

CHAPTER 1*

General Provisions

Article I	Code	
	Sec. 1-1	Adoption of Code
	Sec. 1-2	Title and scope
	Sec. 1-3	Purpose
	Sec. 1-4	Adoption of codes by reference
	Sec. 1-5	Matters not affected by repeal
	Sec. 1-6	Repeal of ordinances not contained in Code
	Sec. 1-7	Ordinances saved from repeal
	Sec. 1-8	Code supersedes prior ordinances
	Sec. 1-9	Changes in previously adopted ordinances
Article II	Definitions and Usage	
	Sec. 1-21	Definitions
	Sec. 1-22	Usage of terms
	Sec. 1-23	Grammatical interpretation
Article III	General	
	Sec. 1-41	Titles and headings not part of ordinances
	Sec. 1-42	Authorized acts
	Sec. 1-43	Prohibited acts
	Sec. 1-44	Acts by agents, representatives
	Sec. 1-45	Purpose of ordinances
	Sec. 1-46	Repeal of ordinances
	Sec. 1-47	Publication of ordinances
	Sec. 1-48	Severability
	Sec. 1-49	Amendments to Code
	Sec. 1-50	Examination of Code
	Sec. 1-51	Copy of Code on file
	Sec. 1-52	Supplementation of Code
	Sec. 1-53	Sale of Code books
	Sec. 1-54	Altering or tampering with Code; penalties for violation
	Sec. 1-55	Table of fees
Article IV	General Penalty	
	Sec. 1-71	Violations
	Sec. 1-72	General penalty for violation.
	Sec. 1-73	Application of penalties to juveniles
	Sec. 1-74	Penalty for violations of ordinances adopted after adoption of Code

Article V	Inspections	
	<u>Sec. 1-91</u>	Entry
	<u>Sec. 1-92</u>	Authority to enter premises under emergency
Article VI	Seal	
	<u>Sec. 1-101</u>	Corporate seal

ARTICLE I

Sec. 1-1. Adoption of Code.

The published code known as the Williamsburg Municipal Code, of which one (1) copy is now on file in the office of the Town Clerk and may be inspected during regular business hours, is enacted and adopted by reference as a primary code and incorporated herein as if set out at length. This primary code has been modified by the Town of Williamsburg for the purpose of providing up-to-date guidance of the code adopted in 2004, properly organized and indexed, in published form for the use of the citizens and officers of the Town.

Sec. 1-2. Title and scope.

This Code constitutes a compilation, revision and codification of all the ordinances of the Town of Williamsburg, Colorado, of a general and permanent nature, and shall be known as the Williamsburg Municipal Code.

Sec. 1-3. Purpose.

The Board of Trustees finds, determines and declares that the code in this Chapter is necessary for the general health, safety and welfare of the community.

Sec. 1-4. Adoption of codes by reference.

Codes may be adopted by reference, as provided by state law.

Sec. 1-5. Matters not affected by repeal.

The repeal of ordinances and parts of ordinances of a permanent and general nature of this Code shall not affect any offense committed or act done, any penalty or forfeiture incurred or any contract, right or obligation established prior to the time the code adopted.

Sec. 1-6. Repeal of ordinances not contained in Code.

All ordinances and parts of ordinances of a general and permanent nature adopted by the Board of Trustees, and in force on the date of adoption of this Code and not contained in the Code, are hereby repealed as of the effective date of the adopting ordinance, except as hereinafter provided.

Sec. 1-7. Ordinances saved from repeal.

The continuance in effect of temporary and/or special ordinances and parts of ordinances,

although omitted from this Code, shall not be affected by such omission there from, and the adoption of the Code shall not repeal or amend any such ordinance or part of any such ordinance. Among the ordinances not repealed or amended by the adoption of this Code are ordinances:

- 1) Creating, opening, dedicating, vacating or closing specific streets, alleys and other public
- 2) Naming or changing the names of specific streets and other public ways.
- 3) Authorizing or relating to specific issuances of general obligation bonds.
- 4) Annexing territory to or excluding territory from the Town.
- 5) Dedicating or accepting any specific plat or subdivision.
- 6) Calling or providing for a specific election.
- 7) Authorizing specific contracts for purchase of beneficial use of water by the Town.
- 8) Approving or authorizing specific contracts with the State, with other governmental bodies or with others.
- 9) Authorizing a specific lease, sale or purchase of property.
- 10) Granting rights-of-way or other rights and privileges to specific railroad companies or other public carriers.
- 11) Granting a specific gas company or other public utility the right or privilege of constructing lines in the streets and alleys or of otherwise using the streets and alleys.
- 12) Granting a franchise to a specific public utility company or establishing rights for or otherwise regulating a specific public utility company
- 13) Appropriating money.
- 14) Relating to salaries.
- 15) Amending the Official Zoning Map adopted.

Sec. 1-8. Code supersedes prior ordinances.

This Code shall supersede all other general and permanent ordinances and parts of ordinances passed

by the Board of Trustees, except such ordinances as are expressly saved from repeal or continued in force and effect as shall hereafter be set forth by reference.

Sec. 1-9. Changes in previously adopted ordinances.

In compiling and preparing the ordinances of the Town for adoption and revision as part of the Code, certain grammatical changes and other minor changes were made in one (1) or more of said ordinances. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

Secs. 1-10--1-20. Reserved.

ARTICLE II Definitions and Usage

Sec. 1-21. Definitions.

The following words and phrases, whenever used in the ordinances of the Town of Williamsburg and/or any codification of the same, shall be construed as defined in this Section, unless a different meaning is intended from the context or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- (1) **Board of Trustees** means the Board of Trustees of the Town of Williamsburg
- (2) **Computation of time** means the time within which an act is to be done. It shall be computed by excluding the first day and including the last day; and if the last day is Sunday or a legal holiday, that day shall be excluded.
- (3) **County** means the county of Fremont, Colorado.
- (4) **C.R.S.** means Colorado Revised Statutes.
- (5) **Law** denotes applicable federal law, the constitution and statutes of the State of Colorado, the ordinances of the Town and, when appropriate, any and all rules and regulations which may be promulgated there under.
- (6) **May** is permissive.
- (7) **Misdemeanor** means and is to be construed as meaning violation and is not intended to mean crime or criminal conduct.
- (8) **Month** means a calendar month.
- (9) **Must** and **shall**. Each is mandatory.
- (10) **Oath** shall be construed to include an affirmation or declaration 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) **Ordinance** means a law of the Town; provided that a temporary or special law, administrative action, order or directive may be in the form of a resolution.
- (12) **Owner**, applied to a building or land, includes 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.
- (13) **Person** means natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust or organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- (14) **Personal** property includes money, goods, chattels, things in action and evidences of debt.
- (15) **Preceding** and **following** mean next before and next after, respectively.
- (16) **Property** includes real and personal property.
- (17) **Real property** includes lands, tenements and hereditaments.
- (18) **Sidewalk** means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

(19) **State** means the State of Colorado.

(20) **Street** includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in the Town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.

(21) **Tenant and occupant**, applied to a building or land, includes any person who occupies whole or a part of such building or land, whether alone or with others.

(22) **Title of office**. Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the Town, or his or her designated representative.

(23) **Town** means the Town of Williamsburg, Colorado, or the area within the territorial limits of the Town of Williamsburg, Colorado, and such territory outside of the Town over which the Town has jurisdiction or control by virtue of any constitutional or statutory provision.

(24) **Written** includes printed, typewritten, emailed, or photocopied.

(25) **Year** means a calendar year

Sec. 1-22. Usage of terms.

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 law shall be construed and understood according to such peculiar and appropriate meaning.

Sec. 1-23. Grammatical interpretation.

The following grammatical rules shall apply to Town ordinances:

(1) Any gender includes the other genders.

(2) The singular number includes the plural and the plural includes the singular.

(3) Words used in the present tense include the past and future tenses and vice manifestly inapplicable.

(4) Words and phrases not specifically defined shall be construed according to the context and approved usage of the language.

Secs. 1-24--1-40. Reserved

ARTICLE III

General

Sec. 1-41. Titles and headings not part of ordinances

Chapter and Article titles, headings and titles of sections and other divisions in the Code or in supplements made to the Code or inserted in the Code, may be inserted in supplements to the Code for the convenience of persons using the Code.

Sec. 1-42. Authorized acts.

(a) 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.

(b) 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 done shall fall on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday.

Sec. 1-43. Prohibited acts.

Whenever in Town ordinances any act or omission is made unlawful, it includes causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission.

Sec. 1-44. Acts by agents, representatives.

When an act is required by an ordinance, the same being such that it may be done as well by an agent or representative as by the principal, such requirement shall be construed to include all such acts performed by and authorized agent or representative.

Sec. 1-45. Purpose of ordinances.

The provisions of Town ordinances, and all proceedings under them, are to be construed with a view to effect their objectives and to promote justice.

Sec. 1-46. Repeal of ordinances.

The repeal of an ordinance shall not repeal the repealing clause of such ordinance or revive any ordinance which has been repealed thereby.

Sec. 1-47. Publication of ordinances.

All ordinances as soon as may be after their passage, shall be recorded in a book kept for that purpose and authenticated by the signature of the Mayor and Town Clerk. The ordinances shall take effect upon their final passage, adoption and the approval and signature of the Mayor, if they are adopted by an affirmative vote of a quorum of the members of the Board of Trustees and shall be posted on the 3 town bulletin boards.

Sec. 1-48. Severability.

The provisions of this Code are 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.

Sec. 1-49. Amendments to Code.

Ordinances and parts of ordinances of a permanent and general nature, passed or adopted after the adoption of this Code, may be passed or adopted either in the form of amendments to the Code adopted by this Code or without specific reference to the Code. However, in either case, all such ordinances and parts of ordinances shall be deemed amendments to the Code, and all of the substantive, permanent and general parts of said ordinances and changes made thereby in the Code shall be inserted and made in the Code as provided in Section 1-51 hereof.

Sec. 1-50. Examination of Code.

The Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code to see that it is a true and correct copy of the Code. Similarly, after each supplement has been prepared, printed and inserted in the Code, the Mayor and Town Clerk shall carefully examine at least one (1) copy of the Code as supplemented. The copy of the Code as originally adopted or amended, certified and sealed shall constitute the permanent and general ordinances of the Town as of the date indicated in the certificate and shall be so accepted by the courts of law, administrative tribunals and all others concerned.

Sec. 1-51. Copy of Code on file.

At least one (1) copy of the Code shall be kept in the office of the Town Clerk at all times, and such Code may be inspected by any interested person at any time during regular office hours, but may not be removed from the Town Clerk's office except upon proper order of a court of law.

Sec. 1-52. Supplementation of Code.

(a) The Town Clerk shall cause supplementation of the Code to be prepared and printed from time to time as he or she may see fit. All substantive, permanent and general parts of ordinances passed by the Board of Trustees or adopted by initiative and referendum, and all amendments and changes in ordinances or other measures included in the Code prior to the supplementation and since the previous supplementation, shall be included.

(b) It shall be the duty of the Town Clerk, or someone authorized and directed by the Town Clerk, to keep up to date the copy of the book containing the Code required to be filed in the office of the Town Clerk for the use of the public.

Sec. 1-53. Sale of Code books.

Copies of the Code book may be purchased from the Town Clerk upon the payment of a fee to be set by resolution of the Board of Trustees.

Sec. 1-54. Altering or tampering with Code; penalties for violation.

Any person, firm or corporation who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with the Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby shall, upon conviction thereof, be punishable as

provided by Section 1-72.

Sec. 1-55 Table of fees

TABLE 1 ADMINISTRATIVE FEES

Action	Fee
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$20 expires when rabies expires
Dog license tag replacement	\$4
Copies per page	\$0.25 (First 5 Pages free)*
Digital Copy per file	\$1.00 Plus Cost of media* (The town will provide the media)
Transcripts of meeting minutes/court proceedings	\$35 per CD (or transcribers charge) plus \$0.50 per mile if travel required.
Meeting Room Rental with or without kitchen	\$100 deposit non resident / resident (resident deposit refundable)
Research fee after 15 minutes	\$15 per additional quarter hour. If not found charge of \$15.00*
Non-Sufficient Funds	\$35
OHV permit	\$25 per year
All other not specified	\$50

*Added Ordinance 012024

Water Fees

Action	Fee
Turn on after turn off for non-payment	\$50/\$75 for 2 nd time/\$75 3 rd + time (during regular work hours)
Turn on after regular work hours	\$100

Final Read	\$50
Addition trip(s) to property	\$25 each trip
Utility Late Fee	See Section 13-31
Use of town backhoe	\$500 per 4 hours
Water Operator on site	\$50 per hour
Parts	Town cost plus 20%

(note: Applicant may do all the digging up to 2 feet within the main)

TABLE 2 PERMIT FEES

Dwelling Type	Fees
Residential Dwelling: Masonry wood frame New Additions All Mobile home or manufactured housing (including installation and improvements) Basement – finished Basement – unfinished	Cost per square foot \$100 \$100 \$75 \$25 \$20
GARAGES Masonry or wood frames Metal Do-it-yourself garages	Cost per square foot \$35 \$20 \$20
DECKS Including attached roofs, patio cover, awning, patio enclosures and screened porches	Cost per square foot \$50
ACCESSORY BUILDING (exceeding 120 square feet) Pole Barn/building Car Ports Sheds/Storage building	Cost per square foot \$50
SHIPPING CONTAINERS used as accessory building	\$75
FLAT PERMIT FEE/OR REPAIRS OVER \$1500. Exterior Remodeling Structural modifications Roof and re-roof Foundation Solar System	\$150
VARIANCE PERMIT FEE	\$25
FINAL/RE-INSPECTION FEE PER TRIP	\$50
FEE FOR MISSED INSPECTION	\$50

APPOINTMENT	
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*see Appendix L Permit Fees

Appendix L Permit Fees

Total Valuation	Fee
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500 plus \$33 for each additional \$100 or fraction thereof up to and including \$2000
\$2,001 to \$40,000	\$69 for the first \$2,000. plus \$11 for each additional \$1000 or fraction thereof up to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40000. plus \$9 for each additional \$1000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1027 for the first \$100,000: plus \$7 for each additional \$1000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,627 for the first \$500,000. plus \$5 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000 plus \$3 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000, plus \$1 for each additional \$1000 or fraction thereof

TABLE 3. FINES

1. Violation of Chapter 7 will result in a notice of violation being issued without cost. A ten (10) day time for residents and fifteen (15) days for nonresidents (sec 7.4) to correct the subject violation will be noted or the option for arrangements made for a scheduled resolution to the violation can be made with the Town Clerk. Failure to meet the time frame or failure to make arrangements will result in a second notice being issued (sec 7.4 Time frames) and will cost the property owner \$50. Failure to respond to the second notice will result in a fine of \$100. A second offense for the same violation is a summons to court with a fine of \$200 plus court cost. Additional offenses will be a fine up to \$500 plus court costs.
2. Failure to comply with an agreement with the Town or a Court Order will result in the Town of Williamsburg cleaning up or removing the violation and all costs will be added to the owner's property tax (see sections 7.5 and 7.7)
3. Court Cost is established as a minimum of \$100 per appearance upon a finding of guilty.
4. Legal fees for the Town of Williamsburg is set at a minimum of \$100 or actual costs

Fines Table

Category	Violation(s)	Code Reference	1st Offense	2nd Offense	3rd Offense	Succeeding Offense (4 or More Violations)
Campers	Living in Camper more than 30-days	Sec. 10-46.	\$300**	\$300**	\$300**	\$300**
Contempt	Contempt of the Court	Sec. 2-226.	\$300	\$300	\$300	\$300
Curfew	Under age 18	Sec. 10-81	\$30	\$30	\$30	\$30 + 20 to 40 Public Service Hours
Dog	Noisy	Sec. 7-109.	\$150	\$150	\$150	\$150
Dog	At Large	Sec. 7-115	Up to* \$499	Up to* \$499	Up to* \$499	Up to* \$499
Dog	Vicious Dog	Sec. 7-110.	\$300	\$300	\$300	\$300
Dog	No License	Sec 7-103	Up to* \$499	Up to* \$499	Up to* \$499	Up to* \$499
Firearms	Discharge of Firearm in Town	Sec 10-49	\$300**	\$300**	\$300**	\$300**
Junk	Junk / Rubbish	Sec 7-1,1-2,7-3	Up to* \$499	Up to* \$499	Up to* \$499	Up to* \$499
Juveniles	General	Sec. 1-73.	\$300	\$300	\$300	\$300
Livestock	At Large	Sec 1-55 Table 3	\$50 per animal	\$100 per animal	\$150 per animal	\$300 per animal
Manure	Not Removed	Sec. 7-83(e)	\$100	\$100	\$100	\$100
Marijuana	Excess of Plants	Sec. 6-24	\$300	\$300	\$300	\$300
OHV	No Permit	Sec 7-26	\$300**	\$300**	\$300**	\$300**
Septic	Failure to Comply	Sec. 13-1(c)	\$300	\$100 per day	\$100 per day	\$100 per day
Trespass	Damage to Property	Sec. 10-34.	\$300	\$300	\$300	\$300
Vehicles	Expired and/or Abandoned	Sec. 7-1(2), Sec. 8-42(a)	Up to* \$499	Up to* \$499	Up to* \$499	Up to* \$499
Weeds	Weeds	Sec. 7-43.	Up to* \$499	Up to* \$499	Up to* \$499	Up to* \$499
Semi-Trailers	Storing of semi-trailer on property	Sec 8-22	up to 30 days \$50	over 30 days \$100	over 60 days \$200	over 90 days \$300

See Legend on next page...

