department.

(c) In the event the proposed site is located other than in San Juan County, it shall have been approved and comply with the rules and regulations of the county or regional governmental agency performing functions corresponding to those of the County Health Department.

(d) The site shall have been approved and meet the rules and regulations, if any, adopted by the County Commissioners.

(e) The plans and specifications of said site must be submitted and approved by the Board.

14-3-3 **Minimum Operating Standards** Any refuse disposal facility which has been approved and designated as a Town of Silverton disposal site shall at all times during which the same is so designated be operated and maintained according to the following minimum operating and maintenance standards:

(a) There shall be no pooling of water on the ground surface anywhere upon said refuse disposal sites and no drainage or seepage from said site shall be allowed to pollute any surface or ground water or stream.

(b) Roadways within the refuse disposal site leading to and from the sanitary landfill shall be constructed and maintained in order to permit a year around access by vehicles and equipment whenever the sanitary landfill is open for disposal of refuse. The construction and maintenance of said access roads shall be the sole responsibility of the operator.

(c) Scattered material shall be collected and disposed of in a satisfactory manner at least once during each week.

(d) Rubble or bulky items shall be disposed of in such a manner to prevent unsightliness or any unsanitary condition or hazard.

(e) Dust shall be controlled in such a manner that the same does not create a nuisance, hazard or danger to persons using or employed at said site, or to adjacent properties.

(f) Adequate measures shall be applied to control flies, mosquitoes, rats, or other rodents or vermin.

(g) Access to the landfill site shall be limited to the authorized hours of operation.

(h) All refuse shall be compacted and covered with a material that is free of putrescible material and large objects, and shall be suitable for forming a tight seal when compacted.

14-3-4 **Town Shall Supervise Refuse Sites** The Town Board in addition to the authorized agent of the County Health Department or county commissioners, shall regularly supervise and inspect the operation and maintenance of all Town of Silverton refuse disposal sites and keep a log of all inspections performed. They shall inform the operator of any defects in the manner of operating or maintaining his site. They shall receive and investigate complaints made concerning the operation and maintenance of all refuse sites and notify the respective operators thereof, and supervise all corrective steps that shall be taken by said operators.

14-3-5 **Rates** Any and all disposal rates charged at any Town of Silverton refuse disposal site shall be fixed and approved by the Board of Trustees. Any change or amendment of said rates shall be made only upon approval of the Board. The

dumping rates to be charged at each designated site shall take into consideration the cost of operating the said site. No operator shall allow any hauler or any other user wishing to deposit refuse at said site a discount, rebate or any other form of kickback, and shall uniformly charge all users and haulers the applicable rate as determined by the Board.

14-3-6 **Operators Shall Enter into an Agreement** Any and all operators of the Town of Silverton refuse disposal sites shall enter into an operation and maintenance agreement with the Board which shall contain, among other things, the following: The rates to be charged at the site; the hours of operation; the days during which the site shall be open to all members of the public; a description of the site; liability insurance; the obligations of the operator with respect to providing and maintaining equipment, employees, erection of signs, maintenance of drainage, and roads throughout the site. The agreement shall be for an indefinite term and subject to cancellation by either party with sixty (60) days notice, provided, however, that in the event of an operator's failure to comply with the minimum operating standards or any other provision of this section, the Town shall have the right to suspend or revoke its designation as a Town of Silverton refuse disposal site.

14-3-7 **Application for Operating a Town Refuse Disposal Site** Any person wishing to operate and maintain a Town of Silverton disposal site shall submit a written request therefore to the Board which shall contain at least the following:

(a) Name
(b) Address
(c) Financial Statement (if required)
(d) Previous experience in the operation and maintenance of a refuse disposal site
(e) Description of the site
(f) All matters required in this chapter.

Upon satisfactory proof having been furnished to the Board that all the conditions for the establishment and operation of a refuse disposal site as herein contained have been met, the site proposed for designation as a Town of Silverton refuse disposal site may thereafter be designated as such.

14-3-8 **Duration of Designation** The designation of the refuse site shall be for an indefinite duration subject, however, to the operator complying with the requirements of this chapter.

CHAPTER 14 REFUSE

CHAPTER 15 ANIMALS and FOWL

Chapter 15 ARTICLE 1

LIVESTOCK

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15-1-1 **Definitions** As used in this article unless the context notes otherwise;

(a) Livestock All horses, mules, burros, asses, cattle, sheep or goats.

(b) Owner Shall mean any person who keeps or harbors livestock, or who has livestock in his/her care, or who acts as the custodian of the livestock.

15-1-2 **Livestock Running at Large** No livestock shall be allowed at any time to run at large within the limits of the Town of Silverton or Hillside Cemetery. Livestock shall be considered to be running at large if they are loose and off the owned or rented property of their owner.

15-1-3 **Fines to be Levied** Any owner of livestock who is found in violation of 15-1-2 shall be subject to the following fines:

15-1-4 **Impoundment** It shall be lawful for any animal control officer or any police officer to impound any livestock which is in violation of any of the provisions of this section, when the owner cannot be located within a reasonable length of time. The place of confinement shall be a location suitable for livestock as designated by the Town Board.

15-1-5 **Redemption from Place of Confinement** Any livestock impounded may be reclaimed by their proper owner upon payment of the fee of $5.00 per day per head of livestock. This fee is to cover the cost of feed for the livestock. Said fee will be paid to the Town Clerk before the animals will be released to the owner. If the fee is due on a

day or time when Town Hall is closed, the keeper of the place of impoundment will collect the fee and issue a receipt. The fee will then be turned over to the Town Clerk.

15-1-6 **Sale of Animals not Claimed** If the owner of any impounded livestock does not redeem said livestock and pay impoundment fees within five (5) days from the time it was placed in the place of impoundment, the Chief of Police may sell the livestock at public auction after having given at least five (5) days notice of the time and place of the sale by posting a notice in five (5) locations in the Town as well as serving a copy of the notice upon the owner of the livestock, if known. The livestock may be redeemed at any time before the date of the sale by the owner upon payment of any fees, fines, or other charges provided herein.

If the livestock according to the above is sold for more than the cost of the fines, fees, and charges, the excess money will be held by the Town Clerk, who shall pay the excess amount collected at the order of the Town Board, to the owner of the livestock upon proper proof of ownership. The owner will have one year from the date of the sale to file a claim.

If the livestock is ill, distressed, or injured and cannot be sold, it may be disposed of in a humane manner. Any veterinary treatment will be paid by the owner before the livestock is released.

15-1-7 **Grazing on Public Thoroughfares** It shall be unlawful for any person to picket, lead, or hold any livestock on or along any street, sidewalk, or alley in the Town of Silverton in such manner that such livestock may graze upon any grass, herbage, or trees growing on or along said street, sidewalk or alley. It is also unlawful to picket, lead, or hold any livestock in such a way as to obstruct or impede the full use of any street, sidewalk, or alley.