1. **Taxes:** Unpaid fines will be deducted from tax rolls (added to one's property tax).
2. ***See Section 7-115.**
3. ****See Section 1-72(a).**
4. **Note:** Where a fine structure requires a determination of subsequent or additional offenses, any prior convictions for such offense shall be considered in such determination. Prior convictions need not be identical in nature for the new offense to be considered a subsequent offense; for instance, if a Defendant has been previously convicted of an animal running at large, the prior offense need not be for the same animal (or even the same type of animal). Similarly, a second offense for a nuisance violation need not be for the same issue that caused the first conviction.

[\(Ordinance 01 of 2023\)](#)

Secs. 1-56--1-70. Reserved.

ARTICLE IV

General Penalty

Sec. 1-71. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this Code.

Sec. 1-72. General penalty for violation.

(a) Any person, firm or corporation who shall violate or fail to comply with any provision of any Chapter of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable by a fine not less than three hundred dollars (\$300.00). In addition, such person, firm or corporation shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.

(b) **Reserved**

Sec. 1-73. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.

Sec. 1-74. Penalty for violations of ordinances adopted after adoption of Code.

Any person, firm or corporation who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-72 or 173, unless another penalty is specifically provided for the violation.

Secs. 1-75--1-90. Reserved.

ARTICLE V

Inspections

Sec. 1-91. Entry.

Whenever necessary to make an inspection to enforce any ordinance, or whenever there is probable cause to believe that there exists an ordinance violation in any building or upon any premises within the jurisdiction of the Town, any public inspector or other authorized representative of the Town may, upon presentation of proper credentials and upon obtaining permission of the occupant or if unoccupied, the owner, enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon him or her by ordinance. In the event the occupant, or if unoccupied, the owner, refuses entry to such building or premises, or the public inspector or other authorized representative is unable to obtain permission of such occupant or owner to enter such building or premises, the public inspector or other authorized representative is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

Sec. 1-92. Authority to enter premises under emergency.

Law enforcement officers, members of the Florence Fire Department, other fire departments operating under a mutual assistance agreement or automatic aid agreement with the Town, certified emergency medical technicians and paramedics during the course of employment with a governmental agency are hereby granted the authority to enter private residences within the Town without invitation from the occupant or occupants of the residence at any time such person has reasonable grounds to believe a medical emergency is in progress within the subject premises and the occupant or occupants of such premises are incapable of consenting to the entry because of such medical emergency.

Secs. 1-93--1-100. Reserved.

ARTICLE VI

Seal

Sec. 1-101. Corporate seal.

A seal, the impression of which shall contain in the center the word "Seal" and around the outer edge the words "Town of Williamsburg, Colorado," shall be and hereby is declared to be the Seal of the Town.

TABLE 1 ADMINISTRATIVE FEES

Action	Fee
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$15 for one year or \$25 for two years.
Dog license tag replacement	\$4
Copies per page	\$0.35
Transcripts of meeting minutes/court proceedings	\$35 per CD (or transcribers charge) plus \$0.55 per mile if travel required.
Meeting Room Rental with or without kitchen	\$100 deposit nonresident/ resident (resident deposit refundable)
Research fee after first hour	\$15 per additional quarter hour.
Medical Marijuana Grow License	
Registration	\$100 per year
Towing fee	\$75
Non-Sufficient Funds	\$35
All other not specified	\$50
Water Fees	
Turn on after turn off for non-payment	\$50/\$75 for 2 nd time/\$75 3 rd + time (during regular work hours)
Tap Fee	\$7,080(\$5880 for the tap + \$1200 system development fee)
Within 120 days after the application fee is paid, the tap must be purchased or the application is voided. The tap must be installed within 6 months. Thereafter the monthly billing will accrue. Tap installation is at parts cost plus \$35 per hour)	
Turn on after regular work hours	\$100
Addition trip(s) to property	\$25 each trip
Final Read	\$50
Utility Late Fee 5% of balance due on the 1st month	
5% of balance plus \$15 each month thereafter.	

TABLE 2 PERMIT FEES

1. Residential Dwelling:	Cost per square foot
a. Masonry wood frame	\$100.00
b. New Additions	\$100.00
c. All Mobile home or manufactured housing (including installation and improvements)	\$75.00
d. Basement – finished	\$25.00
e. Basement – unfinished	\$20.00
GARAGES	
a. Masonry or wood frames	\$35.00
b. Metal	\$20.00
<i>Suggest that do-it-yourself garages be rated at \$20/sq ft.</i>	

2. DECKS: (Including attached roofs, patio cover, awning, patio enclosures and screened porches).	\$50.00
3. ACCESSORY BUILDING: (exceeding 120 square feet) Pole Barn/building Sheds/Storage building Car Ports	\$50.00
4. FLAT PERMIT FEE/OR REPAIRS OVER \$1500. a. Exterior Remodeling b. Structural modifications c. Roof and re-roof d. Foundation e. Solar System	\$150.00
5. VARIANCE PERMIT FEE	\$25.00
6. FINAL/RE-INSPECTION FEE PER TRIP	\$50.00
7. FEE FOR MISSED INSPECTION APPOINTMENT	\$50.00

TABLE 3. FINES

1. Violation of Chapter 7 will result in a notice of violation being issued without cost. A ten (10) day time for residents and fifteen (15) days for nonresidents (sec 7.4) to correct the subject violation will be noted or the option for arrangements made for a scheduled resolution to the violation can be made with the Town Clerk. Failure to meet the time frame or failure to make arrangements will result in a second notice being issued (sec 7.4 Time frames) and will cost the property owner \$50. Failure to respond to the second notice will result in a fine of \$100. A second offense for the same violation is a summons to court with a fine of \$200 plus court cost. Additional offenses will be a fine up to \$500 plus court costs.

2. Failure to comply with an agreement with the Town or a Court Order will result in the Town of Williamsburg cleaning up or removing the violation and all costs will be added to the owner's property tax (see sections 7.5 and 7.7)

3. Court Cost is established as a minimum of \$100 per appearance upon a finding of guilty.

4. Legal fees for the Town of Williamsburg is set at a minimum of \$100 or actual costs

Dog at Large	\$50 first offense. \$75 for each additional offense. Animal will be impounded.
Vicious Dog at Large	\$200 for each offence. Summons to court for each additional offense (see items 3 and 4 above)
Livestock at large (excluding fowl)	\$50 each animal first offense. \$100 each animal second offense

\$150 **each** animal third offense and
\$300 for each succeeding
offense or removal from Town.

Where a fine structure requires a determination of subsequent or additional offenses, any prior convictions for such offense shall be considered in such determination. Prior convictions need not be identical in nature for the new offense to be considered a subsequent offense; for instance, if a Defendant has been previously convicted of an animal running at large, the prior offense need not be for the same animal (or even the same type of animal). Similarly, a second offense for a nuisance violation need not be for the same issue that caused the first conviction.

ORDINANCE 6_ OF 2022

AN ORDINANCE AMENDING ARTICLE III CHAPTER 1 OF THE MUNICIPAL CODE

Where As: There is a need to set the fee for a "non-sufficient fund" payment
 Where As: Utility Late Fee is redefined to include \$15 charge per month after 1st month.
 Where As: The water Tap Fees need to be redefined.
 Therefore: Ordinance 2 of 2021 is repealed. Ordinance 2 of 2022 table 1,2 and 3 are replaced in their entirety with the following:

TABLE 1 ADMINISTRATIVE FEES

Action	Fee
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$15 one year, \$25 two years. \$35 three years.
Dog license tag replacement	\$4
Copies per page	\$0.35
Transcripts of meeting minutes/court proceedings	\$35 per CD (or transcribers charge) mile if travel required.
plus\$0.55 per	
Meeting Room Rental with or without kitchen	\$100 deposit nonresident/ resident (resident refundable)
Research fee after first hour	\$15 per additional quarter hour.
Medical Marijuana Grow License Registration	\$100 per year
Towing fee	\$75
Non-Sufficient Funds	\$35
All other not specified	\$50

Water Tap Fees

Application fee (non-refundable)	\$25
Tap fee	\$6,800 (\$5,600 for the tap + \$1200 system development fee)

Within 120 days after the application fee is paid, the tap must be purchased or the application is voided. **The tap must be installed within 6 months. Thereafter the monthly billing will accrue. Tap installation is at parts cost plus \$35 per hour.**

Water Fees

Turn on after turn off for non-payment	\$50/\$75 for 2nd time/\$75 3rd + time (during regular work hours)
Turn on/off after regular work hours (8am-4pm)	\$100
Addition trip(s) to property	\$25 each trip
Final Read	\$50
Utility Late Fee 5% of balance due on the 1st month	
5% of balance plus \$15 each month thereafter.	

TABLE 2 PERMIT FEES

1. Residential Dwelling:	Cost per square foot
a. Masonry wood frame	\$100.00
b. New Additions	\$100.00
c. All Mobile home or manufactured housing (including installation and improvements)	\$75.00
d. Basement – finished	\$25.00
e. Basement – unfinished	\$20.00

GARAGES	
a. Masonry or wood frames	\$35.00
b. Metal	\$20.00
<i>Suggest that do-it-yourself garages be rated at \$20/sq ft.</i>	
2. DECKS: (Including attached roofs, patio cover, awning, patio enclosures and screened porches).	\$50.00
3. ACCESSORY BUILDING: (exceeding 120 square feet) Pole Barn/building Sheds/Storage building Car Ports	\$50.00
4. FLAT PERMIT FEE/OR REPAIRS OVER \$1500. a. Exterior Remodeling b. Structural modifications c. Roof and re-roof d. Foundation e. Solar System	\$150.00
5. VARIANCE PERMIT FEE	\$25.00
6. FINAL/RE-INSPECTION FEE PER TRIP	\$50.00
7. FEE FOR MISSED INSPECTION APPOINTMENT	\$50.00

TABLE 3. FINES

1. Violation of Chapter 7 will result in a notice of violation being issued without cost. A ten (10) day time for residents and fifteen (15) days for nonresidents (see 7.4) to correct the subject violation will be noted or the option for arrangements made for a scheduled resolution to the violation can be made with the Town Clerk. Failure to meet the time frame or failure to make arrangements will result in a second notice being issued (see 7.4 Time frames) and will cost the property owner \$50. Failure to respond to the second notice will result in a fine of \$100. A second offense for the same violation is a summons to court with a fine of \$200 plus court cost. Additional offenses will be a fine up to \$500 plus court costs.
2. Failure to comply with an agreement with the Town or a Court Order will result in the Town of Williamsburg cleaning up or removing the violation and all costs will be added to the owner's property tax (see sections 7.5 and 7.7)
3. Court Cost is established as a minimum of \$100 per appearance upon a finding of guilty.
4. Legal fees for the Town of Williamsburg is set at a minimum of \$100 or actual costs

Dog at Large	\$50 first offense. \$75 for each additional offense. Animal will be impounded.
Vicious Dog at Large	\$200 for each offence. Summons to court for each additional offense (see items 3 and 4 above)

Livestock at large (excluding fowl)

\$50 **each** animal first offense.

\$100 **each** animal second offense

\$150 **each** animal third offense and

**\$300 for each succeeding
offense or** removal from Town.

Where a fine structure requires a determination of subsequent or additional offenses, any prior convictions for such offense shall be considered in such determination. Prior convictions need not be identical in nature for the new offense to be considered a subsequent offense; for instance, if a Defendant has been previously convicted of an animal running at large, the prior offense need not be for the same animal (or even the same type of animal). Similarly, a second offense for a nuisance violation need not be for the same issue that caused the first conviction.

BE IT ENACTED this 3rd Day of May 2022

Jerald Farringer, Mayor

ATTEST: _____
Lucinda Ricotta, Town Clerk

Posted _____ 2022 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

ORDINANCE __2_ OF 2022

AN ORDINANCE AMENDING ARTICLE III CHAPTER 1 OF THE MUNICIPAL CODE

Where As: There is a need to set the fee for a "non-sufficient fund" payment
Where As: Utility Late Fee is redefined to include \$15 charge per month after 1st month.
Therefore: Section 1-55 is modified to read

TABLE 1 ADMINISTRATIVE FEES

Action	Fee
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$15 for one year or \$25 for two years.
Dog license tag replacement	\$4
Copies per page	\$0.30
Transcripts of meeting minutes/court proceedings	\$25 per CD (or transcribers charge) mile if travel required.
plus\$0.50 per	
Meeting Room Rental with or without kitchen	\$100 deposit nonresident/ resident (resident refundable)
Research fee after first hour	\$15 per additional quarter hour.
Medical Marijuana Grow License Registration	\$100 per year
Towing fee	\$50
Non-Sufficient Funds	\$35
All other not specified	\$50
Water Tap Fees	
Application fee (non-refundable)	\$25
Tap fee	\$7,200 (\$5,600 for the tap + \$1600 system development fee)
Within 120 days after the application fee is paid, the tap must be purchased or the application is voided.	
Water Fees	
Turn on after turn off for non-payment	\$50/\$75 for 2nd time/\$75 3rd + time (during regular work hours)
Turn on after regular work hours	\$100
Addition trip(s) to property	\$25 each trip
Final Read	\$50
Utility Late Fee 5% of balance due on the 1st month	
5% of balance plus \$15 each month thereafter.	

BE IT ENACTED this 4th Day of January 2022

Jerald Farringer
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____ 2022 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

ORDINANCE 14 of 2021
AN ORDINANCE AMENDING Section 1-55 (ORDINANCE 2 OF 2021)

Where As; There is a need to set fees for rental/use of Town Facilities.

Therefore: Section 1-55 (ordinance 2 of 2021) TABLE 1 ADMINISTRATIVE FEES is modified by the addition of the following:

<u>Action</u>	<u>Fee</u>
Rental of Town Facilities by residents	\$100 refundable deposit
Rental of Town Facilities by Nonresidents	\$50 fee plus \$100 refundable deposit

BE IT ENACTED this 2nd Day of November 2021


Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted Jan 6, 2022, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado



ORDINANCE 2 OF 2021

AN ORDINANCE AMENDING ARTICLE III CHAPTER 1 OF THE MUNICIPAL
CODE

Where As: There is a need to set fees and fines for specific actions or requests for services, and
Where As: The fees and fines are set forth by Resolution:
Therefore: Section 1-55 is modified to read:

TABLE 1 ADMINISTRATIVE FEES

<u>Action</u>	<u>Fee</u>
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$15 for one year or \$25 for two years.
Dog license tag replacement	\$4
Copies per page	\$0.30
Transcripts of meeting minutes/court proceedings	\$25 per CD (or transcribers charge) plus \$0.50 per mile if travel required.
Meeting Room Rental with or without kitchen	\$100 deposit nonresident/ resident (resident deposit refundable)
Research fee after first hour	\$15 per additional quarter hour.
Medical Marijuana Grow License Registration	\$100 per year
Towing fee	\$50
All other not specified	\$50
Water Fees	
Turn on after turn off for non-payment (during regular work hours)	\$50/\$75 for 2 nd time/\$75 3 rd time
Turn on after regular work hours	\$100
Addition trip(s) to property	\$25 each trip
Final Read	\$50
Utility Late Fee	5% of balance due

TABLE 2 PERMIT FEES

Permit fees shall be based upon the current International Residential Code Appendix L. (copy attached)

1. Residential Dwelling:

a. Masonry wood frame	\$100.00/ sq. ft
b. New Additions	\$100.00/ sq. ft
c. All Mobile home or manufactured housing (including Installation and improvements)	\$75.00/ sq. ft.
d. Basement – finished	\$25.00/sq. ft
e. Basement – unfinished	\$20.00/sq. ft

2. GARAGES

a. Masonry or wood frames	\$35.00/ sq. ft.
b. Metal	\$20.00/ sq. ft.
c. Constructed by owner	\$20.00/ sq. ft.

3. DECKS: (Including attached roofs, patio cover, awning,
Carports, patio enclosures and screened porches).

\$20.00

4. ACCESSORY BUILDING: (exceeding 120 square feet)
Pole Barn/building
Sheds/Storage building

\$20.00

5. FLAT PERMIT FEE/OR REPAIRS OVER \$1500.

\$150.00

- a. Exterior Remodeling
- b. Structural modifications
- c. Roof and re-roof
- d. Foundation
- e. Solar System
- f. All other repairs not listed

6. FINAL/RE-INSPECTION FEE PER TRIP

\$50.00

7. FEE FOR MISSED INSPECTION APPOINTMENT

\$50.00

8. APPLICATION FOR ZONING CHANGE

\$500

9. APPLICATION FOR VARIANCE

\$25

10. ANNEXATION APPLICATION FEE

\$500

TABLE 3. FINES

1. Violation of Chapter 7 will result in a notice of violation being issued without cost. A ten (10) day time for residents and fifteen (15) days for nonresidents (sec 7.4) to correct the subject violation will be noted or the option for arrangements made for a scheduled resolution to the violation can be made with the Town Clerk. Failure to meet the time frame or failure to make arrangements will result in a second notice being issued (sec 7.4 Time frames) and will cost the property owner \$50. Failure to respond to the second notice will result in a fine of \$100. A second offense for the same violation is a summons to court with a fine of \$200 plus court cost. Additional offenses will be a fine of \$200 to \$500 plus court costs.

2. Failure to comply with an agreement with the Town or a Court Order will result in the Town of Williamsburg cleaning up or removing the violation and all costs will be added to the owner's property tax (see sections 7.5 and 7.7)

3. Court Cost is established as a minimum of \$100 per appearance upon a finding of guilty.

4. Legal fees for the Town of Williamsburg is set at a minimum of \$100 or actual costs

Dog at Large	\$50 first offense. \$75 for each additional offense.
Vicious Dog at Large	\$200 for each offence. Summons to court for each additional offense (see items 3 and 4 above)
Livestock at large (excluding fowl)	\$50/ animal/day first offense/day \$100/ animal/day second offense/day \$150/ animal/day each seceding offense/day or removal from Town.
Dumping or Littering on Town property or rights-of-way	Minimum of \$300 and maximum of \$1,000.

BE IT ENACTED this 2nd Day of February 2021

Forrest Borre
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

Appendix L Permit Fees

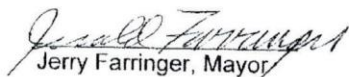
TOTAL VALUATION	FEE
\$1 to \$500	\$24
\$501 to \$2,000	\$24 for the first \$500; plus \$3 for each additional \$100 or fraction thereof, up to and including \$2,000
\$2,001 to \$40,000	\$69 for the first \$2,000; plus \$11 for each additional \$1,000 or fraction thereof, up to and including \$40,000
\$40,001 to \$100,000	\$487 for the first \$40,000; plus \$9 for each additional \$1,000 or fraction thereof, up to and including \$100,000
\$100,001 to \$500,000	\$1,027 for the first \$100,000; plus \$7 for each additional \$1,000 or fraction thereof, up to and including \$500,000
\$500,001 to \$1,000,000	\$3,827 for the first \$500,000; plus \$5 for each additional \$1,000 or fraction thereof, up to and including \$1,000,000
\$1,000,001 to \$5,000,000	\$6,327 for the first \$1,000,000; plus \$3 for each additional \$1,000 or fraction thereof, up to and including \$5,000,000
\$5,000,001 and over	\$18,327 for the first \$5,000,000; plus \$1 for each additional \$1,000 or fraction thereof


RESOLUTION 3 OF 2018
A RESOLUTION SETTING SPECIFIC COSTS FOR VARIOUS REQUESTS
February 5th, 2018

Be it resolved by the Town of Williamsburg that the following fees are hereby adopted.

<u>Action</u>	<u>Fee</u>
Municipal Code Book Copies	\$75
Kennel License	\$125
Dog Licenses	\$15 for one year or \$25 for two years.
Dog license tag replacement	\$4
Copies per page	\$0.30
Transcripts of meeting minutes/court proceedings	\$25 per CD (or transcribers charge) plus \$0.50 per mile if travel required.
Meeting Room Rental with or without kitchen	\$100 nonresident/ residents are refundable (deposit).
Research fee after first hour	\$15 per additional quarter hour.
Medical Marijuana Grow License Registration	\$100 per year
All other not specified	\$50

Be it Resolved by the Board of Trustee's this 5 th day of February 2018.


Jerry Farringer, Mayor

Attest: 
Lucinda Ricotta, Town Clerk



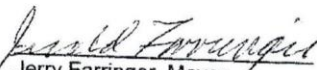
RESOLUTION 2 OF 2018
A RESOLUTION SETTING SPECIFIC FINES FOR VARIOUS OFFENSES
FEBRUARY 5 th, 2018

Whereas the municipal code provides for setting fines for various offenses, the following fines are established in the following table which may be changed by Board Motion:

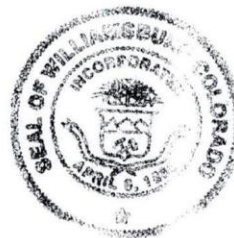
TABLE 1

<u>Description</u>	<u>Minimum fine or penalty assessment</u>
Weed or Brush Violation	\$100 per violation, additional \$10 per day after first 15 days.
Noncompliance to obtain proper Dog license	\$50 plus the cost of a Dog License,
Dog At Large	\$35 for first violation, \$70 for second violation \$150 for third and subsequent violations,
Dog Disturbing	\$25 cost per violation,
Livestock At Large (4 legged)	\$50 per animal per day, 4 or more violations for same offense, fine doubles
Abandoned Vehicle	\$100 plus towing expense,
Disturbing the Peace/Loud noise	\$50 cost per violation,
Curfew	\$25 cost per violation,
Use of fireworks	\$50 cost per violation,
Cruelty to any Domestic Animal or Fowl	\$100 cost per violation,
Failure to appear for any building inspector's appointment	\$25,
ATV or any unlicensed motorized conveyance, designed primarily for transportation of people, operating on public streets	\$100 per violation, 4 or more violations, the fine doubles.
Destruction/modification of public property without written permit.	\$300 Minimum or actual repair costs, whichever is higher.

Once a citation is issued, the alleged offender can plead no contest and pay the minimum fine noted above at the Williamsburg Town Hall within ten days and prior to Appearance to avoid Court Costs. All violations that are heard in court shall include court costs if judgement is against defendant.
Be it Resolved this 5th day of February 2018.


Jerry Farringer, Mayor

Attest: 
Lucinda Ricotta, Town Clerk



CHAPTER 2

Administration and Personnel

ARTICLE I Elections

Section 2-1.	Conduct of elections
Section 2-2.	Qualification of officers
Section 2-3.	Regular elections
Section 2-4	Four-year term for Mayor
Section 2-5	Four-year term for Trustees
Section 2-6	Term of office
Section 2-7	Write-in candidate affidavit
Section 2-8	Cancellation of elections
Section 2-9-20	Reserved

ARTICLE II Mayor and Board of Trustees

Section 2-21	Board of Trustees
Section 2-22	Installation into office
Section 2-23	Mayor duties
Section 2-24	Trustee duties
Section 2-25	Vacancies
Section 2-26	Reimbursement
Section 2-27	Mayor Pro Tem
Section 2-28	Temporary chair
Section 2-29	Decorum and order
Section 2-30	Quorum
Section 2-31	Removal from office
Section 2-31-A	Recall of elected individual
Section 2-32	Delivery of documents to Board
Section 2-33-50	Reserved

ARTICLE III Board Meetings

Section. 2-51	Regular meetings
Section 2-52	Special meetings
Section 2-53	Emergency meetings
Section 2-54	Adjourned sessions
Section 2-55	Executive session
Section 2-56	Study/work sessions
Section 2-57	Public participation in Board meetings
Section 2-58	Powers of the Board as a legislative body
Section 2-59	Powers of the Board as a quasi-judicial body
Section 2-60	Board as a policy-making body
Section 2-61	Maintenance of official records

Section 2-62	Board contacts with persons or firms retained by Town
Section 2-63-80	Reserved

ARTICLE IV Conduct of Meetings

Section 2-81	Presiding officer
Section 2-82	Order of business: regular meetings
Section 2-83	Filing with the Town Clerk: distribution of copies
Section 2-84	Right of floor
Section 2-85	Right of appeal
Section 2-86	Limitation of debate
Section 2-87	Voting
Section 2-88	Personal privilege
Section 2-89	Dissents and protests
Section 2-90	Excused from attendance
Section 2-91	Excused during meeting
Section 2-92	Making motions
Section 2-93	Permission required to address Board
Section 2-94	Voting requirements
Section 2-95	Recesses
Section 2-96	Mayor voting member
Section 2-97	Every member votes
Section 2-98	Procedure of motions
Section 2-99	Demand for written motion
Section 2-100	Withdrawal of motion
Section 2-101	Motions to adjourn
Section 2-102	Motion to lay on the table
Section 2-103	Amendment
Section 2-104	Amend an amendment
Section 2-105	Motion to postpone
Section 2-106	Reconsideration
Section 2-107	Special order
Section 2-108	Anonymous communications
Section 1-109-130	Reserved

ARTICLE V Ordinances and Resolutions

Section 2-131	Introduction
Section 2-132	Review
Section 2-133	Appropriation ordinance
Section 2-134	Reading of ordinances and resolutions
Section 2-135	Amendment of ordinances
Section 2-136	Report by committee
Section 2-137-150	Reserved

ARTICLE VI Conflict of Interest

Section 2-151	Disclosure
Section 2-152	Confidential matters
Section 2-153-170	Reserved

ARTICLE VII Officers and Employees

Section 2-171	Appointment of officers and oath of office
Section 2-172	Officers and employees
Section 2-173	Appointments by the Mayor
Section 2-174	Residency requirements
Section 2-175	Town Clerk
Section 2-176	Town Attorney
Section 2-177	Officers and employees to attend
Section 2-178	Vacancies
Section 2-179	Removal from office of an appointed official
Section 2-180-200	Reserved

ARTICLE III Reserved

ARTICLE IX Municipal Court

Section 2-221	Creation of Municipal Court
Section 2-222	Appointment of Municipal Judge
Section 2-223	Original jurisdiction
Section 2-224	Qualifications
Section 2-225	Rules of procedure
Section 2-226	Contempt power
Section 2-227	Records to be kept
Section 2-228	Execution of process or writ
Section 2-229	Court Fines referred to a collection agency.
Section 2-230-270	Reserved

ARTICLE X Zoning Committee

Section 2-271	Creation
Section 2-272	Purpose
Section 2-273	Membership
Section 2-274-290	Reserved

ARTICLE I

Elections

Sec. 2-1. Conduct of elections.

All elections shall be held and conducted in accordance with the Colorado Municipal Election Code of 1965 as amended.

Sec. 2-2. Qualification of officers.

Every qualified elector shall be eligible to hold any office to be filled by a municipal election, provided that he or she has resided in the Town for a period of at least twelve (12) consecutive months immediately preceding the date of the election, and is otherwise eligible to hold municipal office pursuant to law.

Sec. 2-3. Regular elections.

Regular Town elections shall be held in conjunction with the County of Fremont of every even numbered year.

Sec. 2-4. Four-year term for Mayor.

At every regular election held, there shall be elected a Mayor for a term of four (4) years.

Sec. 2-5. Four-year term for Trustees.

At every regular election held, beginning with the November 2018 regular election, there shall be elected three (3) Trustees for terms of four (4) years each. There after, at every regular election there shall be 3 trustees elected to four (4) year terms.

Sec. 2-6. Term of office.

All elected officers shall hold their office until their successors are elected and qualified.

Sec. 2-7. Write-in candidate affidavit.

In any special or regular election for election of any member to the Board of Trustees, no write-in vote for any person shall be counted unless an affidavit of intent has been filed with the Town Clerk by the person whose name is written in, prior to twenty (20) days before the date of the election, indicating that such person desires the office and is qualified to assume the duties of that office if elected.

Sec. 2-8. Cancellation of elections.

In any special or regular election for a member or members to the Board of Trustees, if the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth day before the election there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the Town Clerk, if instructed by resolution of the Board of Trustees, either before or after such date, shall cancel the election and, by resolution, declare the candidates elected. In the event an election is canceled pursuant to this Section, the members declared officers shall hold office until the next regular election.

Secs. 2-9--2-20. Reserved.

ARTICLE II Mayor

and Board of Trustees

Sec. 2-21. Board of Trustees.

- (a) The legislative and corporate authority of the Town shall be vested in a Board of Trustees, consisting of one (1) Mayor and six (6) Trustees.
- (b) The Board of Trustees shall constitute the legislative body of the Town and shall have the 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.

Sec. 2-22. Installation into office.

(a) The newly elected Mayor and Trustees shall be installed into office at the next regular or special board meeting after the election, upon receipt of the certificate and statement of the election judges from the Town Clerk.

(b) Each of the members of the Board of Trustees, before entering upon the duties of such office, shall take and subscribe to an oath administered by the Municipal Judge, Town Clerk or person authorized by law to administer such oath. Such oath shall be made and subscribed substantially in the following form:

"I, _____, do solemnly swear that I will support the Constitutions of the United States and of the State of Colorado, and the ordinances of the Town of Williamsburg, and faithfully perform the duties of the office of _____ upon which I am about to enter."

Sec. 2-23. Mayor duties.

The Mayor shall preside at all meetings of the Board of Trustees and shall cast a vote. The Mayor shall be responsible for ceremonial purposes. He or she will act as the official representative of the Town and is authorized and empowered to sign his or her name officially for and on behalf of the Town on all contracts, documents and papers to which the Town is a party, and to require that the conditions in any instrument are faithfully performed. The Mayor shall appoint all Trustees to departments, subject to Board approval. He or she shall from time to time provide for the Board of Trustees such information and recommend such measures as he or she may deem beneficial to the Town. The Mayor shall examine the grounds of all complaints against any elected or appointed official of the Town to determine the existence of a violation or neglect of duty and report to the Board of Trustees the evidence thereof, if deemed sufficient for the removal of said officer. He or she shall have such other powers as the Board of Trustees may prescribe.

Sec. 2-24. Trustee duties.

In addition to other duties, each Trustee shall act as a liaison to a department of the Town and shall render assistance to such department at the request of the Board of Trustees.

Sec. 2-25. Vacancies.

- (1) The Board of Trustees by a majority vote of all members present shall have power, by appointment, to fill all vacancies on the Board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his or her successor is elected and qualified.
- (2) If a vacancy occurs in time for the office to be placed on the ballot at the next regular election, a successor for the office shall be elected at such regular election, regardless of whether the office would otherwise have been placed on the ballot at such election.
- (3) If any vacancy occurs in an office for which a four-year term is in effect, and the office in which the vacancy occurs is not an office for which a successor would otherwise have been elected at the next regular election, the term of office of the successor elected at that regular election shall be shortened so that the following regular election for the office is held at the time at which it would have been held if no vacancy had occurred.

Sec. 2-26. Reimbursement.

The members of the Board of Trustees and the Mayor shall be paid actual expenses incurred by them or any of them in the transaction of the business of the Town, including mileage traveled out of Town, while engaged in transacting such business, at the rate of the current federal rate of reimbursement per mile, upon the presentation of an itemized statement of such expense and the allowance thereof by the Board of Trustees. Such expenditures other than mileage shall be approved for reimbursement by the Board of Trustees prior to being incurred. Such reimbursement shall be presented for payment within one (1) month of occurrence.

Sec. 2-27. Mayor Pro Tem.

The Mayor Pro Tem shall serve as Mayor during the absence or disability of the Mayor and in case of vacancy in the office of Mayor, pending the selection of a successor. The Mayor Pro Tem shall be appointed by the Mayor and ratified by the Board of Trustees at the first regular meeting following the Town election for Board members or following filling of a vacancy in the office of Mayor.

Sec. 2-28. Temporary chair.

In case of the absence of the Mayor and the Mayor Pro Tem, the Town Clerk shall call the Board of Trustees to order and call the roll of members. If a quorum is found to be present, the Board of Trustees shall proceed to elect, by a majority vote of those present, a chair of the meeting, to act until the Mayor or the Mayor Pro Tem appears.

Sec. 2-29. Decorum and order.

a. The presiding officer shall preserve decorum and decide all questions of order, subject to appeal of the Board of Trustees. All members shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting or violates these rules, the presiding officer shall, or any member may, call the violator to order, in which case the violator shall be quieted, unless permitted to explain.

b. No board member or any other individual attending any meeting or workshop held by the Town of Williamsburg will be allowed to remain if under the influence of alcohol or illegal drugs if said person(s) are disruptive. In the event that a person is clearly appears to be under the influence, as determined by a majority of the board members present, the presiding officer shall, with the approval of a majority of the board members present, who are not so accused, deem the persons(s) ineligible to remain at the meeting and such individual(s) shall be required to leave the meeting. In addition, if the individual(s) is a Board Member, after leaving, the absence will be deemed unexcused

Sec. 2-30. Quorum.

A quorum shall be a majority of the members of the Board of Trustees in office at the time for the transaction of business at all Board meetings. In the absence of a quorum, a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Town Clerk may adjourn any meeting for not longer than one (1) week. For meetings at which less than a quorum is in attendance, a majority of the members present are authorized to send the Town representative or other person for the absent members, as such majority of members may agree. A fewer number of members of the Board of Trustees may adjourn from day to day.

Sec. 2-31. Removal from office.

Five (5) of the members of the Board of Trustees may remove a Trustee or the Mayor for good cause after notice of the alleged grounds to the Mayor or Trustee and a hearing thereon. Notice of alleged grounds for removal and setting of a hearing thereon shall require a majority vote of the members of the Board of Trustees. The alleged grounds may be based upon a written complaint by a member of the Board of Trustees or a citizen of the Town. In the event that a complaint requesting a hearing for removal of such official is placed on an agenda of a meeting, at least ten (10) days after the complaint is presented, and there is no majority vote for a removal hearing at the meeting at which it appears on the agenda, the official shall not be subject to a removal hearing on the same charge. All testimony at a removal hearing shall be given under oath. Grounds for removal shall be presumed against any member of the Board of Trustees who has:

- (1) Been absent on three (3) occasions within any two-year period between regular meetings of the Town, which absence are unexcused;
- (2) Been convicted of a felony or a crime of moral turpitude during the current term of office or within five (5) years of being elected, which conviction was not known to the voters at the time the member was elected to office;
- (3) Violated the conflict of interest provisions of these procedures or state law;
- (4) Willfully violated any of the procedures of this Chapter;
- (5) Neglected the official's duty as an elected official; and/or
- (6) Acted in malfeasance or misfeasance of office.

Sec. 2-31-A. Recall of Elected Individual

Recall of Board members will comply with Part 5, Article 3, Title 31 CRS (CRS 32-4-501 et seq).

Sec. 2-32. Delivery of documents to Board.

All documents, from whatever source, pertaining to Town business and intended for delivery to members of the Board of Trustees, must be filed with the Town Clerk, who shall, in timely order, deliver said documents to all members of the Board of Trustees.

Secs. 2-33--2-50. Reserved.

ARTICLE III

Board Meetings

Sec. 2-51. Regular meetings.