15-1-8 **Hitching to Public or Private Property** If shall be unlawful for any person to hitch any livestock to any fence, railing, tree, or bush, whether public or private, without the express permission of the owner thereof. It shall be unlawful for any person to hitch livestock to any lamppost or fire hydrant in the Town of Silverton.

15-1-9 **Swine Prohibited** It shall be unlawful for any person to keep or harbor any swine within the corporate limits of the Town of Silverton.

15-1-10 **Where Livestock Can be Kept** It shall be unlawful for any person to keep, harbor, picket, or stake any livestock within the corporate limits of the Town of Silverton, except under the following conditions and in the following locations:

A. Horses, asses, and mules may be kept in the B-A District as a use permitted by right, subject to site plan review.

B. Horses, asses, and mules may be kept for private, non-commercial use in any residential district and in the E-D District with the following

stipulations:

1. Permission of the owner of the corral, barn, or area;
2. The area must be completely fenced or horses securely staked;
3. No portion of the fence line or circumference of the picket line shall be closer than fifty (50) feet from any structure used as a dwelling or business; (adopted 04-05-87)
4. Such private use shall conform with the regulations of the district in which it is located as outlined in the Zoning Ordinance (Chapter 7 of this code);
5. Manure shall be removed from premises in accordance with Section 14-1-9 of this code;
6. The number of animals shall be limited by space available and shall be subject to the approval of the Board on a case by case basis.

C.

1. Horses, asses, and mules may be kept for commercial or business purposes in the E-D District, only with the permission of the Board of Trustees, pursuant to the requirements regarding Uses Subject to Review in the Zoning Ordinance. All commercial operations or stables shall comply with such conditions as may be required for any business in Silverton, and as may be required by the Board of Trustees, in addition to the provisions of the Town Code, including the Zoning Ordinance. No portion of the fence line or circumference of the picket line shall be closer than fifty (50) feet from any structure used as a dwelling without the written permission of the resident of said dwelling.
2.
    a. Horses, asses, and mules may be ridden within the limits of the Town of Silverton with the exceptions of Greene Street between Seventh (7th) and Fourteenth (14th) Streets, and Twelfth (12th) Street between Mineral and Greene Streets which may be ridden on only if authorized by a special use permit issued by the Town administration office. Horse drawn carriages may be operated within the limits of the Town of Silverton, provided the operator has a valid Use Subject to Review

Permit; a valid Business License; the operator shows proof of liability insurance in the amount of one hundred fifty thousand dollars ($150,000) single limit liability and six hundred thousand dollars ($600,000) aggregate, naming the Town as additionally insured; and the horses are diapered to prevent manure deposits on the street. If the carriage unit is equipped with battery powered lights on the front and rear of the carriage unit, horse drawn carriages may operate after sunset and before sunrise provided the lights are turned on anytime the carriage is moving on public right-of-ways. Furthermore, the carriage operator must comply with all applicable provisions of the Model Traffic Code; the operator can only load passengers only at the operator's designated business location, excepting that passengers may be picked-up on a reservation basis from any location in town; and passengers may be dropped off at any location in town provided the carriage is not standing on the traveled portion of the street or sidewalk right-of-way.

b. The Town administration office is authorized to issue special use permits, after payment of a special use permit fee as established by resolution of the Town Board, to allow persons to ride horses on Greene Street between Seventh (7th) and Fourteenth (14th) street and on Twelfth (12th) Street between Mineral and Greene Streets provided the following conditions are met:

1. The permit holder is an outfitter currently registered with the State of Colorado;

2. The permit holder has a valid Use Subject to Review Permit and business license issued by the Town;

3. The ratio of trained outfitter employees to other riders in the group is not less than 1/5;
4. The ride is for a special occasion (i.e. wedding, anniversary, etc.), and the ride on Greene Street or Twelfth (12th) Street will not exceed a one hour time period;
5. The ride will not take place before sunrise or after sunset; and
6. The permit holder is responsible for cleaning up any and all manure from the route of travel on Greene Street and/or Twelfth (12th) Street, as applicable, immediately after the ride ends.
(amended 11/24/96)

D. Any livestock may be driven along Cement Street, or along Fifth (5th) Street, provided this is done in an orderly and expedient manner, not in violation of Section 15-1-7, and not exceeding forty (40) head of livestock at any one time. It shall be the responsibility of the driver to insure that the public right-of-way is kept clean and unobstructed, and that all manure and livestock are removed immediately following the drive.

15-1-11 **Rabbits and Fowl** Any person who is the owner of any chickens, ducks, geese, turkeys, or other domestic fowl or any rabbits or hare, shall be responsible for keeping them securely enclosed in a pen or building and shall not permit them to run at large or to go on the premises of anyone else.

15-1-12 **Premises Kept Clean** Any person who is the owner of any lot, barn, stable, shed, building or other place where domestic fowl, rabbits, or livestock are kept shall keep the building and premises in a clean and sanitary condition, and shall remove all manure from the premises weekly, or more often if necessary.

CHAPTER 15 ANIMALS and FOWL

ARTICLE 2
CATS & DOGS

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15-2-1 **<u>Definitions</u>** As used in this article, unless the context requires otherwise,

(a) Animal Control Officer: Shall mean any person(s) designated by the Town of Silverton to enforce the laws of the Town pertaining to animals.

(b) Dog: Shall refer to any animal of the canine species, regardless of sex.

(c) Cat: A domestic feline of either sex, including one neutered or sterilized.

(d) Owner: Shall mean any person who has right of property in an animal or who harbors an animal or allows an animal to remain about his premises for a period of seventy-two (72) hours or longer, claims responsibility for an animal or is documented on paper as the responsible party for an animal.

(e) Harboring : Shall mean the act of keeping and caring for an animal or of providing a premise to which the animal returns for food, shelter or care.

(f) Vaccination: Shall mean vaccination against rabies by a licensed

veterinarian using vaccine approved by the National Association of State Public Health Veterinarians for primary vaccination at three months, follow-up vaccination at one year three months, and a booster every two or three years thereafter.

(g) Vicious Dog: Shall mean a dog that bites or attacks a person or other animal without provocation either on public or private property, or in a vicious or terrorizing manner approaches any person in apparent attitude of attack on the streets, sidewalks, or any public ground or place.

(h) Noncommercial Kennel: Shall mean any premises where more than three (3) dogs or three (3) cats or a total of four (4) dogs and cats are kept, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, are harbored for any purpose.

15-2-2 **Rabies Vaccination** No person shall own or harbor any cat or dog over the age of three (3) months unless the animal has been vaccinated against rabies by a licensed veterinarian according to the following schedule:

(a) Primary Vaccination – three months

(b) First Booster – one year three months

(c) Follow-up Boosters – every two or three years thereafter, in accordance with the type of vaccine used

15-2-3 **License Fees and Fines**

(a) As soon as a dog or cat has been vaccinated as set forth in 15-2-2, the owner shall present the certificate of vaccination to the Town Clerk at Town Hall. The Town Clerk at Town Hall. The Town Clerk shall issue to the owner an animal license evidenced by a metal tag. The metal tag shall have stamped on it the year it is valid for and an identification number. The owner shall pay to the Town a license fee according to the following schedule:

1. $5.00 Puppies over three months
2. $5.00 Neutered male or spayed female
3. $10.00 Unneutered male or unsprayed female over one year of age

A veterinarian's certificate of spay or neuter will be required to qualify for the lower rate.