The Board of Trustees shall meet in regular session on the first Tuesday of each month at 6:30 p.m. When a regular meeting falls on a holiday, the regular meeting shall be held on the following day, at the same hour, unless otherwise scheduled by the Mayor. The Mayor may dispense with any regular meeting or reschedule any regular meeting with at least twenty four (24) hours' notice to Board members, except that at least one (1) regular meeting shall be held each month. The place of all regular meetings shall be designated by the Board of Trustees. Notices of meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. The Town Hall Bulletin Board shall be the designated public place for posting notices of meetings under C.R.S. 24-6-402. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution. Effort will be made to post meeting notice more than 24 hours prior.

[{Ordinance 032018}](#)

Sec. 2-52. Special meetings.

- (a) Special meetings shall be called by the Town Clerk on the request of the Mayor or any two (2) members of the Board of Trustees on at least twenty four (24) hours' notice to each member of the Board of Trustees, by letter, email, telephone or in person. Said notice shall indicate the business to be performed at such special meeting. If any member shall have moved from the Town and shall be a nonresident thereof, no notice shall be required. Any Trustee may waive notice of the meeting, and a Trustee's presence shall constitute waiver of notice of the meeting.
- (b) No business shall be transacted at any special meeting of the Board of Trustees unless the same has been stated in the notice of such meeting unless otherwise determined by unanimous vote of those members present.
- (c) Notice of Special meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution.

Sec. 2-53. Emergency meetings.

Emergency meetings may be called by the Mayor or any two (2) Board of Trustees members in the event of an emergency that requires the immediate action of the Board of Trustees in order to protect the public health, safety and welfare of the residents of the Town. Notice of such emergency meeting may be given to the Board of Trustees by telephone or whatever other means are reasonable to meet the circumstances of the emergency. At such emergency meeting, any action within the police power of the Board of Trustees that is necessary for the immediate protection of the public health, safety and welfare may be taken; provided, however, that any action taken at an emergency meeting shall be effective only until the first to occur of (a) the next

regular meeting, or (b) the next special meeting of the Board of Trustees at which the emergency issue is on the public notice of the meeting. At such subsequent meeting, the Board of Trustees may ratify any emergency action taken. If any emergency action taken is not ratified, then it shall be deemed rescinded.

Sec. 2-54. Adjourned sessions.

Any session of the Board of Trustees may be adjourned or adjourned from day to day, or for more than one (1) day, but no adjournment shall be for a longer period than until the next regular meeting.

Sec. 2-55. Executive session.

(a) State statutes require that an affirmative vote by two-thirds (2/3) of a quorum present may call an executive session at either a regular or special meeting. No formal action can occur at an executive session. The motion for executive session shall describe as specifically as possible the subject of the executive session, including the provision of C.R.S. 24-6-402 (4) authorizing the Board to meet in executive session so long as such description does not disclose any information that would potentially harm the public interest.

(b) Only the matters allowed in C.R.S. 24-6-402 (4) may be discussed at an executive session:

Sec. 2-56. Study/work sessions.

Informal study/work sessions are used as a regular procedure to familiarize the Board members with many detailed aspects of the subjects on upcoming agenda items, thus saving valuable time in the Board meeting itself. Generally, citizen comment of up to three (3) minutes per speaker will be allowed on items which remain listed on the agenda of a Board of Trustees study/work session, unless otherwise determined by the members present. Study/work sessions shall be considered special meetings; however, the only action that may be taken at a study/work session is to hold an executive session in compliance with Section 2-55 above.

Sec. 2-57. Public participation in Board meetings

1. Citizen's Request to Speak:

Citizens are encouraged to attend Board of Trustees meetings and to participate in public hearings when the subject matter of such hearings is important to them. At times, citizens may wish to bring matters to the attention of City Council that is not on the agenda for that particular meeting. The "Citizen's Request to Speak" segment of all regular meetings of the Board of Trustees offers all interested citizens an opportunity to address Council with respect to local matters having a bearing on the operation and functions of the Town. The citizen's request to speak segment is not intended, however, to be used by individuals or groups who merely wish to use Council meetings as a platform to express personal or political philosophies or messages that have little or nothing to do with the business and affairs of the Town of Williamsburg.

As a matter of general policy, neither Town of Williamsburg nor Town staff should be expected to respond to matters raised in the citizen's request to speak segment of Board of Trustees Meeting meetings. Nevertheless, Board of Trustees members will always retain the right to ask questions of the speaker and to respond then or at a later time to remarks made by any citizen. Board of Trustees also will refer certain matters raised in this segment of the meeting to the Town Clerk or

to one of the Board of Trustee Committees for further study and discussion whenever warranted. However, not all issues raised by individual citizens or groups will be referred to staff or committee.

The Board of Trustees asks all persons who wish to address the Board of Trustees to remember that the primary purpose of each regular meeting of the Board of Trustees is to carry on the legislative and other business of the Town of Williamsburg in accordance with a published agenda and applicable rules of law and procedure. For this reason, the following rules will apply with respect to the citizen's request to speak segment of all Board of Trustees meeting

1. All persons wishing to speak must, prior to the meeting, submit to the Town Clerk (or his/her deputy) a completed written application which will show the speaker's name, address and the topic or subject that will be addressed by the speaker;
2. All speakers must stay on topic and are encouraged to state their points as briefly and clearly as possible. Redundancies and repetitive remarks (especially if several persons are speaking to the same general issue) should be avoided;
3. In any event, each speaker will be strictly limited to a maximum of five (5) minutes, unless a longer period is authorized by the person chairing the meeting. Individuals who are not registered or have additional comments may be allowed three (3) minutes to address the Board of Trustees on any item at the end of the meeting.
4. All remarks should be addressed to the Board of Trustees and pertain to matters of at least general importance to the Town and its operations. Neither Board of Trustees members nor Town staff should be expected to engage in discussions or debate with any speaker. Board members and staff are there to listen during this segment of the meeting;
5. No person addressing Council shall approach the Mayor or another member of Council without first obtaining permission from the chair to do so;
6. No citizen requesting to speak shall address The Board of Trustees or the meeting until he or she has been recognized by the chair, and no person who has once addressed the meeting shall be allowed to address the meeting a second time, unless specifically permitted to do so by the chair, who may impose time limits and other restrictions as conditions of such permission;
7. Discussions and debates between or among members of the audience are strictly Prohibited.
8. Personal attacks, whether directed at members of Board of Trustees, Town staff or fellow citizens, must be avoided;
9. The use of profanity or ethnic, racial or gender-oriented slurs is prohibited, as is any "disorderly conduct" which violates state or local law. See Section 18-9-106, C.R.S.
10. The Mayor or other Board member chairing the meeting is in charge and shall have the authority to order any person to terminate his or her remarks if the time allotted to such person has expired or if the speaker has violated any of the foregoing rules. Any person who violates an order of the chair in a manner which tends to disturb or disrupt the meeting, after one additional warning

from the chair, may be subject to removal from the meeting and possible criminal charges, depending upon the severity of the situation and the magnitude and frequency of the disruption(s).

11. All individuals shall observe proper decorum and avoid the use of abusive or profane language in the meeting room and when addressing the Board of Trustees. In the event that abusive or profane language is used or an individual otherwise disrupts the meeting, such individual may be removed from the meeting room by a Town designee.

12. Nothing in this Section shall be construed as granting any person a right to speak to the Board of Trustees during a Board meeting, except where a “public hearing” is being conducted. By decision of the Board, the Board may choose to remove the “Citizen’s Request to Speak” from any agenda with or without prior notice to the public, or may choose to terminate such portion of the agenda prior to the point where all citizens who wish to speak have spoken. Further, the Board, either by decision of the Board or by decision of the presiding officer of the Board, may choose not to hear public comments on any item on the agenda that is not a “public hearing”. The only persons who have an absolute right to speak at a Board meeting are members of the Board themselves (subject to the rules of decorum and procedure).

Sec. 2-58. Powers of the Board as a legislative body.

(a) The Board of Trustees exercises its legislative power through adopting, amending and repealing ordinances, resolutions and motions. The Board of Trustees is primarily a legislative and policy-making body in the Town's form of government. Individual Board members are appointed by the Mayor to serve as Board liaisons to functions as may be designated by resolution of the Board of Trustees.

(b) The administrative function of carrying out the adopted ordinances, resolutions and motions is delegated to the Town Board or their designee.

Sec. 2-59. Powers of the Board as a quasi-judicial body.

In addition to the adoption of legislative acts, the Board of Trustees may be required to make quasi-judicial decisions. Quasi-judicial decisions are normally of a specific nature made by applying a certain set of rules to a particular circumstance after a public hearing on the issue. Some types of quasi-judicial decisions that may be considered by the Board of Trustees are liquor license approvals, rezoning requests and other land use issues. When acting in a quasi-judicial capacity, the Board of Trustees is serving as a judge, and the applicant and the interested citizens are entitled to have the decision made by an impartial body. Therefore, no Board member shall have individual contact with any party regarding an issue which is subject to a quasi-judicial decision by the Board of Trustees outside of the Board's decision-making process.

Sec. 2-60. Board as a policy-making body.

While policy may be enunciated by the Board of Trustees in ordinances, it may also be enunciated in resolutions or by matters adopted by motion and order.

Sec. 2-61. Maintenance of official records.

Minutes shall be kept of all regular and special Board meetings, and meetings of the Board of Zoning Adjustment, Planning committee and of any other board or commission of the Town which is required by state law to maintain minutes. Upon adoption of the minutes by the board or

commission, such minutes shall be the official record of the meeting and shall be available for inspection during normal business hours. In the event an executive session is held during a work/study session, there shall be minutes of such session reflecting the purpose and vote on holding the executive session. In addition, regular, special and emergency meetings of the Board of Trustees shall be recorded on audio tape, if possible, and maintained for a minimum period of twenty-four (24) months, except that, pursuant to C.R.S. 24-6-402 (d.5)(II)(B), it shall not be necessary to record or maintain the recording of the substance of any executive session or portion of executive session which, in the opinion of the Town Attorney, constitutes a privileged attorney-client communication.

Sec. 2-62. Board contacts with persons or firms retained by Town.

Board member contact with Town-retained consultants or contractors shall be made through the Town Mayor or designee, except that any Board member may contact the Town Attorney regarding a personal conflict of interest.

Secs. 2-63--2-80. Reserved.

ARTICLE IV

Conduct of Meetings

Sec. 2-81. Presiding officer.

The Mayor, or in the Mayor's absence the Mayor Pro Tem, shall take the chair at the hour appointed for the Board of Trustees to meet, and shall immediately call the meeting to order. The roll will then be called by the Town Clerk who shall enter in the minutes of the meeting the names of the members present

Sec. 2-82. Order of business; regular meetings.

- (a) The business of all regular meetings of the Board of Trustees shall be transacted in the following order. The consent of the majority of the members present shall be required to add an issue to the agenda or to change the order of the agenda.

(1) Call to order - Mayor.

(2) Pledge of Allegiance

(3) Roll call - Town Clerk.

(4) Past Minutes approval

(5) Mayors Report

(6) Public comments on agenda items only – 3 minute limit (Ordinance 112023)

(7) Committee reports: Roads & Maintenance, Parks. Water, Planning and Zoning, Code Enforcement report.

(8) Treasurer's report.

(9) Town Clerk's report.

(10) Old business:

a.

b. etc.

(11) New or Other business._

(12) Petitions, communications, approved written request public comments (5 minute time limit per person), other Public comments - 3 minute limit.

(13) Adjournment.

[{Ordinance 072018}](#)

(a) The Mayor or a majority of the quorum may permit a member to introduce an ordinance, resolution, motion or agenda item out of the regular order on the printed agenda.

(b) The order of business for special meetings and study/work sessions may differ from that used for regular meetings and will be established prior to the meetings. No public hearing shall be set for a regular meeting at any time earlier than 6:00 p.m., and the Board of Trustees shall not proceed to consideration of any public hearing prior to the time set for such public meeting. Petitions and communications shall not be considered prior to 6:00 p.m.

(c) At 10:00 p.m., if the regular meeting of the Board of Trustees has not previously been adjourned, procedures shall be as follows:

- (1) All agenda items not previously considered shall be continued to an hour and day set by the Board of Trustees.
- (2) In no case shall proceedings extend beyond thirty (30) minutes after 10:00 p.m. except upon the unanimous vote of the board present.
- (d) The business of all regular meetings shall be transacted in the order provided for above unless the Board of Trustees by consent of the majority of the members present shall suspend the rules and change the order.
- (e) The Town Clerk will have delivered to each Board member an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of the Board of Trustees, Planning committee or other commissions, or as a result of petitions regularly filed. Also listed will be ordinances, petitions previously presented to the Town Clerk's office and a list of the reports of special committees, or any other appointed official or department head of the Town.

Sec. 2-83. Filing with the Town Clerk; distribution of copies.

- (a) Every ordinance, resolution and document to come before the Board of Trustees for consideration at a regular Board meeting must be filed with the Town Clerk and available for pick-up by Trustees on the previous business day on which the Board of Trustees meets, and for special meetings, as soon as practical prior to the day on which the Board of Trustees meets. Each proposed ordinance and resolution filed shall be assigned a proper number for recording by the Town Clerk at the Board of Trustees meeting upon its adoption.
- (b) It shall be the responsibility of the Town Clerk to have available to each member of the Board of Trustees all ordinances, resolutions and documents submitted prior to the meeting to come before the Board of Trustees for consideration at the meeting.
- (c) All public notices and agendas of the Board of Trustees and its appointed boards, commissions and committees shall be posted at least twenty-four (24) hours in advance at the Town Hall.

Sec. 2-84. Right of floor.

When recognized by the Chair, a member's comments shall be confined to the question under debate, avoiding personalities and refraining from impugning the motives of any other member's argument or vote. All discussion shall occur only upon recognition of the presiding officer.

Sec. 2-85. Right of appeal.

Any member may appeal to the Board of Trustees from a ruling of the presiding officer. If the appeal is seconded, said member making the appeal may briefly state a reason for the same, and the presiding officer may briefly explain the basis for said officer's ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question, "Shall the decision of the chair be sustained?" If a majority of the members present vote "Yes," the ruling of the Chair is sustained; otherwise it is overruled.

Sec. 2-86. Limitation of debate.

No member of the Board of Trustees shall be allowed to speak more than once upon any one (1) subject until every other member choosing to speak shall have spoken, and no member shall speak more than twice upon any one (1) subject, nor for a longer time than ten (10) minutes, without consensus of the Board of Trustees.

Sec. 2-87. Voting.

(a) A roll call vote by "yes" and "no" shall be taken upon the passage of all ordinances, the appointment of any officer, and on all motions concerning the expenditure of funds and entered upon the minutes of the Board of Trustees proceedings. Every ordinance, except emergency ordinances, shall require the affirmative vote of a quorum of the Board of Trustees present for passage.

(b) Upon each vote taken by the Board of Trustees, the Town Clerk shall announce the result of the vote, and state the names of the members against the proposal. In the event a member did not vote as announced by the Town Clerk, such member shall so advise the Board of Trustees immediately upon announcement of the vote. In the case of a tie vote, the issue shall be considered lost.

(c) Each member present shall vote "yes" or "no" on any ordinance, resolution or motion before the Board of Trustees unless excused by the unanimous consent of the remaining members present or the member has a conflict of interest as provided by state law or Town ordinance. In the event of such conflict, the member shall follow the procedure set forth in Article VI of this Chapter. Failure to vote in compliance with this Chapter shall be considered a vote in favor of the question at issue. Any Board of Trustees member refusing to vote except when not so required by this Chapter shall be guilty of misconduct in office.

Sec. 2-88. Personal privilege.

The right of a member to address the Board of Trustees on a question of personal privilege shall be limited to cases in which the member's integrity, character or motives are assailed, questioned or impugned.

Sec. 2-89. Dissents and protests.

Any Board of Trustees member shall have the right to express dissent from or protest against any ordinance or resolution of the Board of Trustees, and have the reason therefore entered upon the record. Such dissent or protest must be filed in writing, couched in respectful language, and presented to the Board of Trustees not later than the next regular meeting following the date of passage of the objectionable ordinance or resolution.

Sec. 2-90. Excused from attendance.

(a) It shall be the responsibility of each Board member to contact the Town Clerk or Mayor as soon as it is known that such member will not be in attendance at a meeting of the Board of Trustees. In the event a Board member is not in attendance at a meeting, such absence shall be considered excused, unless any Board member objects to the excusal of such absence. In the event of objection, the Board of Trustees shall determine by majority vote whether the absence is excused or unexcused. In the event a Board member is absent for two (2) consecutive regular meetings, any consecutive absence thereafter shall be considered unexcused unless the Board of Trustees has previously approved the extended absences.

(b) When a member's absence from a meeting is declared unexcused by the Board of Trustees, at the next succeeding regular meeting attended by the unexcused member, the member may explain the reason for the subject absence and request that the Board of Trustees reconsider its determination. Such reconsideration may occur upon the concurrence of a majority of the Board of Trustees present.

Sec. 2-91. Excused during meeting.

No member may leave the Board chambers while in session without permission from the presiding officer.

Sec. 2-92. Making motions.

All motions presented by any member shall require a second prior to discussion by the Board of Trustees. A majority vote of the members present, unless a greater number is required otherwise, shall decide all questions.

Sec. 2-93. Permission required to address Board.

(a) Persons other than members of the Board of Trustees and Town officers shall not be permitted to address the Board of Trustees except upon recognition by the presiding officer.