All owners will apply for renewal of an existing animal license prior to January 31st of each year. All previously issued licenses will expire on December 31st of the year for which the license was purchased. If a metal tag is lost or destroyed, the Town Clerk will issue a duplicate for the remainder of the year in which the original license was purchased for the fee of $1.00.

The Town Clerk shall keep a record of all licenses issued. All

owners of dogs and/or cats shall be required to obtain a license for their animal if they reside continually in the Town for a period of thirty (30) days and the animal is over three months old.

(b) Fines to be levied - Any owner found to be in violation of this section shall be subject to the following fine schedule:

1.	Puppies over three months to one year of age	$25.00
2.	Neutered male or spayed female over one year of age	$25.00
3.	Unneutered male or unsprayed female over one year of age	$30.00

This fine fee will automatically include the price of tags, subject to the provision of 15-2-2 regarding rabies vaccination.

15-2-4 **Collar and Tags**

(a) Every owner of a dog or cat shall place upon his/her animal a collar or harness made of durable material, to which the metal animal tag issued by the Town of Silverton shall be affixed. No animal shall wear a license tag issued to another animal.

(b) Any owner found to be in violation of this section shall be subject to a fine of $20.00.

15-2-5 **Dogs or Cats Running at Large and Fines**

(a) It shall be a violation of this ordinance for any owner of any dog or cat to permit such dog or cat to run at large within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. For the purpose of this section a dog or cat shall be declared to be running at large when it is off the residential or business premises of its owner or a member of the owner's immediate family, except that a dog, restrained by leash or cord or chain not more than ten (10) feet in length and under the physical control of the owner or other person having control of the said dog, shall not be declared to be running at large. If a dog or cat is found to be at large in the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park, the owner or keeper shall be presumed to have violated this Section.

(b) Any owner to be in violation of this section shall be subject to the following fine schedule:

1.	1st offense within any 12 month time period	$25.00
2.	2nd offense within a 12 month time period following the 1st offense	$50.00
3.	3rd offense within a 12 month time period	$100.00

following the 2nd offense
(and/or 90 days in jail and mandatory court appearance)

4. For each and every offense within any 12 month time period following the 3rd offense or any offense thereafter occurring within 12 months of a prior offense $300.00
(and/or 90 days in jail and mandatory court appearance)

(c) Anytime a dog or cat is picked up and transported to the animal pound and kept there, a fee will be imposed. That fee will be $10.00 for pick-up. This fee will be added along with any fines imposed in any previous section.

15-2-6 **Abandonment Prohibited** It shall be unlawful for any person to willfully abandon any animal in the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. Any person found guilty of violating this section would be subject to a mandatory court appearance and a fine not to exceed $300.00 and/or 90 days in jail.

15-2-7 **Establishment of an Animal Pound** The Town Board shall have the right to establish an animal pound for the confinement of dogs and/or cats to be operated by Town personnel. The Town Board may contract with a public or private person or organization for the operation of the animal pound for the Town of Silverton.

15-2-8 **Impoundment** It shall be lawful for the animal control officer or any police officer to impound any dog or cat which is in violation of this article. It shall be lawful for any animal control officer or any police officer to go upon private property for the purpose of catching any dog or cat to be impounded. If the animal is licensed, reasonable diligence shall be exercised by the animal control officer or police officer to locate the owner of said animal. If the owner is located within a reasonable time, the animal shall be returned to the owner with an appropriate citation issued and no impoundment is necessary. If the owner cannot be located within a reasonable time or is unknown, the animal shall be impounded.

15-2-9 **Notice of Impoundment** As soon as possible after a dog or cat is impounded, it shall be the responsibility of the impounding officer to post a written notice of impoundment. This notice shall include the time, date, and location from which the animal was picked up and a description of the animal. One notice shall be posted at the post office and the other at Town Hall in a conspicuous location. This

notice shall remain for at least 120 hours after its initial posting.

15-2-10 **Release from Pound** No dog shall be released from the pound without an order from the animal control officer or municipal judge.

15-2-11 **Redemption Fees** Any owner of a dog or cat desiring to redeem said animal from the pound shall pay the following fees:

1. $10.00 per day for dogs impounded from the Town of Silverton
2. $10.00 per day for dogs brought in from the County

If the fees are not paid before the court date written on the summons, the municipal judge shall require the owner to pay the fees. These fees shall not be construed to be in place of any fines to be levied by the Municipal Judge, but charged in addition to them.

15-2-12 **Authorization to Dispose of Dog or Cat** If the owner of a dog or cat does not want to reclaim said animal after impoundment, the owner will be allowed to sign an Animal Disposal form authorizing the animal to be immediately removed from the pound and taken to an animal shelter for disposal. All ownership rights are given up, and the person signing the Animal Disposal form shall pay the Town a disposal fee of $100.00 plus the actual costs charged to the Town for disposal of the animal.

15-2-13 **Disposal of Dog or Cat Whose Owner Cannot be Located** If the owner of an impounded dog or cat is not known and/or such animal is not claimed within 120 hours of the time of impoundment, the animal may be disposed of by transporting it to the animal shelter or other designated facility.

15-2-14 **Vicious Dogs** It shall be unlawful for any owner to keep a vicious dog within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park. It shall be the duty of the animal control officer and all police officers to impound any dog which is vicious or to order its confinement by its owner until such time as a determination can be made in Municipal Court as to whether it is vicious or not. In the event a vicious dog cannot be caught and impounded without the animal control officer or police officer being exposed to personal danger or injury from the dog, it shall be lawful for the officers to immediately destroy the dog without notice to the owner.

15-2-15 **Confinement of a Dog or Cat that has Bitten a Person** The animal control officer or any police officer shall be immediately notified, by any victim or the owner, of a dog or cat which is suspected of or which has actually bitten a person. The responding officer will verify that the animal has been vaccinated for rabies. If the owner cannot prove vaccination, the animal will be impounded at an animal shelter or suitable veterinary facility for observation for a period of ten days. Any costs incurred by such impoundment will be paid by the owner of the subject animal.

15-2-16 **Fines to be Levied - Vicious Dog** Any owner found guilty of having a vicious dog will be subject to a fine of not less than $100.00 and not more than $300.00 and/or 90 days in County jail. Court appearance will be mandatory as any fine must be set by the Municipal Judge.

15-2-17 **Disposal of Vicious Dogs** Any dog found in court to be a vicious dog may be ordered destroyed by the Municipal Judge. The dog will be immediately impounded and taken as soon as is practical to the animal shelter or other designated facility for disposal. The owner of the dog will be liable for any and all expenses incurred by the Town of such disposal.

15-2-18 **Barking Dogs** No person shall own a dog which by frequent or repeated barking or howling, shall disturb the peace of any person in a neighborhood.

15-2-19 **Barking Dogs - Fines to be Levied** The following schedule of fines shall be followed:

1.	1st offense within any 12 month time period	Warning Citation
2.	2nd offense within a 12 month time period following the 1st offense	$25.00
3.	3rd offense within a 12 month time period following the 2nd offense	$50.00
4.	4th offense within a 12 month time period following the 3rd offense (and/or 90 days in jail and mandatory court appearance)	$100.00

5. For each and every offense within any 12 month time period following either the 4th offense or any offense thereafter occurring within 12 months of a prior offense $300.00
(and/or 90 days in jail and mandatory court appearance)

15-2-20 **Dog Fights** No person shall cause, encourage, or instigate any dog fight within the Town of Silverton, Hillside Cemetery, Kendall Mountain Recreation Area, or Molas Lake Park.

15-2-21 **Obstructing an Officer** It shall be unlawful for any person to interfere with, molest, hinder, or obstruct the animal control officer or any police officer in the performance of their official duties under this section.

15-2-22 **Disposition of Fines and Fees** All fines and fees collected under this ordinance, whether by the Town Clerk or Municipal Judge, will go into the general fund of the Town of Silverton.

15-2-23 **Limit on Number of Dogs and Cats and Fines**

(a) It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one (1) dwelling unit more than three (3) dogs or three (3) cats or a total of four (4) dogs and cats, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, unless the owner or person in charge thereof shall have obtained a noncommercial kennel license.

(b) In the event that a household has more than three (3) dogs or three (3) cats or more than a total of four (4) dogs and cats, excluding offspring belonging to one of the adult animals not exceeding four (4) months of age, at the time this section becomes effective, the owner thereof shall be granted a period of six (6) months from the effective date of this section to relocate animals which are in excess of the above specified limit(s), or to secure a non-commercial kennel license, and to otherwise come into compliance with all the provisions of this article.

(c) It shall be lawful for the animal control officer or any police officer to capture, impound, and dispose of any dog or cat, which is harbored in excess of the above specified limits or in excess of the limits specified in the owner's noncommercial kennel license, in accordance with the provisions of this article. If any person is harboring dogs and/or cats in excess of the allowed numbers, the owner thereof shall be presumed to be in violation of this section, and the animal control officer or any police officer is authorized to capture and impound any dogs or cats associated with the owner's offending premises until the number of animals on the subject

premises no longer exceeds the applicable limit(s). Whenever an animal is impounded pursuant to this section, the impounding officer shall notify the animal's owner of the impoundment and issue citations for any and all violations of this article, and the owner shall be granted a period of 120 hours to exchange another live cat or dog, harbored by the offending owner, for the impounded animal, provided that the owner properly executes an Animal Disposal form and pays the appropriate impoundment and disposal fees.

(d) Any owner found to be in violation of this section shall be subject to the following fine schedule:

1st offense within any 12 month time period
Warning Citation

2nd offense within a 12 month time period following the 1st offense
$25.00

3rd offense within a 12 month time period following the 2nd offense
$50.00

4th offense within a 12 month time period following the 3rd offense
$100.00+

For each and every offense within any 12 month time period following either the 4th offense or any offense thereafter occurring within a 12 month time period of a prior offense
$300.00+ (+ and/or 90 days in jail and mandatory court appearance.

15-2-24 **<u>Noncommercial Kennel License</u>**

(a) Application for a noncommercial kennel license shall be made to the Town Clerk's Office and must be accompanied by the written consent to such noncommercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within three hundred (300) feet of the premises upon which such noncommercial kennel is to be maintained, and accompanied by a kennel license fee of ten dollars ($10.00) for four (4) dogs or four (4) cats or five (5) cats and dogs, and an additional one dollar ($1.00) for each dog or cat over four (4) dogs or four (4) cats or five (5) dogs and cats. The application shall state the name and address of the owner, where the noncommercial kennel is to be kept, and the number of dogs and/or cats to be kept. In addition, the owner shall properly vaccinate, license and tag each individual animal to be harbored pursuant to the noncommercial kennel license prior to the time the license is issued.

(b) Whenever additions are made to the number of dogs or cats for which a noncommercial kennel license has been issued, the licensee

shall within three (3) days file a new license application to revise the number of dogs and/or cats to be kept, and within thirty (30) days file written consent of at least seventy-five percent (75%) of all the persons in possession of premises within three hundred (300) feet of the premises upon which the noncommercial kennel is to be maintained and pay the required license fee; provided, however, that whenever puppies or kittens are bore, such puppies or kittens shall not be counted as additions until they are at least four (4) months old.

(c) Noncommercial kennel licenses shall not be transferable and shall expire one (1) year after the date issued. The Licensee shall be responsible for re-applying for a noncommercial kennel license each year in a timely manner so as to avoid any lapse in possessing a valid kennel license. (amended 09/10/01)

CHAPTER 16 BONDED INDEBTEDNESS

Chapter 16 ARTICLE 1

CARRIAGE HOUSE

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16-1-1 **Construction of Building** The Board of Trustees has determined, and does hereby determine, that it is in the best interest of the Town and its inhabitants to provide funds for constructing and installing a building for municipal purposes. The total estimated cost of the project is $333,000. The method of payment is as follows: (approximate amounts)

(a)	FmHA loan -	$236,000
(b)	Contribution by Town	$ 35,000
(c)	Contribution by San Juan County	$ 62,000
	TOTAL	$333,000

16-1-2 **Bond Details** That for the purpose of paying part of the costs and expenses of constructing and equipping a building for municipal purposes, including, but not limited to, emergency service, ambulance service, public works, and fire protection purposes, in the Town of Silverton, the Town shall issue general obligation negotiable coupon bonds in the principal about of $236,000 each to be designated "General Obligation Bond, Series 1982". The bonds shall be dated as of the date of the issuance and delivery of the bonds, will be numbered from 1 to 236, inclusive, and will be in the denomination of

$1,000 each. The net effective interest rate of this issue of bonds is 5.00%. Said bonds shall bear interest at the rate of 5% per annum, payable on March 1, 1983, and annually thereafter on March 1, each year, and mature serially on March 1, as follows:

Amount	Maturity
4,000	1983 to 1987, incl.
5,000	1988 to 1991, incl.
6,000	1992 to 1995, incl.
7,000	1996 to 1998, incl.
8,000	1999 and 2000
9,000	2001 and 2002
10,000	2003 and 2004
11,000	2005 and 2006
12,000	2007 and 2008
13,000	2009 and 2010
14,000	2011
11,000	2012

Bonds of this issue maturing on or before March 1, 1992, shall not be redeemable prior to their respective maturity dates. Bonds maturing on March 1, 1993, and thereafter, shall be redeemable at the option of the Town on March 1, 1992, and on any interest payment date thereafter, in inverse numerical order, upon payment of par and accrued interest, without redemption premium. If, however, all of the bonds are held by the Farmers Home Administration, all or any number of the bonds may be redeemed at the option of the Town at an time in inverse numerical order, upon payment of par and accrued interest to the date of redemption, without redemption premium. Notice of prior redemption shall be given by publication at least one time in a newspaper having general circulation in the Town, not less than thirty days prior to the date of redemption. If any of the bonds to be redeemed are registered as to principal and interest, then notice shall also be given by mailing a copy of the notice by registered, first class mail, to the registered owner or owners of such bonds, at least thirty days prior to the date of redemption.