(b) If anyone other than a Town official desire to speak to a member of the Board of Trustees while the Board is in session, the member, if agreeable to the request and upon approval of the presiding officer, shall rise and retire to an area outside of the meeting room.

Sec. 2-94. Voting requirements.

Matters coming before the Board of Trustees shall be subject to the following voting requirements:

<u>Situation</u>	<u>Votes Required for Passage</u>
To pass any ordinance	Majority of the quorum present. A roll call vote is required.
To pass an ordinance	Vote of three-fourths of all
as emergency ordinance	members of the Board. roll call vote is
required to call a special election	
To pass a resolution	Majority of quorum present.
To appoint officers	Vote of three-fourths of all members of the Board in office at the time. A roll call vote is required.
Motions/resolutions	Majority of quorum present.
involving Town funds	A roll call vote is required.

Sec. 2-95. Recesses.

(a) In the Mayor's sole discretion, the Mayor may call a recess at any time during a formal Board meeting.

(b) During a recess:

- (1) Board members may discuss procedures for considering a particular substantive issue before them;
- (2) Board members constituting a quorum shall not discuss substantive issues before them;
- (3) Board members shall not take formal votes, make final policy decisions or take any other formal action; and
- (4) No one shall be excluded from Board of Trustees discussions involving a sufficient number of members to constitute a quorum.

Sec. 2-96. Mayor voting member.

The Mayor shall be a voting member of the Board of Trustees and shall be counted for purposes of a quorum. The Mayor shall not have veto powers.

Sec. 2-97. Every member votes.

Every member present shall be required to vote, except in the case of a conflict of interest as described in Article VI of this Chapter. The vote shall be for or against a pending ordinance, resolution or motion. The failure to vote shall be considered an affirmative vote.

Sec. 2-98. Procedure of motions.

When a question is before the Board of Trustees, no motion shall be entertained except:

- (1) To fix the hour of adjournment;
- (2) To adjourn;
- (3) To lay on the table;
- (4) For the previous question;
- (5) To postpone to a certain day;
- (6) To refer;
- (7) To amend; and
- (8) To postpone indefinitely.

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend and the motion to postpone indefinitely, shall be put to vote without debate.

Sec. 2-99. Demand for written motion.

Any member may demand that a motion be put in writing.

Sec. 2-100. Withdrawal of motion.

A motion may be withdrawn by the mover with the consent of the Board of Trustees.

Sec. 2-101. Motions to adjourn.

A motion to adjourn shall be in order at any time, except as follows:

- (1) When repeated without intervening business or discussion;
- (2) When made as an interruption of a member while speaking;
- (3) When the previous question has been ordered; and
- (4) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

Sec. 2-102. Motion to lay on the table.

A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the consideration of the subject may be resumed only upon the motion of a member voting with the majority and with the consent of two-thirds ($\frac{2}{3}$) of the members present.

Sec. 2-103. Amendment.

On an amendment to strike and insert, the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.

Sec. 2-104. Amend an amendment.

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced unless otherwise agreed by the member making the first amendment. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

Sec. 2-105. Motion to postpone.

All motions to postpone, excepting a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal questions shall be declared lost.

Sec. 2-106. Reconsideration.

After the decision on any question, any member who voted on the prevailing side of the question may move a reconsideration of any action at the same or the succeeding regular meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final adoption. After a motion for reconsideration has once been acted on, no other motion for reconsideration shall be made without unanimous consent.

Sec. 2-107. Special order.

The consent of a majority of the members present shall be required to add an issue to the agenda.

Sec. 2-108. Anonymous communications.

Unsigned or anonymous communications shall not be introduced to the Board of Trustees. This applies to written, verbal or telephone communications.

Secs. 2-109--2-130. Reserved.

ARTICLE V

Ordinances and Resolutions

Sec. 2-131. Introduction.

(a) All ordinances, except emergency ordinances, shall be introduced to the Board of Trustees and in the meeting in printed or written form, (email is allowed if the Board members have indicated that they have a preferred working email address) by the Thursday prior to the meeting. However revisions may be made, in printed or written form, on the day of the meeting if the original form of the ordinance was made in time. Emergency ordinances shall be introduced to the Board of Trustees and in the meeting in printed or written form. All resolutions shall be introduced to the Board of Trustees and in the meeting in printed or written form.

Sec. 2-132. Review.

All proposed ordinances shall be reviewed by the Town Attorney, if referred by the Town Trustees and bear the Attorney's certification that they are in correct form. The Town Clerk shall attach to each proposed ordinance a brief digest of the provision thereof, and where it is proposed to amend an existing ordinance. The digest shall show the name of the department or party at whose request the proposed ordinance was prepared.

Sec. 2-133. Appropriation ordinance.

The Trustees shall not review or prepare any ordinance, nor shall the Town Clerk accept for filing any proposed ordinance providing for the appropriation of money unless the same shall be accompanied by a form devised by the Finance Officer, which shall show fully the purpose of the appropriation and the fund to which it is to be charged

Sec. 2-134. Reading of ordinances and resolutions.

Ordinances shall be read in full or by title only where copies are available to the Board of Trustees and those in attendance and may be amended prior to adoption. Upon introduction and prior to adoption, any three (3) Board members may request a second reading of any ordinance at the next regular meeting or at a special meeting. The ordinances will be in effect thirty (30) days following adoption with the exception of ordinances that are repealed prior to the thirty-day limit. All ordinances adopted containing an emergency clause is effective immediately. All ordinances will be posted following Board approval at Board designated sites.

Sec. 2-135. Amendment of ordinances.

An ordinance amending a previously adopted ordinance shall not be allowed except that amendments to the Municipal Code shall be allowed. A new ordinance shall be passed to repeal existing ordinances. The new ordinance repealing an existing ordinance or the Municipal Code shall be accompanied by an exhibit or reference showing the part of the original ordinance or Municipal Code to be amended, properly identified by page, section or paragraph referenced to the original

ordinance or Municipal Code. Copies of the exhibit shall be furnished to each member of the Board of Trustees.

Sec. 2-136. Report by committee.

All ordinances and resolutions referred to committee must be reported by the committee within ten (10) days after date of reference, except as otherwise provided in these rules, or at the next meeting succeeding the expiration of ten (10) days. If not reported as above provided, any member of the Board of Trustees may call the document out of committee by notifying the Town Clerk and Mayor in open session of said member's intention. It shall then be the duty of the Clerk to place the document before the Board of Trustees for consideration at the next succeeding meeting without any further reference.

Secs. 2-137--2-150. Reserved.

ARTICLE VI

Conflict of Interest

Sec. 2-151. Disclosure.

In the event that the Mayor or a Board member has a conflict of interest, such person shall disclose such interest, in writing or during a meeting, as soon as the conflict of interest is known. If the Mayor or a Board member has a conflict of interest which such person has not disclosed, such a conflict may be addressed by any other Board member, and the Board of Trustees may determine by a majority of those present that a conflict of the Mayor or a Board member exists. If the Mayor or a Board member has a conflict of interest, whether self-disclosed or determined by the Board of Trustees, such person shall abstain from voting on the issue. If the vote of a member is necessary to obtain a quorum or otherwise enable the Board of Trustees to act, the member may vote only after disclosure in the office of the Secretary of State as provided by state law.

Sec. 2-152. Confidential matters.

It shall be a conflict of interest and a violation of this Chapter for any member of the Board of Trustees to disclose any confidences of the Town, any matter discussed in executive session, or any matter which is subject to the attorney-client privilege between the Town and the Town Attorney, unless a majority of the Board of Trustees determines that such disclosure should be made.

Secs. 2-153--2-170. Reserved.

ARTICLE VII Officers and Employees

Sec. 2-171. Appointment of officers and oath of office.

(a) A majority vote of all members of the Board of Trustees in office at the time shall be required to appoint any Town official. The Town Clerk, Mayor or Mayor Pro Tem shall administer the oath of office before the Board of Trustees.

(b) Except as specifically provided by law, each officer appointed by resolution shall serve at the pleasure of the Board of Trustees and nothing herein is intended to create an expectation of continued employment. Except as specifically provided by law, the Personnel Plan of the Town shall not apply to the officers appointed, unless provisions of such Personnel Plan are hereafter specifically made applicable to any such officers.

Sec. 2-172. Officers and employees.

The Town Clerk, Town Attorney, Finance Officer and other officers and employees of the Town shall be under the control and direction of the Chair during sessions of the Board of Trustees.

Sec. 2-173. Appointments by the Mayor.

Whenever the Mayor shall, at any meeting, submit a written resolution of appointment to be made with the advice and consent of the Board of Trustees, consideration of such appointment may be deferred until the next meeting by a majority vote of the Board of Trustees.

Sec. 2-174. Residency requirements

(a) The appointed Town Clerk, Town Attorney, Finance Officer and Municipal Judge may reside outside of the corporate limits of the Town.

The Finance Officer shall keep a true and accurate account of all monies belonging to the Town and of the several funds to which such monies belong, and shall report to the Board of Trustees, in writing, once in each month, all monies received and paid out by him or her as such Treasurer.

(b) The Finance Officer shall attend all meetings of the Board of Trustees as required by the Mayor or Board of Trustees.

Sec. 2-175. Town Clerk.

(a) The duties of the Town Clerk shall be as prescribed by Section 31-4-305, C.R.S.

(b) It shall be the duty of the Town Clerk to attend all meetings of the Board of Trustees and to make, in a book kept for that purpose, a full, legible and accurate record of all the proceedings, rules and ordinances of the Board of Trustees; to maintain personnel files; to sell all licenses and keep records of the same; to be responsible for proceedings of municipal elections; and to keep accurate records of all transactions of his or her office and, whenever required by the Board of Trustees, provide a true report of such.

(c) The Town Clerk shall be ex officio clerk of the Board of Trustees and shall keep minutes of the meetings and perform such other and further duties as may be ordered by the Mayor or Board of Trustees.

(d) The Town Clerk shall collect and receive monies, keep a true and accurate account of all monies belonging to the Town and of the several funds to which such monies belong, and shall report to the Board of Trustees, in writing, once in each month, under direction and approval of the Finance Officer.

Sec. 2-176. Town Attorney.

(a) The Town Attorney must be currently licensed in the practice of law in the state. It shall be the duty of the Town Attorney to act as legal advisor to, and be attorney and counsel for, the Board of Trustees and to be responsible solely to the Board. He or she shall advise any officer or department head of the Town in matters relating to his or her official duties when so requested by the Board of Trustees and shall file with the Town Clerk a copy of all written opinions given by him or her. He or she shall prosecute ordinance violations and all other proceedings brought by the Town in Municipal Court. The Town Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him or her by the Board of Trustees and shall promptly give his or her opinion as to the legal consequences thereof as requested. He or she shall perform such other duties as may be prescribed for him or her by the Board of Trustees.

(b) The Town Attorney shall, either in person or by deputy, attend all meetings of the Board of Trustees as required by the Mayor or Board. Any member of the Board of Trustees, by collective decision, may call upon the Town Attorney for an oral or written opinion to decide any questions of law, but not to decide upon any parliamentary rules. The Town Attorney may retain special counsel with the prior approval of the Board of Trustees.

Sec. 2-177. Officers and employees to attend.

The head of any department, or any officer or employee of the Town, when requested by the Mayor, Mayor Pro Tem or Board member shall attend any regular, adjourned, special, emergency or study/work session and confer with the Board of Trustees on all matters relating to the Town. Such officers and employees, from time to time, may be required to attend an executive session of the Board of Trustees.

Sec. 2-178. Vacancies.

In the case of death, resignation, vacation or removal of any of the Town officers during their term of office, the Board of Trustees, by a majority vote of all the members present, shall select and appoint a suitable person to fill the vacancy, and no such appointment of any officer shall continue beyond one (1) week after the qualification of the members of the succeeding Board of Trustees.

Sec. 2-179. Removal from office of an appointed official.

The Board of Trustees may remove any appointed official at the discretion of the Board in compliance with state law.

Secs. 2-180--2-200. Reserved.

ARTICLE VIII RESERVED

ARTICLE IX

Municipal Court

Sec. 2-221. Creation of Municipal Court.

A qualified Municipal Court of record in and for the Town is hereby created and established pursuant to and governed by the provisions of state law.

Sec. 2-222. Appointment of Municipal Judge.

The Municipal Court shall be presided over by a Municipal Judge, who shall be appointed by the Board of Trustees. Such Municipal Judge, when so appointed, shall hold his or her office for not less than two (2) years and until his or her successor is appointed unless sooner removed by the Board of Trustees, and who may be reappointed for a subsequent term. Any vacancy in the office of the Municipal Judge shall be filled by appointment of the Board of Trustees for the remainder of the unexpired term. The compensation for the Municipal judge shall be prescribed by resolution.

Sec. 2-223. Original jurisdiction.

The Municipal Court shall have original jurisdiction of all cases arising under the provisions of this Code and ordinances of the Town, with full power to punish violators thereof by the impositions of such fines and penalties as are prescribed by ordinance.

Sec. 2-224. Qualifications.

The Municipal Judge must meet all qualifications set forth by statutes of the State.

Sec. 2-225. Rules of procedure.

In addition to other powers, a Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of the Municipal Court, consistent with the Municipal Court Rules of Procedure promulgated by the Colorado Supreme Court.

Sec. 2-226. Contempt power.

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

Sec. 2-227. Records to be kept.

A verbatim record of the proceedings and evidence at all proceedings held in the Municipal Court shall be made and kept by either electronic devices or by stenographic means.

Sec. 2-228. Execution of process or writ.

The Sheriff or Code Enforcement Officer may execute any process or writ issued out of or by the Municipal Court in any case arising under the ordinances of the Town.

Section 2-229 Court Fines referred to a collection agency.

In the event a defendant fails to pay any fine, penalty, cost, fee, or restitution ordered by the Municipal Judge by the date so ordered, the Town Clerk or the Court Clerk may refer the unpaid amount to a collection agency for collection, and the defendant will be responsible for an additional amount not to exceed 25% of the amount collected. The Town Clerk or the Court Clerk has such authority regardless of the date upon which the fine, penalty, cost, fee, or restitution order was issued.
(Ordinance 072023)

Secs. 2-230--2-270. Reserved.

ARTICLE X ZONING

COMMITTEE

Sec. 2-271. Creation.

Pursuant to state law, there is hereby created a Zoning Committee for the Town.

Sec. 2-272. Purpose.

The Zoning Committee is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Zoning Adjustment of the Town.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning committee to make amendments to changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

Sec. 2-273. Membership.

(a) The membership of the Planning Committee shall consist of minimum of three (3) and a maximum of seven (7) residents of the Town. An odd membership is preferred. One (1) additional member shall be a member of the Board of Trustees appointed by the Mayor with the approval of the Board of Trustees, with the term to coincide with the member's term as Trustee. This Board member shall vote only in the event of a tie vote among the other members. All

members shall be residents of the Town. The terms of such resident members shall coincide with the Board of Trustees elected term of two (2) years. Subsequently elected Board of Trustees may extend or re-appoint the Planning committee members individually or as a group.

(b) All members of the Zoning Committee shall be bona fide residents of the Town and if any member ceases to reside in the Town, his or her membership on the Planning committee shall immediately terminate.

(c) All members of the Zoning Committee shall serve as such without compensation. Members of the Planning committee may be removed with a majority vote of the Board of Trustees at any time.

Secs. 2-274--2-290. Reserved.

**TOWN OF WILLIAMSBURG
ORDINANCE 7 OF SERIES 2018**

**Ordinance amending the Municipal Code with respect to the Order of
Business for regular meetings**

Whereas the purpose of the regular Town Board of Trustees meetings is conduct Town business, therefore:

BE IT ORDAINED and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that the following section is hereby amended within the Town of Williamsburg Municipal Code

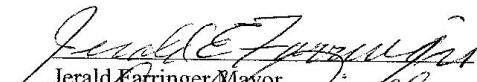

The "Williamsburg Municipal Code" is amended by the addition thereto of the following language, which shall amend article IV Conduct of Meetings and replace section 2-82. All other sections shall remain in effect.

Sec. 2-82. Order of business; regular meetings.

(a) The business of all regular meetings of the Board of Trustees shall be transacted in the following order. The consent of the majority of the members present shall be required to add an issue to the agenda or to change the order of the agenda.

- (1) Call to order - Mayor.
- (2) Pledge of Allegiance
- (3) Roll call - Town Clerk.
- (4) Past Minutes approval
- (5) Mayors Report
- (6) Committee reports: Roads & Maintenance, Parks, Water, Planning and Zoning, Code Enforcement report.
- (7) Treasurer's report.
- (8) Town Clerk's report.
- (9) Old business:
 - a.
 - b. etc.
- (12) New or Other business._
- (13) Petitions, communications, approved written request public comments (5 minute time limit per person), other Public comments - 3 minute limit.
- (14) Adjournment.

ADOPTED ON THE 2 DAY OF OCT 2018


Jerald Farringer Mayor

Lucinda Ricotta Clerk

Date: 10-4-18

Date: 10-4-18

Original Text

Sec. 2-82. Order of business; regular meetings.

(a) The business of all regular meetings of the Board of Trustees shall be transacted in the following order. The consent of the majority of the members present shall be required to add an issue to the agenda or to change the order of the agenda.

- (1) Call to order - Mayor - 7:00 p.m.
- (2) Pledge of Allegiance
- (3) Roll call - Town Clerk.
- (4) Past Minutes approval
- (5) Petitions, communications and public comments.
- (6) Mayors Report
- (7) Committee reports (committees designated by resolution of the Board of Trustees).
- (8) Town Clerk's report.
- (9) Financial Officers report.
- (8) Building Permit report:-
- (8) Code Enforcement report
- (9) Scheduled / Old business:
 - a.
 - b.
 - c. etc.
- (11) New or Other business.
- (12) Public comments - 3 minute limit each
- (12) Adjournment.

Town of Williamsburg
Williamsburg, CO 81226

ORDINANCE 3 OF 2018

**AN ORDINANCE AMENDING ARTICLE III CHAPTER 2 OF THE
MUNICIPAL CODE IN ACCORDANCE WITH:**

**TITLE 24. GOVERNMENT - STATE ADMINISTRATION ARTICLE 6.
COLORADO SUNSHINE LAW PART 4. OPEN MEETINGS LAW C.R.S. 24-6-
402 (2014)**

**ARTICLE II/ SECTION 2-51 OF THE TOWN OF WILLIAMSBURG
MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

Sec. 2-51. Regular meetings.

The Board of Trustees shall meet in regular session on the first Tuesday of each month at 6:30 p.m. When a regular meeting falls on a holiday, the regular meeting shall be held on the following day, at the same hour, unless otherwise scheduled by the Mayor. The Mayor may dispense with any regular meeting or reschedule any regular meeting with at least twenty four (24) hours' notice to Board members, except that at least one (1) regular meeting shall be held each month. The place of all regular meetings shall be designated by the Board of Trustees. Notices of meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. The Town Hall Bulletin Board shall be the designated public place for posting notices of meetings under C.R.S. 24-6-402. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution. Effort will be made to post meeting notice more than 24 hours prior.

ImageBE IT ENACTED this 4th day of June 2,,p18 to become effective August 2018
/>ZI

Jerry Farringer

Mayor

cinda Ricotta

Town Clerk

Image

Posted Z-4, 6 ,2018 on the Public Notice boards located at:

Quincy on Horse Road, Williamsburg, Colorado

Wilmont oad and Smith Gulch Road, Williamsburg, Colorado

1 John Street, Williamsburg, Colorado

Original Text

Sec. 2-51. Regular meetings

The Board of Trustees shall meet in regular session on the first Monday of each month at 7:00 p.m. When a regular meeting falls on a holiday, the regular meeting shall be held on the following day, at the same hour, unless otherwise scheduled by the Mayor. The Mayor may dispense with any regular meeting, or reschedule any regular meeting with at least twenty four (24) hours' notice to Board members, except that at least one (1) regular meeting shall be held each month. The place of all regular meetings shall be designated by the Board of Trustees. Notices of meetings shall be posted at the Town Hall Bulletin Board 24 hours prior to the meeting. The Town Hall Bulletin Board shall be the designated public place for posting notices of meetings under C.R.S. 24-6-402. Other Town bulletin boards shall be utilized if time allows to provide sufficient distribution. Effort will be made to post meeting notice more than 24 hours prior.

CHAPTER 4

Revenue and Finance

ARTICLE I Fiscal Year

Section 4-1	Fiscal year established
Section 4-2-10	Reserved

ARTICLE II General and Special Funds

Section 4-11	General Fund created
Section 4-12	Special Funds created
Section 4-13	Custody and management of funds
Section 4-14-20	Reserved

ARTICLE III Sales Tax

Section 4-21	Imposition of tax
Section 4-22	Definitions
Section 4-23	Licenses
Section 4-24	General
Section 4-25	Tax schedules: administration and enforcement
Section 4-26-40	Reserved

ARTICLE IV Unclaimed Property

Section 4-41	Purpose
Section 4-42	Definitions
Section 4-43	Administrative control
Section 4-44	Procedure for disposition of property
Section 4-45-60	Reserved

ARTICLE V Use Tax

Section 4-61	Levied
Section 4-62	Definitions
Section 4-63-80	Reserved

ARTICLE I

Fiscal Year

Sec. 4-1. Fiscal year established.

The fiscal year of the Town shall commence on January 1 of each year and shall extend through December 31 of the same year.

Secs. 4-2--4-10. Reserved.

ARTICLE II

General and Special Funds

Sec. 4-11. General Fund created.

There is hereby created a fund, to be known as the General Fund, which shall consist of all cash balances of the Town not specifically belonging to any other existing ~~special~~ fund of the Town.

Sec. 4-12. Special funds created.

Special funds may be created by the Board of Trustees as needed.

The following special funds are hereby created:

(1) There is hereby created a special fund, to be known as the **Conservation Trust Fund**.

a. All funds hereafter received by the Town from the State pursuant to Section 29-21-101, C.R.S., shall be credited to the Conservation Trust Fund.

b. There shall be transferred into this fund, as of the effective date of this Article, all amounts then on hand received and collected in the Conservation Trust Fund pursuant to this Subsection, and all moneys later received or deposited for such purposes.

c. All moneys taken from this Fund shall be expended only for the purposes sought to be accomplished by state law, including the acquisition of new conservation sites, as that phrase is defined in Section 29-21101, C.R.S., and as authorized by the Board of Trustees.

d. Nothing in this Article shall prevent the Board of Trustees from appropriating revenues of the Town, other than moneys received from the State pursuant to House Bill No. 1084, to the Conservation Trust Fund; however, any moneys appropriated to the Conservation Trust Fund from such other sources also shall be expended in the manner provided herein.

(2) There is hereby created a special fund, to be known as the **Water Revenue Fund**, which shall be operated as outlined in Sec. 13-66 of this Code

(3) There is hereby created a special fund, to be known as the Street Fund.

a. Assets in such fund shall be segregated into separate accounts, which shall describe the purpose for which such accounts were placed in the Street Fund. Each account shall be separately kept and maintained as if each account were a separate special fund. There shall be such additional accounts within such fund as are necessary to segregate and identify assets of such fund set aside for particular purposes by ordinances or other actions of the Board of Trustees.

b. There shall be placed in said fund, from time to time, all income to the Town and such additional amounts as may be appropriated to such fund by the Board of Trustees. In addition, there shall be placed in such fund any receipts from any grants received from the federal or state government to be used for the extension or betterment of streets and roads and any amounts earned through the investment of the assets of the fund.

c. Expenditures shall be made from such fund for the purpose of maintaining the streets, and for such other purposes relating to the street system as may be authorized by law. Expenditures from accounts within such fund shall be made only for the purpose for which such account was created, provided that, if the Board of Trustees finds and determines that there are amounts in any account in excess of the amount required to satisfy the purpose of such account, the Board of Trustees may, by ordinance, authorize the transfer of such excess amount to any other account or any other fund of the Town. It shall further be proper for the Board of Trustees to authorize the lending of amounts in excess of the immediate needs of such fund to other funds of the Town upon such terms and conditions as the Board of Trustees may prescribe.

Sec. 4-13. Custody and management of funds.

Moneys in the funds herein created shall be in the custody of and managed by the Finance Officer. The Finance Officer shall maintain accounting records and account for all of said moneys as provided by law. Moneys in the funds of the Town shall be invested or deposited by the Finance Officer in accordance with the provisions of law. All income from the assets of any fund shall become a part of the fund from which derived and shall be used for the purpose for which such fund was created; provided that, except as otherwise provided in this Article or by other ordinances or laws or by this Code, the Board of Trustees may transfer out of any fund any amount at any time to be used for such purpose as the Board of Trustees may direct within State and Federal regulations.

Secs. 4-14--4-20. Reserved.

ARTICLE III

Sales Tax

Sec. 4-21. Imposition of tax.

The purpose of this Article allows a sales tax on the sale of tangible personal property at retail and the furnishing of services, the sale of which tangible personal property and the furnishing of which services are taxable pursuant to state law.

Sec. 4-22. Definitions.

For the purpose of this Article, the definitions of words herein contained shall be as defined in Section 39-26-102, C.R.S., and said definitions are incorporated herein by this reference.

Sec. 4-23. Licenses.

- (a) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail without first having obtained a license therefore. Such license shall be granted and issued by the Town Clerk and shall be in force and effect for the life of the business or unless sooner revoked.
- (b) Such licenses shall be granted only upon application stating the name and address of the person desiring such a license, the name of such business and the location and such other facts as the Town Clerk may require.
- (c) In case business is transacted at two (2) or more separate premises by one (1) person, a separate license for each place of business shall be required.
- (d) Any person engaged in the business of selling tangible personal property at retail in the Town without having secured a license therefore, except as specifically provided herein, shall be guilty of a violation of this Article.
- (e) Each license shall be numbered, shall show the name, residence, place and character of business of the licensee, and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.
- (f) No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this Article.
- (g) The fee for such license shall be established by ordinance of the Board of Trustees, which shall be paid to the Town Clerk prior to the issuance of such license.

Sec. 4-24. General RESERVED

Sec. 4-25. Tax schedules; administration and enforcement.

- (a) There is hereby imposed on the sale of tangible personal property at retail and the furnishing of services where such personal property and services are taxable pursuant to state law. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the Town.
- (b) The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue of the State in the same manner as the collection, administration and enforcement of the State sales tax. The provisions of state law, and all rules and regulations promulgated by the Director of Revenue shall govern the collection, administration and enforcement of the sales tax imposed by this Article.

Secs. 4-26--4-40. Reserved.

ARTICLE IV

Unclaimed Property

Sec. 4-41. Purpose.

The purpose of this Article is to provide for the administration and disposition of unclaimed property in the possession of or under the control of the Town.

Sec. 4-42. Definitions.

Unless otherwise required by context or use, words and terms contained in this Article shall be defined as follows:

(1) **Owner means** a person or entity, including a corporation, partnership, association, governmental entity other than this Town, or a duly authorized legal representative or successor in interest of the same, which owns unclaimed property held by the Town.

(2) **Unclaimed property** means any tangible or intangible property, including any income or increment derived there from, less any lawful charges that is held by or under the control of the Town and which has not been claimed by its owner for a period of more than 6 months after it became payable or distributable.

(3) **Miscellaneous property** means found items kept at Town Hall.

Sec. 4-43. Administrative control.

Administration of the provisions of this Article shall be under the direction of the Town Board or the designee thereof.

Sec. 4-44. Procedure for disposition of property.

(a) Prior to disposition of any unclaimed property having an estimated value of fifty dollars (\$50.00) or more, the Town Board shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the Town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the Town Board with a written claim for the return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to disposition of any unclaimed property having an estimated value of less than fifty dollars (\$50.00) or having no last known address of the owner, the Town Board shall cause a notice to be published in a newspaper of general circulation in the Town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the

Town Board with a written claim for the return of the property within sixty (60) days of the date of the publication of the notice, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(c) If the Town Board receives no written claim within the above sixty (60) day claim period, the property shall become the sole property of the Town and any claim of the owner to such property shall be deemed forfeited.

(d) If the Town Board receives a written claim within the sixty (60) day claim period, the Town Board shall evaluate the claim and give written notice to the claimant within ninety (90) days thereof that the claim has been accepted or denied in whole or in part. The Town Board may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one (1) claimant for the same property, the Town Board may, in the Town Board's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the District Court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the Town and any claim of the owner of such property shall be deemed forfeited.

(g) The Town Board is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this Article, including compliance requirements for other Town officers and employees in the identification and disposition of such property.

(h) Miscellaneous property may be disposed of by sale or other appropriate means after 6 months.

Secs. 4-45--4-60. Reserved.

ARTICLE V

Use Tax

Sec. 4-61. Levied.

There is hereby levied, and there shall be collected and paid, a use fee on the privilege of storing or consuming within the Town any construction and building materials purchased outside the corporate limits of the Town to be used for new residential, commercial or industrial construction, up to three and no tenths percent (3.0%) of the retail cost thereof. Such fee shall be collected in accordance with schedules set forth in the rules and regulations promulgated by the State Department of Revenue or as otherwise provided by this Article.

Sec. 4-62. Definitions.

For purposes of this Article, definitions of words contained herein shall have the meanings set forth in Section 39-26-201, C.R.S., as it currently exists or may hereafter be amended, and all definitions therein set forth are incorporated herein by this reference.

Secs. 4-63--4-80. Reserved

CHAPTER 6

Business Licenses and Regulations

ARTICLE I Alcoholic Beverages

Section 6-1	Definitions
Section 6-2	Applicability
Section 6-3	Application for liquor license: fee
Section 6-4	Classification
Section 6-5	Tax nondiscriminatory
Section 6-6	Assessment of tax: rate
Section 6-7	Payment of tax
Section 6-8	Delinquency
Section 6-9	Civil action for collection
Section 6-10	Optional premises licenses
Section 6-11	Growing and Selling Marijuana for Recreational use.
Section 6-12-20	Reserved

ARTICLE II Medical Marijuana

Section 6-21	Unlawful act
Section 6-22	Definitions
Section 6-23	Applicability and effective date
Section 6-24	Personal use

ARTICLE I

Alcoholic Beverages

Sec. 6-1. Definitions.

As used in this Article, the following words or phrases shall have the following meanings, respectively:

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

(2) **Medicinal liquor** means any liquor sold by a duly licensed pharmacist or drugstore solely on a bona fide doctor's prescription.

(3) **Operator** means a person licensed by law to sell three point two (3.2) beer and malt, vinous and 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 within the Town.

(4) **Person** includes persons, partnerships, associations, organizations or corporations.

(5) **Spirituous liquor** means 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 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 liquor.

(6) **Three point two (3.2) beer** means malt liquor as herein defined as containing not more than three point two percent (3.2%) alcohol by weight.

(7) **Vinous liquor** includes wine and fortified wines not exceeding twenty-one percent (21%) alcohol by volume and shall be construed to mean an alcoholic beverage obtained by the fermentation of the natural sugar contents of fruits or other agricultural produce containing sugar.

Sec. 6-2. Applicability.

In addition to any of the rules or laws which may be applicable, these rules shall govern all proceedings before the Board of Trustees. If any of the rules contained herein shall conflict with any provisions of the laws of the State or the rules of the State Licensing Authority pertaining to the Colorado Liquor Code or to rules pertaining to the licensing or sale of fermented malt beverages, the provisions of state law or the rules of the State Licensing Authority shall govern.

Sec. 6-3. Application for liquor license; fee.

(a) All applications for liquor licenses and for fermented malt beverage licenses shall be filed with the Town Clerk. Any person applying for such license shall file the state license application form which shall be filled out and completed in all material details. Incomplete application forms shall be rejected. All license forms shall be filled out by typewriter or printed in ink, and all other information or exhibits submitted shall be typewritten or printed in ink, except plans and specifications which may be required.

(b) At the time of submitting the application, the applicant shall pay an application fee to the Town. Such fee shall be used to defray the expense incurred by the Town for the review, investigation, supplies, posting and publication of premises and all other services of personnel of the Town which pertain to the application. Such application fee shall apply only to applications for new licenses and to applications for the transfer of ownership of an existing license or for transfer of the location of an existing license. Such application fee shall be set by resolution of the Board of Trustees.

Sec. 6-4.Classification.

The business of selling at retail any three point two (3.2) beer or malt, vinous or spirituous liquor, other than medicinal liquors, for beverage purposes within the Town is hereby defined and separately classified as such occupation for the purposes of this Article, as follows:

(1) Class "A" Operators. All operators who are licensed to sell beer, wine and spirituous liquors for consumption on the premises, either at hotels or restaurants, shall be Class "A" Operators.

(2) Class "B" Operators. All operators licensed as retail liquor stores to sell, in original containers, malt, vinous or spirituous liquors for consumption off the premises shall be Class "B" Operators.

(3) Class "C" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same for consumption on the premises are Class "C" Operators.

(4) Class "D" Operators. All operators licensed to sell only three point two (3.2) beer and who sell the same solely in the original package or container for consumption off the premises shall be Class "D" Operators.

(5) Class "E" Operators. All operators licensed to sell malt, vinous or spirituous liquors by the drink only to members of clubs and their guests within the premises of said club shall be Class "E" Operators.

(6) Class "F" Operators. All hotel and restaurant licensees, beer and wine licensees, tavern licensees, club licensees, and arts licensees obtaining a special license to sell, serve or distribute malt, vinous and spirituous liquors by the drink after the hour of 8:00 p.m. and until midnight.

(7) Class "G" Operators for breweries, distilleries, and wineries.

Sec. 6-5.Tax nondiscriminatory.

The Town hereby finds, determines and declares that, considering the nature of the business of selling at retail three point two (3.2) beer and malt, vinous and spirituous liquors for beverage purposes and relation 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, the classification of said business as a separate occupation is reasonable, proper, uniform and nondiscriminatory and that the amount of tax hereby imposed by this Article is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town.

Sec. 6-6.Assessment of tax; rate.

There is hereby levied and assessed an annual occupation tax on the business of selling three point two (3.2) beer or malt, vinous and spirituous liquors, except medicinal liquors, in the Town, as said occupation has been herein classified, such occupation tax to be set by resolution of the Board of Trustees.

Sec. 6-7. Payment of tax.

- (a) Such tax shall be due and payable to the Town Clerk on January 1 of each year and shall be delinquent on February 1 of the same year. Prepayment of said tax may be made in the month of December preceding the due date.
- (b) Upon receipt of such tax, it shall be the duty of the Town Clerk to execute and deliver to the operator paying the tax a receipt showing the name of the operator paying the tax, the date of payment, the annual period for which said tax is paid and the place at which said operator conducts business.
- (c) The operator shall, at all times during said year, keep said receipt posted in a conspicuous place in his or her place of business.
- (d) Whenever any licensee begins business with a new license, subsequent to January 1 of any year, the occupational license tax required herein shall be prorated on a monthly basis for the remaining portion of the year; but no refund shall be made to any person who discontinues business under a license before the expiration of the period covered by the tax. In the event the ownership of an existing license is transferred to a new licensee during any year, the transferred license shall not be considered a new license and no additional occupational license tax shall be required in connection with such license. If this Article is adopted in the middle of a fiscal year, the operator shall pay only that share of taxes which apply to the balance of the fiscal year in which this Article is adopted. All taxes provided for in this Article shall be due as provided above, except that all taxes provided for in this Subsection shall be due and payable upon the beginning of business or upon adoption of this Article and shall be delinquent ten (10) days thereafter. Interest shall accrue on all delinquent taxes from the day of delinquency until paid and shall accrue at the rate of one percent (1%) per month.