The principal of and interest on said Bonds shall be payable at the office of the Town Treasurer, in Silverton, Colorado, or as to any bond or interest coupon owned by the United States Department of Agriculture, Farmers Home Administration, then at the FmHA Finance Office, 1520 Market Street, St. Louis Missouri 63103, or at such other place as may be indicated by the Farmers Home Administration.

16-1-3 **Registration as to Principal and Interest** Each of the bonds of this issue may be registered for payment as to both principal and interest (but not as to principal only or to interest only) and any bond so registered by be discharged from registration as hereafter provided in this Ordinance. At the option of the bearer, any bond of this issue may be registered as to both principal and interest upon presenting the same to the Treasurer of the Town, (designated as and referred to herein as the Registrar for purposes of registration) accompanied by all unmatured coupons. The Registrar shall make a notation of such registration thereon and detach and cancel all unmatured interest coupons. Any bonds so registered may thereafter be transferred only upon a duly executed assignment of the registered owner or his legal representative in such form as shall be satisfactory to the Registrar. Such transfer shall be made on the registration books kept by the Registrar and shall be endorsed on the bond. The principal of and the interest on any bond registered as to both principal and interest shall be payable only to, or upon the order of, the registered owner or his legal representative.

16-1-4 **Conversion of Registered Bonds** Any bond registered as to both principal and interest by be converted into a coupon bond payable to bearer upon presentation thereof to the Registrar accompanied by an instrument duly executed by the registered owner or his legal representative, in such form as is acceptable to the Registrar. The Registrar shall attach thereto new coupons representing the interest to become due thereafter on the bond to the date of maturity and shall make notation thereon that the bond is payable to bearer. Such new coupons shall bear the facsimile signature of the officer signing the coupons as herein provided at the time of the execution of the bond, i.e., the Treasurer of the Town. Upon reconverting the bonds in accordance with this Ordinance, the Registrar shall require the payment of all expenses incurred by it in connection with such reconversion, payment of which together with any tax or other governmental charge required to be paid, shall be made my the holder requesting such reconversion.

16-1-5 **Form and Execution of Bonds** Said bonds shall be signed by the manual signature of the Mayor of the Town, countersigned with the facsimile signature of the Town Treasurer, sealed with a facsimile of the seal of the Town, attested with the facsimile signature of the Town Clerk, and the interest coupons attached thereto shall bear the facsimile signature of the Town Treasurer. When issued as aforesaid as part of said bonds, such interest coupons shall be the binding obligations of the Town according to their import. Should any officer whose manual or facsimile signature appears on said bonds, or the interest coupons attached thereto, cease to be such officer before delivery of the bonds to the purchaser, such manual or facsimile signature shall nevertheless be valid

and sufficient for all purposes.

Said bonds, interest coupons, and registration grid shall be in substantially the following form:

(Form of Bond)
UNITED STATE OF AMERICA
STATE OF COLORADO COUNTY OF SAN JUAN
TOWN OF SILVERTON
GENERAL OBLIGATION BOND, SERIES 1982

No._____ $1,000

The Town of Silverton, in the County of San Juan and State of Colorado, for value received, hereby acknowledges itself indebted and promises to pay to the bearer hereof, or if this bond be registered, then to the registered owner hereof, the principal sum of

ONE THOUSAND DOLLARS

On the 1st day of March, 19__, with interest thereon at the rate of five per centum (5%) per annum, payable on March 1, 1983, and annually thereafter on the 1st day of March each year, as evidenced by interest coupons attached hereto, upon presentation and surrender of the annexed coupons and this Bond as they severally become due, or if this Bond be registered, then to the registered owner hereof, both principal and interest being payable in lawful money of the United States of America, at the office of the Town Treasurer, in Silverton, Colorado, or as to any bond or coupon owned by the United States Department of Agriculture, Farmers Home Administration, then at the FmHA Finance Office, in St. Louis, Missouri.

Bonds of this issue maturing on or before March 1, 1992, shall not be redeemable prior to their respective maturity dates. Bonds maturing on March 1, 1993, and thereafter, are redeemable in inverse numerical order, at the option of the Town, on March 1, 1992 , and on any interest payment dates thereafter, upon payment of par and accrued interest, without redemption premium. If, however, all of the bonds are held by the Farmers Home Administration, then all or any number of the bonds may be redeemed at the option of the Town at any time in inverse numerical order, upon payment of par and accrued interest to the date of redemption, without redemption premium.

This Bond is issued by the Board of Trustees of the town of Silverton, Colorado, for the purpose of constructing and equipping a building for municipal purposes, including, but not limited to, emergency service, ambulance service, public works, and fire protection purposes, in the Town of Silverton, under the authority of and in full conformity with the Constitution of the State of Colorado, the provisions of Title 31, Article 15, Part 3, Colorado Revised Statutes 1973, as amended, and all other laws thereunto enabling and pursuant to an ordinance of the Town duly adopted, published and made a law of the Town prior to the issuance of this Bond.

It is hereby certified and recited that all the requirements of law have been fully complied with by the proper officers of the Town in the issuance of this Bond; that the total

debt of the Town, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or Laws of the State of Colorado, and that provision has been made for the levy and collection of a general ad valorem tax on all the taxable property in said Town, sufficient to pay the interest on and the principal of this Bond when the same become due.

The full faith and credit of the Town of Silverton, Colorado, are hereby pledged for the punctual payment of the principal of and the interest on this Bond.

This Bond may be registered in the name of the holder thereof in conformity with the provisions endorsed hereon and subject to the terms and conditions set forth in the Ordinance authorizing its issuance, and unless so registered, this Bond shall be transferable by delivery. This Bond may be registered as to both principal and interest, but not as to principal only or to interest only; and if this Bond be registered as to both principal and interest, it may by reconverted into a coupon bond in accordance with the provisions endorsed hereon and subject to the provisions set forth in said Ordinance.

IN TESTIMONY WHEREOF, the Board of Trustees of the Town of Silverton, Colorado, has caused this Bond to be signed by the manual signature of the Mayor, countersigned with the facsimile signature of the Town Treasurer, sealed with a facsimile of the seal of the Town, attested with the facsimile signature of the Town Clerk, and the attached coupons to be signed with the facsimile signature of the Town Treasurer, as of the ___ day of _____, 1982.