Sec. 6-8. Delinquency.

No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of the State, and in performance of any duties imposed by said statutes upon the Board of Trustees, as a licensing authority, the Board of Trustees shall exclude from consideration any delinquency in payment of the tax herein provided for.

Sec. 6-9. Civil action for collection.

The Town shall have the right to recover all sum 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.

Sec. 6-10. Optional premises licenses.

- (a) Authority. The Board of Trustees shall have the power to issue optional premises licenses and optional premises for hotel and restaurant licenses in accordance with the provisions of the Colorado Liquor Code, Section 12-47-101 *et seq.*, C.R.S., and the provisions of this Section. The provisions of this Section shall be considered in addition to all other standards applicable to the issuance of licenses under this Article and under the Colorado Liquor Code.
- (b) Definitions. In addition to the definitions set forth in Section 6-1 of this Article, the following definitions shall apply for the purposes of this Section.

(1) *Optional premises* means:

(a) The premises specified in an application for a hotel and restaurant license under this Article with related outdoor sports and recreational facilities for the convenience of its guests or the general public located on or adjacent to the hotel or restaurant within which such operator is authorized to sell or serve three point two (3.2) beer or malt, vinous or spirituous liquors, other than medicinal liquors, in accordance with the provisions of this Article and at the discretion of the Board of Trustees and the State Licensing Authority; or

(b) The premises specified in an application for an optional premises license located on an applicant's outdoor sports and recreational facility.

(2) *Outdoor sports and recreational facility* means a facility that charges a fee for the use of such facility, as defined in Section 12-47-103(22), C.R.S.

(3) The optional premises license and the optional premises for hotel and restaurant licenses shall be collectively referred to as an *optional premises license* unless otherwise specified herein.

(a) Eligible facilities. An optional premises license may only be considered for premises which are located upon an outdoor sports and recreational facility as defined herein.

(b) Size of eligible facilities. There shall be no minimum size requirement for the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the Board of Trustees may consider the size of the particular outdoor sports and recreational facility in relation to the number of optional premises requested for the facility.

(c) Number of optional premises per facility. There shall be no restrictions on the number of optional premises which any one (1) licensee may have on an outdoor sports and recreational facility. However, any applicant requesting approval of more than one (1) optional premises on an outdoor sports and recreational facility shall demonstrate the need for each optional premises in relationship to the outdoor sports and recreational facility and its guests.

(d) Information required on application. When submitting a request for the approval of an optional premises license, an applicant shall comply with all application requirements set forth in Section 6-3 of this Article. In addition, the applicant for an optional premises license shall submit the following information:

(1) A map or other drawing illustrating the outdoor sports and recreational facility boundaries and the approximate location of each optional premise requested;

(2) A description of the method which shall be used to identify the boundaries of the optional premises when in use; and

(3) A description of the provisions which have been made for storing three point two (3.2) beer or malt, vinous or spirituous liquor, other than medicinal liquors, in a secured area on or off the optional premises for future use on the optional premises.

(e) Processing of applications. An application for a new optional premises license shall be processed in the same manner as any other new license application under this Article. An application for an optional premises filed in connection with an existing hotel and restaurant license shall be processed in the same manner as an application to modify or expand the licensed premises.

(f) Discretion of Town Board. Any decision by the Board of Trustees to grant, deny or renew an optional premises license under this Section 6-10 shall be discretionary.

(g) Notice of operation. Pursuant to Section 12-47-310, C.R.S., no alcoholic beverages may be served on the optional premises unless the operator has provided written notice to the Board of Trustees and the State Licensing Authority forty-eight (48) hours prior to serving alcoholic beverages on the optional premises. Such notice shall contain the specific days and hours during which the optional premises are to be used. There shall be no limitation on the number of days which an operator may specify in each notice; however, no notice may specify any date of use which is beyond the current license period.

(h) Compliance with Article required. Nothing in this Section 6-10 shall be construed to permit the violation of any other provision of this Article under circumstances not specified in this Section 6-10.

Sec. 6-11 Growing and Selling Marijuana for Recreational use.

Uses prohibited:

1. It is unlawful for any person to operate a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, or retail marijuana store within the Town.
2. It is unlawful to grow marijuana for personal use anywhere in the Town other than an enclosed, locked space which is not open or public. "Enclosed" means all sides closed with/by walls or doors.
3. It is unlawful to make marijuana grown for recreational use available for sale in any manner.

Secs. 6-12--6-20. Reserved.

ARTICLE II Medical Marijuana

Sec 6-21 Unlawful Act

it is unlawful for any person to operate, cause to be operated or permit to be operated a medical marijuana center, an optional premises cultivation operation or a medical marijuana infused products manufacturing or sale facility, business or operation related thereto in the town and no town licenses shall issue for the same.

Sec 6-22 definitions: all definitions provided in 12-43.3-101 et. seq. C.R.S. are adopted herein unless specifically amended hereby.

- (1) "marijuana" shall have the same meaning as the term "usable form of marijuana" as set forth in article xviii, sec. 14(1)(i) of the Colorado constitution or as may be more fully defined in any applicable state law or regulation. "marijuana" may alternatively be spelled "marihuana."
- (2) "medical marijuana" means marijuana that is grown and sold pursuant to the provisions of 12-43.3-101 et. seq. C.R.S. and for a purpose authorized by article xviii, sec. 14 of the Colorado constitution.
- (3) "medical marijuana center" means any person licensed pursuant to 12-43.3-101 et. seq. C.R.S. who sells marijuana in any form to registered patients or to a primary caregiver(s) as defined in article xviii, sec. 14 of the Colorado constitution, except, however, a primary caregiver as defined herein shall not be considered a medical marijuana center.

- (4) “medical marijuana infused product” means any product infused with or containing marijuana that is intended for use or consumption other than by smoking, including edible products, ointments and tinctures.
- (5) “medical marijuana infused product manufacturer” means a person licensed pursuant to 12-43.3-101 et. seq. C.R.S. to operate a business as described in 12-43.3-404 C.R.S.
- (6) “medical use” shall have the same meaning as is set forth in article xviii, sec. 14(1)(b) of the Colorado constitution, or as may be more fully defined in any applicable state law or regulation.
- (7) “optional premises cultivation operation” means a person licensed pursuant to 12-43.3-101 et. seq. C.R.S. to grow and cultivate marijuana for a purpose authorized by article xviii, sec. 14 of the Colorado constitution.
- (8) “patient” has the same meaning as set forth in article xviii, sec. 14(1)(c) of the Colorado constitution.
- (9) “person” shall mean a natural person, partnership, association, company, corporation, limited liability company or other organization or entity or a manager, agent, owner, officer or employee thereof.
- (10) “possess or possession” means having physical control of an object, or control of the premises in which an object is located, or having the power and intent to control an object, without regard to whether the one in possession has ownership of the object. possession may be held by more than one person at a time. use of the object is not required for possession.
- (11) “primary caregiver” has the meaning set forth in article xviii, sec. 14(1)(f) of the Colorado constitution and as the same may be clarified or construed by 12-43.3-101 et. seq. C.R.S.
- (12) “produce or production” means (i) all phases of growth of marijuana from seed to harvest, (ii) combining marijuana with any other substance for distribution, including storage and packaging for resale, or (iii) preparing, compounding, processing, encapsulating, packing or repackaging, labeling or re-labeling of marijuana or its derivatives whether alone or mixed with any amount of any other substance.

Sec. 6-23 applicability and effective date

- (1) this article shall apply to all property and persons within the town of Williamsburg.
- (2) it shall be unlawful and a violation under this chapter for a person to establish, operate, cause or permit to be operated, or continue to operate within the city and within any area annexed to the city after the effective date of this ordinance, a medical marijuana center, a medical marijuana infused product manufacturing facility, an optional premises cultivation operation, or any business, facility or any other operation requiring a license under 12-43.3-101 et. seq. C.R.S.

Sec 6-24. Personal Use:

- 1. It is unlawful to grow, process, transport, or possess more than 6 marijuana plants, with no more than three being mature, for personal use. This number will change whenever state law related to the number of plants allowed is changed. The number of plants over 6, or over three being mature, is defined as “excess plants.”
- 2. Fine. For each excess plant, a fine of \$300.00 per day per plant will be imposed. The fine will begin on the day the excess number of plants is identified until the day it is proven that the excess plants have been removed. Notice of fine, its start date, and copy of this ordinance will be sent to the violator by registered mail

Sec 6-25.

The Town of Williamsburg has no liability to return or pay for an individual's marijuana plant(s) that are confiscated by law enforcement.

CHAPTER 7

Health, Sanitation and Animals

ARTICLE I Administration and Abatement of Nuisances

Section 7-1	Definitions
Section 7-2	Conditions constituting Nuisances
Section 7-3	Nuisances prohibited
Section 7-4	Notice to owner: failure to comply
Section 7-5	Work done by Town at cost to owner
Section 7-6	Report of unpaid costs: notice to owner
Section 7-7	Assessment of cost against property
Section 7-8	Objection to assessment
Section 7-9	Burial of human remains.
Section 7-10-20	Reserved

ARTICLE II Specific Nuisances

Section 7-21	Abandoned containers, wells or cisterns
Section 7-22	Stagnant water
Section 7-24	False alarms
Section 7-25	Sump pump discharge
Section 7-26	Non-street legal motorized machines
Section 7-27-40	Reserved

ARTICLE III Weeds and Brush

Section 7-41	Definitions
Section 7-42	Declaration of nuisance
Section 7-43	Duty of property owner to cut
Section 7-44	Removal from Town
Section 7-45	Burn Permit
Section 7-46-60	Reserved

ARTICLE IV

Section 7-61	Cotton-bearing cottonwood trees
Section 7-62	Tree and plant diseases declared a public nuisance: abatement on private property
Section 7-63	Permit required for plant, pruning or removing trees in public places
Section 7-64	Application required for planting, pruning or removing trees in public places

- [Section 7-65](#) Duty of the Town to trim and maintain trees in public places
- [Section 7-66-80](#) Reserved

ARTICLE V Animals, Fowl and Bees

- [Section 7-81](#) Definitions
- [Section 7-82](#) Keeping of animals
- [Section 7-83](#) Exceptions
- [Section 7-84-100](#) Reserved

ARTICLE VI Dogs

- [Section 7-101](#) Definitions
- [Section 7-102](#) License required
- [Section 7-103](#) License application - fee
- [Section 7-104](#) Change in ownership
- [Section 7-105](#) Registration exemptions
- [Section 7-106](#) Kennels
- [Section 7-107](#) Dogs at large prohibited
- [Section 7-108](#) Biting dogs
- [Section 7-109](#) Noisy dogs
- [Section 7-110](#) Vicious dogs Prohibited
- [Section 7-111](#) Vicious dogs Impoundment
- [Section 7-112](#) Vicious dogs Destruction
- [Section 7-113](#) Impounded dogs Notification to owner
- [Section 7-114](#) Impounded dogs Redemption
- [Section 7-115](#) Violation Penalty

ARTICLE I

Administration and Abatement of Nuisances

Sec. 7-1. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

- (1) **Littering** means the scattering or dropping of rubbish, trash or other matter on town property (organic or mineral).
- (2) **Rubbish or Junk** means any type of debris, trash, waste and rejected or accumulated matter, including but not limited large cardboard boxes or parts, large tree trimmings, discarded fence posts, crates, unlicensed vehicles, vehicle tires, scrap metal, bedsprings, water heaters, furniture (other than furniture specifically designed and intended for outdoor use), all other household goods or items and

any other accumulation of items or materials not designed for outdoor decoration purposes or uses.

(3) **Trash** means any worn-out, broken up, used or worthless matter or material.

(4) **Waste Material or Garbage** consists of glass, metal material, furniture, vehicle parts, dead animals, debris or rubbish from construction, demolition or repair of buildings; material resulting from the preparation or consumption of meats, fish, fowl, birds, fruit, or vegetables.

Sec. 7-2. Conditions constituting nuisances.

Whenever there shall be in or upon any lot or piece of ground within the Town limits any **item as described in Sec. 7-1**, or any conditions established as a nuisance by this Chapter, upon any private or public property, except in areas specifically zoned by Chapter 16 of this Code for said purposes or otherwise designated by the Town for such purposes, the existence of any such material or items shall be unlawful and shall constitute a nuisance. Natural material used to provide wildlife habitat is exempt.

Sec. 7-3. Nuisances prohibited.

(a) No person being the owner, agent or occupant of or having under his or her control any building, lot or premises or unimproved real estate within the Town limits shall maintain or allow violation of Sec. 7-2.

Sec. 7-4. Notice to owner; failure to comply.

(a) The Town shall give written notice to every person, corporation or association owning any lots, tracts or parcels of land within the Town, upon receiving notification from any source that a specific nuisance exists in violation of the provisions of this Chapter. Said notice shall direct the person, corporation or association to comply with the provisions of this Article within ten (10) days after the date of mailing or written action by the Town Code Enforcement Officer if the property owner resides within the Town and fifteen (15) days if the property owner resides outside the Town.

(b) Any notice given pursuant to this Article shall state that if the work required is not done within the time specified, the Town shall cause the same to be done at the expense of the property owner.

(c) Any notice authorized by this Section may be served by mailing via regular United States mail a copy of the notice to the record owner of such property. Service on one (1) owner of the property shall be deemed service on all owners.

(d) If any property owner shall fail to comply with the notice requirements within the time limits as set forth in the notice as provided in Subsection (a), the Town may direct that the nuisance or violation shall be abated and the Town shall remove or cause to be removed said nuisance or cause for violation, and the Town employees or contractors acting upon behalf of the Town shall have the right to go upon and enter private premises in order to remove the nuisance or cause for violation.

Sec. 7-5. Work done by Town at cost to owner.

If the Town causes the work to be done, the Town Clerk shall send a statement of the cost of such work to the property owner at his or her last known address. Any such statement shall be paid by the property owner within thirty (30) days after the statement is mailed to him or her. After such thirty (30) days, any unpaid amount shall bear interest at the rate of six percent (6%) per annum. If any property owner is unable to pay the cost of such work within thirty (30) days, he or she may enter into an agreement for the payment of the same in monthly installments over a period not to exceed two (2) years; and the unpaid

cost shall, by agreement, be made a lien on the lands of such property owner. Any unpaid balance due under such agreement shall bear interest at the rate of six percent (6%) per annum. The agreement shall be filed or recorded in the office of the County Clerk and Recorder.

Sec. 7-6. Report of unpaid costs; notice to owner.

The Town Clerk shall, not later than July 1 of each year, report to the Board of Trustees as to any costs for work done by the Town under this Article which have not been paid by the property owner or made the subject of an agreement with the property owner, as authorized in Section 7-5 above. Notice shall be mailed by the Town Clerk to each property owner. Such notice shall state the amount claimed to be due from such property owner, the date, place and time that the report will be made to the Board of Trustees, the description of the property to be assessed, the description of the work performed and that the Board of Trustees will be asked to assess the cost of the work, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection against the property of such owner. Such notice shall be mailed at least ten (10) days, and not more than forty-five (45) days, before the date the report will be made to the Board of Trustees.

Sec. 7-7. Assessment of cost against property.

The Board of Trustees shall, when the report is presented to it, consider ordering by resolution the assessment of such costs, together with an amount not to exceed seventeen percent (17%) to cover interest, legal and advertising fees and costs of collection, against real estate. Such assessment shall be certified by the Town Clerk to the County Treasurer and shall be on a parity with a tax lien for general state, county, city, town or school taxes. Such assessment shall become delinquent on the first day of the September after the date of assessment; and, after the same becomes delinquent, the property shall be advertised and sold by the County Treasurer at the same time or times, in the same manner and under all the same conditions and penalties and with the same effect as prescribed by the general laws of the State for the sale of real estate in default of payment of general taxes.

Sec. 7-8. Objection to assessment.

(a) In the event that any person, corporation or association desires to object to any assessments made in accordance with the terms and provisions of this Article, written objection shall be delivered to the Town Clerk within thirty (30) days after the receipt of the notice of assessment.

(b) Upon receipt of any written objection hereunder in accordance with Subsection (a) above, the Town Clerk shall thereupon designate the next regular meeting of the Board of Trustees as the date when said objector or objectors may appear and have their objection heard before the Board of Trustees.

(c) At the time of any hearing held in accordance with Subsection (b) above, the Board of Trustees shall hear evidence from the Town Board and the objector or objectors regarding any assessments made in accordance with the terms and conditions of this Article. A majority vote of the members of the Board of Trustees shall serve to affirm any assessments made under the terms and provisions of this Article. Should the Board of Trustees fail to uphold any assessment, the objector or objectors hereunder shall be discharged from any liability therefor.

Secs 7-9 Burial of human remains.

Except as otherwise specifically authorized in this Code, it shall be unlawful to bury any human remains within the town limits of the Town of Williamsburg after November 1, 2023

(Ordinance 102023)

Secs. 7-10--7-20. Reserved.

ARTICLE II

Specific Nuisances

Sec. 7-21. Abandoned containers, 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 or her control, in a place accessible to children, any abandoned, unattended or discarded well, cistern, icebox, 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.