TOWN OF SILVERTON, COLORADO
By: _____
Mayor

(FACSIMILE SEAL)

ATTESTED:
_____
Town Clerk

COUNTERSIGNED:
_____
Town Treasurer

(eff. 08/25/81)

(From of Registration Panel on Back of Bond)
PROVISION FOR REGISTRATION AND RECONVERSION

This bond may be registered as to moth principal and interest, but not as to principal alone nor as to interest alone, on the books of the Town of Silverton, Colorado, kept by the Treasurer of the Town as Registrar, upon presentation hereof to the Registrar, who shall detach and cancel all unmatured coupons and shall make notation of such registration as to both principal and interest on the registration blank below. After registration this bond may be transferred only upon a duly executed assignment of the registered owner or his legal representative in such form as shall be satisfactory to the Registrar, such transfer to be made on said book and endorsed hereon by the Registrar. The principal of and interest on this bond, if registered, shall be payable only to, or upon the order of, the registered owner or his legal representative.

This bond, if converted into a bond registered as to both principal and interest, may be reconverted, at the expense of the registered owner, by an instrument duly executed by the registered owner, or his legal representative, in such form as shall be satisfactory to the Registrar, who shall attach hereto new coupons representing the interest to become due thereafter on this bond to the date of maturity, and shall make notation in the registration blank below that this bond is payable to bearer. Such coupon bond may again be registered as to both principal and interest as hereinabove provided.

Any registration, transfer, or discharge from registration is subject to such reasonable rules and regulations as the authorizing ordinance, the Board of Trustees or the Registrar may prescribe and upon payment of a charge sufficient to reimburse the Town and the Registrar for any tax or other governmental charge to be paid by them in connection therewith. Except as otherwise provided in the authorizing ordinance, no charge shall be made to the holder hereof for the privilege of registration, transfer or discharge from registration. Every privilege of registration, transfer or discharge from registration, or conversion hereinabove provided shall be exercised only in accordance with and subject to the terms and provisions of that ordinance.

The registration books shall be closed for a period of fifteen (15) days next preceding any interest payment date or after the first publication of any notice of prior redemption of any bond has been made.

Date of Registration	Name of Registered Owner	Signature of Registrar
	United State of America Farmers Home Administration	

(End of Form of Registration Panel on Back of Bond)

(Form of Interest Coupon)

No._____ $_____

On the 1st day of March, 19___, unless the Bond to which this coupon is attached, if redeemable, has been called for prior redemption, the Town of Silverton, in the County of San Juan and State of Colorado, will pay to bearer the amount shown hereon, in lawful money of the United States of America, at the office of the Town Treasurer, in Silverton, Colorado, or as to any bond or coupon owned by the United states Department of Agriculture, Farmers Home Administration, then at the FmHA Finance Office, in St. Louis, Missouri, being interest then due on its General Obligation Water bond, Series 1982, bearing
No._____

_____

Town Treasurer

16-1-6 **Issuance of Single Bond** Notwithstanding the provisions of this ordinance relating to the issuance of serial bonds, the amount of any loan from the Farmers Home Administration shall be evidenced by a single bond as hereinafter set forth.

Such single bond shall be numbered R-1 and shall mature in installments of principal, substantially as provided in Section 2 hereof. The interest on said bond shall begin to accrue from the date of the issuance and delivery on the bond, and will not be evidenced by any interest coupons.

The principal of an interest on said bond shall be payable to the registered holder of said bond at the address shown on the registration books of the Town. The single bond shall be registered as to principal and interest in the same manner and subject to the same terms and conditions as provided herein for the registration of serial bonds.

The single bond shall be signed by the manual signature of the Mayor, sealed with an impression of the seal of the Town, countersigned by the manual signature of the Town Treasurer, and attested by the manual signature of the Town Clerk.

At the request of the holder and owner of the single bond, the Town may issue negotiable coupon bonds or serial registered bonds without coupons, in exchange for and upon surrender of the single bond, in the denomination of $1,000 each, in the aggregate amount equal to the amount of unpaid principal of the outstanding single bond, such bonds to be in the form provided by Section 5 of this Ordinance. The cost and expense of such serial bonds shall be paid by the holder and owner of the single bond.

16-1-7 **Form of Single Bond** The form of the single bond shall be as follows:

(Form of Bond)

UNITED STATE OF AMERICA

STATE OF COLORADO COUNTY OF SAN JUAN

TOWN OF SILVERTON

GENERAL OBLIGATION BOND, SERIES 1982

No. R-1 $236,000

The Town of Silverton, in the County of San Juan and State of Colorado, for value received, hereby acknowledges itself indebted and promises to pay to the registered owner hereof, the principal sum of TWO HUNDRED THIRTY-SIX THOUSAND DOLLARS ($236,000) on March 1, in the years and installments as follows:

Years	Principal Installments
1983 to 1987, incl.	$4,000
1988 to 1991, incl.	5,000

1992 to 1995, incl.	6,000
1996 to 1998, incl.	7,000
1999 to 2000	8,000
2001 to 2002	9,000
2003 to 2004	10,000
2005 to 2006	11,000
2007 to 2008	12,000
2009 to 2010	13,000
2011	14,000
2012	11,000

with interest from the date thereof at the rate of five per centum (5%) per annum, payable on March 1, 1983, and annually thereafter on March 1 each year, until said sum is paid. Both the principal hereof and interest hereon are payable in lawful money of the United States of America, to the registered holder hereof at the address shown on the registration books of the Town. The final installment of principal and interest due on this Bond shall be made only upon presentation and surrender of this Bond to the Town.

Installments or principal of this bond becoming due on and before March 1, 1992, are not payable prior to their stated due date, unless the Farmers Home Administration is the registered owner hereof. Installments becoming due on and after March 1, 1993, are subject to prepayment prior to their stated due dates in the amount of $1,000 or any multiple thereof, at the option of the Town, in inverse order of due dates, on March 1, 1992, and on any interest payment date thereafter, by the payment of such principal amount and accrued interest, without prepayment premium. If the Farmers Home Administration is the registered owner, all installments are subject to prepayment at any time prior to their stated due date, in the amount of $1,000 or any multiple thereof, in inverse order of their due date, by the payment of such principal amount and accrued interest to the date of prepayment, without prepayment premium. Notice of prepayment shall be given as provided by the Ordinance authorizing this Bond.

This Bond is issued by the Board of Trustees of the Town of Silverton, Colorado, for the purpose of constructing and equipping a building for municipal purposes, including, but not limited to, emergency service, ambulance service, public works, and fire protection purposes, in the Town of Silverton, under the authority of and in full conformity with the Constitution of the State of Colorado, the provisions of Title 31, Article 15, Part 3, Colorado Revised Statutes 1973, as amended, and all other laws thereunto enabling, and pursuant to an Ordinance of the Town duly adopted, published and made a law of the Town prior to the issuance of this Bond.

It is hereby certified and recited that all the requirements of law have been fully complied with by the proper officers of the Town in the issuance of this Bond; that the total debt of the Town, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or Laws of the State of Colorado, and that provision has been made for the levy and collection of general ad valorem taxes on all the taxable property in said Town, sufficient to pay the interest on and the principal of this Bond when the same become

due.

The full faith and credit of the Town of Silverton, Colorado, are hereby pledged for the punctual payment of the principal of and the interest on this Bond.

This Bond is transferable only upon the books kept by the Treasurer of the Town as Registrar, by the registered owner hereof in person or by his duly authorized attorney, and similarly noted hereon, or it may be surrendered in exchange for new bonds of the same aggregate principal amount, in coupon form or in serial registered form, in the denomination of $1,000 each, and subject to the conditions provided in said Ordinance.

IN TESTIMONY WHEREOF, the Board of Trustees of the Town of Silverton, Colorado, has caused this bond to be signed by the manual signature of the Mayor, countersigned by the manual signature of the Town Treasurer, sealed with an impression of the seal of the Town, and attested by the manual signature of the Town Clerk, as of the _____day of _____, 1982.

TOWN OF SILVERTON, COLORADO

(SEAL) By: _____

Mayor

ATTESTED: COUNTERSIGNED:

_____ _____

Town Clerk Town Treasurer

(Form of Registration Panel)

This bond is registered in the office of the Treasurer of the Town of Silverton, Colorado, as Registrar, in the name of the owner listed below, and the principal amount of this bond and interest thereon shall be payable only to such owner, all in accordance with the ordinance authorizing the issuance of this bond.

Date of Registration	Name of Registered Owner	Signature of Registrar
	United State of America Farmers Home Administration	

16-1-8 **Disposition of Bond Proceeds** Said bonds, when executed as provided by law, shall be deliverable to the purchaser thereof in accordance with its contract of purchase. The proceeds of the bonds herein authorized shall be used only for the purpose of paying the costs and expenses of constructing and installing a building for municipal purposes, and for no other purpose whatever. Neither the purchaser of the bonds nor the subsequent holder of any of them shall be responsible for the application or disposal by the Town, or any of its officers, of any of the funds derived from the sale thereof. All or any appropriate portion of the bond proceeds may be temporarily invested or reinvested pending such use

in securities or obligations which are lawful investments for such towns in the State of Colorado. It is hereby covenanted and agreed by the Town that the temporary investments or reinvestment of the bond proceeds, or any portion thereof, shall be of such nature and extent, and for such period, that the bonds shall not be or become arbitrage bonds within the meaning of Section 103(c) of the Internal Revenue Code of 1954, as amended, and pertinent regulations, and such proceeds, if so invested or reinvested, shall be subject to the limitations and restrictions of said Section 103(c), and pertinent regulations as the same now exist or may later be amended.

16-1-9 **Payment of Principal and Interest** If necessary, the interest to become due on said bonds during the construction of the building, shall be advanced from any fund or funds of the Town which are lawfully available therefore. For the purpose of reimbursing said fund, and for paying the interest accruing on the bonds promptly as the same become due, and for providing for the ultimate payment and redemption of the bonds, there shall be levied on all the taxable property in the Town, in addition to all other taxes, general ad valorem taxes in each of the years 1982 to 2011, inclusive, sufficient to make such reimbursement and to pay the principal of and interest on the outstanding bonds as the same become due and payable. Said taxes when collected shall be deposited in a special account to be known as the "Town of Silverton Bond and Interest Account, 1982", and such Account shall be applied solely to the purpose of the payment of the interest on and the principal of the bonds herein authorized and for no other purpose whatever, until the indebtedness so contracted under this Ordinance, both principal and interest, shall nave been fully paid, satisfied and discharged. Nothing herein contained shall be so construed as to prevent the Town from applying any other funds or revenues that may be in the Town treasury and available for that purpose, to the payment of the interest or principal, as the same respectively mature, and upon any such payments, the levy or levies herein provided may thereupon be diminished to that extent. An amount necessary to pay all costs and expenses incidental to the issuance of said bonds and the amounts hereinbefore provided to pay the interest on said bonds and to discharge the principal thereof when due, are hereby appropriated for that purpose, and said amount for each year shall be included in the annual budget and the appropriation bills to be adopted and passed by the Board of Trustees of the Town in each year, respectively. It shall be the duty of the Board of Trustees of the Town, annually, at the time and in the manner provided by law for levying other Town taxes, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levying and collection of taxes; and the Board shall levy, certify and collect said taxes in the manner provided by law for the purpose of creating a fund for the payment of the principal of the bonds and interest thereon, and

said taxes, when collected, shall be kept for and applied only to the payment of the interest and principal of the bonds as hereinabove specified.

16-1-10 **Defeasance** When all principal, interest and prior redemption premiums, if any, in connection with the bonds hereby authorized have been duly paid, the pledge and lien and all obligations hereunder shall thereby be discharged and the bonds shall no longer be deemed to be outstanding within the meaning of this ordinance. There shall be deemed to be such due payment when the Town has placed in escrow and in trust with a commercial bank located within or without the State of Colorado, and exercising trust powers, an amount sufficient (including the known minimum yield from Federal Securities in which such amount may be initially invested) to meet all requirements of principal, interest and prior redemption premium, if any, as the same become due to their final maturities or upon designated prior redemption dates. The Federal Securities shall become due at or prior to the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the Town and such bank at the time of the creation of the escrow, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure such availability as so needed to meet such schedule. The term "Federal Securities" within the meaning of this section shall include only direct obligations of, or obligations the principal and interest of which are unconditionally guaranteed by, the United States of America.

16-1-11 **Temporary Borrowing** The Board of Trustees is hereby authorized to borrow such amount as may be necessary to pay the cost of constructing and equipping the building until such time as the bonds authorized by this ordinance are issued and sold to the purchaser. The amount of such borrowing shall not, however, exceed the amount of $236,000, and the temporary borrowing shall be repaid immediately from the proceeds of this issue of bonds. The interest rate on such borrowing shall be determined by the Board of Trustees.

16-1-12 **Repealer** All ordinances, or parts thereof in conflict with this Ordinance are hereby repealed.

16-1-13 **Ordinance Irrepealable** After the General Obligation Bonds, Series 1982, have been issued, this Ordinance shall be irrepealable until said bonds and the interest thereon shall be fully paid, satisfied and discharged in the manner herein provided.

16-1-14 **Severability** If any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such determination shall not affect, impair or invalidate the remaining provisions hereof the intention being

that the various provisions hereof are severable.

16-1-15 **Emergency Provision** By reason of the fact it is necessary that this Ordinance be passed and take effect as soon as possible in order for the Town to obtain temporary financing to pay part of the cost of constructing and equipping the municipal building, which costs have become due and will hereafter become due and payable, it is hereby declared that an emergency exists, that this Ordinance is necessary for the preservation of the public peace, health and safety, and that it shall take effect upon publication.

16-1-16 **Recording and Authentication** This Ordinance shall be recorded in a book kept for that purpose, shall be authenticated by the signatures of the Mayor and Town Clerk, and shall be published in accordance with law. (eff 08/25/81)

CHAPTER 17 LEASEHOLD INTERESTS

Chapter 17 ARTICLE 1

LEASE-PURCHASE of DUMP TRUCK

17-1-1	**Authority**	**17-1**
17-1-2	**Terms of Lease and Option**	**17-1**
17-1-3	**Payments**	**17-1**
17-1-4	**Effective Date**	**17-1**

17-1-1 **Authority** The Board of Trustees has determined, and does hereby determine, that it is in the best interests of the Town and its inhabitants to enter into a municipal lease and option agreement to purchase a dump truck through the Security Pacific Merchant bank for municipal purposes. The total estimated cost of said dump truck, including finance charges, over the life of said agreement is the sum of $55,412.96.

17-1-2 **Terms of Lease and Option** The Board of Trustees hereby approves the terms of such Municipal Lease and Option Agreement dated September 4, 1987, and incorporates the terms of such agreement into this ordinance as fully as if set forth in its entirety herein.

17-1-3 **Payments** Payments for such Lease and Option Agreement will be made from the Equipment Purchase Fund for so long as the Board of trustees shall determine that it is in the best interests of the Town and its inhabitants to continue the payments required under the terms of that agreement; and if all payments are made as required by said agreement, title to said equipment shall best in the name of the Town of Silverton.

17-1-4 **Effective Date** This ordinance shall take effect thirty (30) days after the date of its passage and publication. (eff. 11/29/87)

CHAPTER 17 LEASEHOLD INTERESTS

ARTICLE 2
LEASE-PURCHASE OF COMPUTER EQUIPMENT

17-2-1	**Authority**	**17-2**
17-2-2	**Terms of Lease and Option**	**17-2**
17-2-3	**Payments**	**17-2**
17-2-4	**Effective Date**	**17-2**

17-2-1 **Authority** The Board of trustees has determined, and does hereby determine that it is in the best interests of the Town and its inhabitants to enter into a municipal lease and option agreement to purchase a computer system through Colorado National Leasing, Inc. for municipal purposes. The total estimated cost of said computer system, including finance charges, over the life of said agreement is the sum of $12,753.30.

17-2-2 **Terms of Lease and Option** The Board of Trustees hereby approves the terms of such Municipal Lease and Option Agreement dated May 8, 1989, and incorporates the terms of such agreement into this ordinance as fully as if set forth in its entirety herein.

17-2-3 **Payments** Payments for such Lease and Option agreement will be made from the General Fund for so long as the Board of Trustees shall determine that it is in the best interests of the Town and its inhabitants to continue the payments required under the terms of that agreement; and if all payments are made as required by said agreement, title to said equipment shall vest in the name of the Town of Silverton.

17-2-4 **Effective Date** This ordinance shall take effect thirty (30) days after the date of its passage and publication. (eff. 07/08/89)

CHAPTER 17 LEASEHOLD INTERESTS

ARTICLE 3
LEASE-PURCHASE OF FIRE TRUCK

17-3-1	**Authority**	**17-3**
17-3-2	**Terms of Lease and Option**	**17-3**
17-3-3	**Payments**	**17-3**
17-3-4	**Public Hearing**	**17-3**
17-3-5	**Effective Date**	**17-3**
17-3-6	**Emergency Clause**	**17-3**

17-3-1 **Authority** The Board of trustees has determined, and does hereby determine, that it is in the best interests of the Town and its inhabitants to enter into a municipal lease and option agreement to purchase a fire truck through Banc One Leasing Corporation of Milwaukee, Wisconsin for municipal purposes. The total estimated cost of said fire truck, including finance charges, over the life of the agreement is the sum of $121,259.29.

17-3-2 **Terms of Lease and Option** The Board of trustees does hereby approve the terms of the Equipment Lease-Purchase Agreement dated December 14, 1992, and incorporates the terms of the agreement into this ordinance as fully as if set forth in its entirety herein.

17-3-3 **Payments** Payments for such Lease-Purchase Agreement will be made from the General Funds subject to annual appropriation therefor for so long as the Board of Trustees shall determine that it is in the best interests of the Town and its inhabitants to continue the payments required under the terms of that agreement; and if all payments are made as required by said agreement, title to said equipment shall vest in the name of the Town of Silverton.

17-3-4 **Public Hearing** This agreement was entered into by the Board of Trustees prior to November 3, 1992 and partial payment for this equipment was made by the Town to the manufacturer prior to that date. A public hearing has been held upon this ordinance, and the terms hereof were adopted by the Board of Trustees on December 14, 1992.

17-3-5 **Effective date** This ordinance shall take effect thirty (30) days after the date of its passage and publication.

17-3-6 **Emergency Clause** This ordinance is adopted on an emergency basis, this ordinance being necessary for the immediate preservation of the public health, safety and general welfare.

CHAPTER 17 LEASEHOLD INTERESTS

ARTICLE 4
LEASE-PURCHASE OF REPAIRS TO LOADER

17-4-1	**Total Cost**	**17-4**
17-4-2	**Authority**	**17-4**
17-4-3	**Terms of Agreement**	**17-4**
17-4-4	**Payments**	**17-4**
17-4-5	**Partial Payment**	**17-4**
17-4-6	**Emergency Clause**	**17-5**

17-4-1 **Total Cost** The total cost of the repairs to the Front End Loader, including finance charges, over the life of the said agreement is the sum of $26,776.90.

17-4-2 **Authority** The Board of Trustees hereby grants specific authority to the Mayor and Town Clerk of the Town to execute all documents of transfer, including a bill of sale, to convey the 950 Front End Loader to Wagner as collateral to secure the payment of the repairs already completed thereon.

17-4-3 **Terms of Agreement** The Board of Trustees does hereby approve the terms of the Equipment Lease-Purchase Agreement dated August 27, 1993, and incorporates the terms of the agreement into this ordinance as fully as if set forth in its entirety herein.

17-4-4 **Payments** Payments for such Lease-Purchase Agreement will be made from the General Fund, the Water Fund, and the Sewer Fund subject to annual appropriations therefore for so long as the Board of Trustees shall determine that it is in the best interest of the Town and its inhabitants to continue the payments required under the terms of the Agreement; and if all payments are made as required by such Agreement, title to said equipment shall once again vest in the name of the Town of Silverton.

17-4-5 **Partial Payment** The Lease-Purchase Agreement is entered into by the Board of Trustees pursuant to the adoption and effective date of this ordinance. Partial Payment for this equipment in the amount of $10,000.00 is also authorized to be paid to Wagner in conjunction with the approval of said Agreement.

17-4-6 **Emergency Clause** This ordinance is adopted on an emergency basis, it being necessary for the immediate preservation of the public health, safety, and general welfare. (adopted 11/08/93)