Sec. 7-22. Stagnant water.

The permitting of stagnant water on any lot or piece of ground within the Town limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the Town is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

Sec. 7-23. Littering.

No person shall throw, deposit, scatter or leave upon any sidewalk, alley, street or other public place or on any private property any loose paper, rags, rubbish, waste materials, refuse, garbage, trash, debris or other foreign substances, nor shall any person owning or occupying any lot of ground allow or permit any such material which may be liable to be blown or scattered by the wind or otherwise to remain upon such lot or grounds.

Sec. 7-24. False alarms.

(a) As used in this Section, the following terms shall have the meanings indicated:

(1) **Alarm or alarm system** shall mean any mechanical or electrical device or system which is designed or used for the detection of an unauthorized entry into a building, structure or facility, or for the detection of fire or other hazard to life or property, or used for mechanically or electronically alerting others by an externally audible or visual signal to the commission of an unlawful act, whether installed inside or outside a building.

(2) **False alarm** shall mean an alarm signal necessitating a response by the Police Department alone or in conjunction with other emergency agencies, where an emergency situation does not exist. *False alarm* shall not include alarms occasioned by natural or man-made disasters or power failures which are beyond the control of the owner or occupier of the premises

Sec. 7-25. Sump pump discharge.

It shall be unlawful for any property owner to allow the discharge from a sump pump to drain off the property.

Sec. 7-26. Non-Street Legal Motorized Machines.

[{Ordinance ??2018}](#)

PART ONE: DEFINITIONS

1. "Off-highway vehicle" (OHV), or "All-Terrain Vehicle" (ATV) means any self-propelled vehicle that is designed to travel on wheels or rubber tracks in contact with the ground, designed primarily for use off of the public highways and public roadways, and generally and commonly used to transport persons for recreation purposes. "Public roadway" means the entire width between the boundaries of every road located within The Town of

Williamsburg when any part thereof is open to the use of the public for purposes of vehicular travel. 1. "Public roadway" means the entire width between the boundaries of every road located within The Town of Williamsburg when any part thereof is open to the use of the public for purposes of vehicular travel

1. "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed by the manufacturer of an off-highway vehicle for the purpose of restraining the operator and passengers.

PART TWO: VIOLATIONS

1. The operator of an OHV or ATV on the public roadways of the Town of Williamsburg shall comply with all traffic laws and ordinances regulating the operation of motor vehicles on said roadways within the town limits and boundaries of the Town of Williamsburg

2. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg unless the vehicle is properly registered and numbered with the Colorado Division of Parks and Wildlife in accordance with the provisions of 33-14.5-102, C.R.S., and the validation decal issued by the division shall be affixed to the off-highway vehicle in the manner prescribed by the division.

3. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg unless the vehicle is properly registered and numbered with the Town of Williamsburg. The validation decal issued by the Town of Williamsburg shall be affixed to the off-highway vehicle near the decal issued by the Colorado Division of Parks and Wildlife.

4. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg while towing a sled, toboggan or other similar device intended to be used for recreational purposes. A utility trailer may be towed if it is attached to the off-highway vehicle by a rigid bar and is equipped with a red reflector attached to the rear of said trailer. Transporting passengers or occupants in a trailer towed by an off-highway vehicle is prohibited.

5. No OHV or ATV shall be operated at any time on any public roadway within the Town of

Williamsburg unless it is equipped with the following:

- a. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife;
 - b. Brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Colorado Division of Parks and Wildlife.
6. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg between the hours of 8:00 p.m. and 7:00 a.m.
7. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg for plowing snow on a Public Roadway or for modifying the grade or drainage of said public roadway.
8. If an OHV or ATV is equipped with a safety belt system by the manufacturer of said vehicle, every driver and every passenger of a vehicle so equipped shall wear a fastened safety belt at all times while the vehicle is being operated on any public roadway within the Town of Williamsburg.
9. This Ordinance shall be enforced by law enforcement officers and peace officers duly sworn and authorized to enforce laws and ordinances in Fremont County and the Town of Williamsburg, as well as by any person or persons designated by the Board of Trustees of the Town of Williamsburg as Town Code enforcement officer(s).

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PART THREE: PENALTIES

1. A person that is cited by Fremont County Law Enforcement, must abide by Fremont County Statutes and penalties set forth by Fremont County Courts.
2. A person that is cited by a designated Code Enforcement Officer as appointed by the Board of Trustees of the Town of Williamsburg for any violation of paragraphs (1) through (8) of Part Two of this Ordinance shall have penalties as set forth in the Town of Williamsburg Code which will be paid to the Town of Williamsburg.

PART FOUR: REGISTRATION

Each OHV or ATV which the owner wishes to operate on the Public Roadway must register that OHV or ATV with the Town at an annual fee to be set by Ordinance.. Proof of State registration and insurance must also be provided. A form will be established to track such information.

[{Ordinance ??2018}](#)

7-27---7-40. Reserved.

ARTICLE III Weeds and Brush

Sec. 7-41. Definitions.

For the purpose of this Article, the following words and phrases shall have the following meanings, unless the context indicates otherwise:

Weed -means any plant listed by the State of Colorado as a nuisance or invasive species.

Sec. 7-42. Declaration of nuisance.

Any weeds found growing in any lot or tract of land in the Town is hereby declared to be a nuisance-

Sec. 7-43. Duty of property owner to cut.

It shall be the duty of each and every person, corporation or association owning, occupying or possessing any lots, tracts or parcels of land within the Town to cut to a height of 6 inches all **vegetation, excluding ornamental shrubs and landscaping vegetation**, within a minimum of 25 feet from any dwelling. Large undisturbed areas that is in a natural state, without structures, is generally considered exempt if it can be considered habitat for wild life.

Sec. 7-44. Removal from Town.

All weeds and brush cut in accordance with Section 7-43 hereof shall be, immediately upon being cut, removed from the Town or otherwise entirely destroyed by the owner or occupant of the lot upon which the weeds and brush have been cut.

Secs. 7-45 Burn Permit.

All persons burning outside of homes must provide notice to the Florence Fire Protection District, and must comply with such rules, regulations, and guidelines in effect from the fire district, state of Colorado, Fremont County, and Town.

7-46--7-60. Reserved.

ARTICLE IV Trees

Sec. 7-61. Cotton-bearing cottonwood trees.

(a) It shall be unlawful for any person to sell, plant, transplant, keep or maintain any cotton-bearing cottonwood trees in the Town.

(b) Excluded from the effect of the ordinance codified herein shall be all cotton-bearing cottonwood trees in existence as of August 1 2004. Determination of the age of a cotton-bearing cottonwood tree for the purposes of enforcement of the ordinance codified herein shall be under the exclusive control of the Town Board or designated appointee.

(c) For purposes of the enforcement of the ordinance codified herein, the Town declares cotton bearing cottonwood trees to be a nuisance and subject to the provisions of this Code with regard to the abatement

of nuisances.

(d) The Board of Trustees finds that the lands adjoining certain irrigation canals, lands containing wetlands and open space lands may likewise provide a natural and historic habitat for cotton-bearing cottonwood trees, and that the preservation of this habitat is also in the best interests of the Town and its citizens. The provisions of the ordinance codified herein shall not apply to any such areas which may be specifically designated by the Board of Trustees. Any such designations shall be appropriately posted by the Town Board.

(f) Nothing in the ordinance codified herein shall prevent or supersede the powers of the Town as set forth in this Code to require the trimming or removal of cotton-bearing cottonwood trees which are subsequently declared to constitute a nuisance as dangerous or hazardous trees under the provisions of this Code.

Sec. 7-62. Tree and plant diseases declared a public nuisance; abatement on private property.

(a) The existence of any destructive or communicable disease or other pestilence that endangers the growth, health, life or well-being of trees or plants in the Town, or that is capable of causing an epidemic spread of communicable disease or insect infestation, shall be considered a public nuisance subject to abatement in accordance with the provisions of this Code.

(b) Upon the discovery of any such disease, pestilence or insect infestation, the Town Board or designee shall cause written notice to be served upon the owner of the property upon which such diseased tree or plant is situated, which notice shall require such property owner to eradicate, remove or otherwise control such condition in accordance with the nuisance abatement provisions of this Code. In the event the property owner fails to comply with the requirements of any such notice, the Town may enter upon the private property and abate the nuisance existing thereon in accordance with the nuisance abatement provisions of this Code. Assessment of any costs against the property for work performed by the Town, or on the Town's behalf, shall likewise be done in accordance with the nuisance abatement provisions of this Code.

Sec. 7-63. Permit required for planting, pruning or removing trees in public places.

It shall be unlawful for any person to plant, prune, remove, destroy or cause to be planted, pruned, removed or destroyed, any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town without having first obtained a written permit therefore from the Town. An approved landscape plan by the Planning Department shall be considered a permit.

Sec. 7-64. Application required for planting, pruning or removing trees in public places.

(a) Any person desiring to plant, prune, remove, or destroy any tree, shrub or hedge in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town shall first make written application at the Town Hall. Such application shall set forth the name and address of the applicant, the name and address of the person doing the work, the kind or species of tree or shrub to be planted and the location of the planting, together with such other information as the Planning and Zoning Committee may in its discretion require. The Committee may attach such conditions as may be deemed advisable with regard to the performance of the work authorized by the permit.

(b) No fee shall be required for permits issued pursuant to this Section.

Sec. 7-65. Duty of the Town to trim and maintain trees in public places.

It shall be the duty of the Town to trim, prune, remove or destroy any trees, shrubs or hedges in, over or upon the public right-of-way of any street, alley, sidewalk or other public place within the Town.

Secs. 7-66--7-80. Reserved.

ARTICLE V

Animals, Fowl and Bees

Sec. 7-81. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

- (1) Animal, excluding cats and dogs, means hard-hoofed or non hard-footed animals.
- (2) Bees means honey-producing insects of the genus *Apish*, including all life stages.
- (3) Domestic fowl means chickens, ducks, geese, turkeys, pigeons and other domestic fowl. Canaries, parakeets and similar birds kept solely as pets are excluded from this term.
- (4) Person means any person, firm, partnership, corporation or association.

Sec. 7-82. Keeping of animals.

Except as otherwise specifically authorized in this Code, it shall be unlawful for any person to keep, harbor, maintain or allow to run or fly at will any animals, dogs, cats, livestock or other species of animals that is not native to the area within the Town.

Sec. 7-83. Exceptions.

- (a) This Article shall not be applicable to the display of domestic fowl or animals by entrants in any show or fair authorized by the Town or to the temporary maintenance by a licensed veterinarian of animals or fowl during the time necessary for treatment.
- (b) Keeping of animals, fowl, or bees within the Town, a person owning one (1) acre of land or more shall be permitted to have (1) animal of 150 pounds or more, per acre; or permitted two (2) animals less than 150 pounds per acre. Animals shall be fenced, corralled, or tied to prevent animals from running loose.
- (c) Domestic fowl shall be kept in a fenced area and shall not be in a crowded condition. Feed and water shall be covered with water changed to prevent bacteria, mosquito and other insects from the area.
- (d) No animals or fowl shall be slaughtered for sale within the Town.
- (e) No refuse and/or manure will be kept on-site for later use and shall be disposed of, plowed under or removed by owner or agent not less than every 4 to 6 weeks or by notice from the Town Of Williamsburg; any odor shall be corrected by request or by order of a Town Official. No refuse or manure shall be allowed to accumulate on or move across any adjacent property owned by another person. Failure to comply with this ordinance is subject to an initial fine of \$100 and cleanup costs, if any, accrued by the Town.

(f) All hived bees shall not be closer than 55 feet from other property lines. All bees shall be in hives that are workable and that frames can be removed and examined for health and must conform to any County or State requirements.

Secs. 7-84--7-100. Reserved.

ARTICLE VI

Dogs

Sec 7-101. Definitions.

{Ordinance 102018}

B. "Dog" means any dog whether male or female except for puppies which have not reached the age of four months.

C. "Dog kennel" means any collection of five (5) or more dogs owned by one (1) person or one (1) household at one (1) time and kept at the same location.

{Ordinance 102018}

A. "Dog kennel" means any collection of four (4) or more dogs owned by one (1) person or (1) household at one (1) time and kept at the same location.

B. "Noisy dog" means any dog that barks, yelps or howls loudly and at frequent intervals, or continuously or for 15 minutes or longer.

C. "Owner" means any person who owns, keeps, harbors or possesses a dog in the Town, and shall also mean and include any and all persons who own, keep, harbor or possess a dog which at any time runs at large within the Town, whether such person is a resident or nonresident of the Town; except that "owner" shall not mean nor include any person or persons owning, keeping, harboring or possessing a dog when such person or persons are merely traveling through the Town or visiting or sojourning in the Town for a period of less than one (1) month.

D. "Pound" means the enclosure provided by the Town for keeping dogs or a humane shelter not operated by the Town but used by the Town for impounding animals.

E. "Run at large" or "running at large" means any dog when off or away from the premises of the owner, possessor or keeper and not under the control thereof by means of a leash no more than ten (10) feet in length.

F. "Vicious dog" means any dog that bites or bites at any person or other living animal, or otherwise attacks any person or other living animal in a dangerous, threatening or terrorizing manner unless the dog is on the premises occupied by its owner.

Sec. 7-102 License required.

All dogs in the Town shall be licensed and registered by their owners. Applications for licenses shall be made to the Town Clerk who shall issue licenses and tags. Dog licenses issued by the Town Clerk shall continue to be valid until the expiration of the rabies vaccination. Applications for dog licenses must be submitted to the Town Clerk within 30 days of the rabies vaccination expiration. Proof of rabies vaccination must be presented to the Town Clerk at the time of licensing the dog(s).

The current dog license expiration will be extended, at no charge, to the date of the rabies vaccination if the license expires within 12 months of the rabies vaccination.

[{Ordinance 042023}](#)

Sec. 7-103 License application—Fee.

Applications to license and register dogs shall be submitted to the Town Clerk. Applicants shall submit a certificate from a licensed veterinarian which indicates that the dog to be licensed has been inoculated with a rabies vaccine within the previous two years. Applicants shall further submit the name and address of the dog owner together with the name, breed, color, and sex of the dog. Applicants shall pay to the Town Clerk a license fee to be set by resolution. Upon submission of a proper application to license and register a dog, the Town Clerk shall issue to the applicant a metal tag for the dog licensed. License fees may be changed by Resolution.

Sec. 7-104 Change in ownership.

Whenever the ownership of a dog changes, the new owner shall, within thirty (30) days of the change, register the dog and pay the fees as provided by Sec. 7-103.

Sec. 7-105 Registration exemptions.

No dog shall be required to be registered if it belongs to a nonresident of the Town who has been within the Town for fewer than thirty (30) days, nor for any dog brought into the Town for purposes of participating in a dog show nor for any dog less than four (4) months of age. Seeing Eye dogs used to assist blind persons shall be registered as required in this chapter, but no fee shall be charged therefor.

Sec. 7-106 Kennels.

Any person or entity keeping five (5) or more dogs at one time in one (1) place shall be deemed to be operating a kennel. No person or entity shall maintain a kennel within the Town without first having received a license therefor. Application for such a license shall be made to the Town Clerk and shall state the name of the applicant, location of the kennel, number of dogs to be kept therein and shall have the names of all persons residing within five hundred (500) feet of the proposed location stating that they consent thereto. The Code Enforcement Officer will inspect the kennel

facility and make a recommendation to the Town Clerk. Upon the payment of a fee, to be set by resolution, by the applicant, the Town Clerk, if the Clerk finds the application to be in order, shall issue a license to the applicant, good for one (1) year from the date of issuance. No person shall maintain within the Town a kennel having more than six (6) dogs.

{Ordinance 102018}

Sec. 7-107 Dogs at large prohibited.

No person shall permit any dog under his care to run at large within the Town.

Sec. 7-108 Biting dogs—Dogs suspected of rabies.

Any dog which is known to have or is suspected of having bitten or injured any person so as to cause an abrasion of the skin, or any dog which in the opinion of the health officer or any licensed veterinarian of the State of Colorado appears to be infected with rabies, shall be impounded at the expense of the owner thereof, closely confined, as directed by the health officer, for a period of fourteen (14) days; and if during such period such dog displays symptoms of illness, its disposition shall be determined by the Health Officer. A dog which is known to have been exposed to an animal infected with rabies shall be impounded at the expense of the owner thereof, and the disposition of such dog shall be made as directed by the Health Officer, or, when permitted by the Health Officer, shall be closely confined by its owner in accordance with the directions of the Health Officer for a period of not less than six (6) months from the date of exposure. If the owner of any such dog cannot be determined or located, then such dog shall be confined under the direction of the Health Officer, and if such dog is not claimed from the Health Officer, the officer may order such dog destroyed. In case such dog is claimed by the owner thereof, the cost of such confinement shall be paid by the owner before such dog is released.

Sec. 7-109 Noisy dogs.

No person or entity shall keep a noisy dog upon any premises within the Town. Any dog which continually disturbs any person by means of continuous noise shall be deemed to be a nuisance. Upon complaint made to the Code Enforcement Officer, the Code Enforcement Officer shall investigate the matter and if he/she finds the complaint to be sustained he/she shall file a complaint against the person keeping such animal in Municipal Court. If any person is convicted of keeping a noisy dog twice in any one (1) year period, he shall be fined a minimum of one hundred fifty dollars (\$150.00) plus Court costs.

Sec. 7-110 Vicious dogs—Prohibited.

No person or entity shall keep a vicious or destructive dog within the Town. Upon complaint made to the Code Enforcement Officer, the Code Enforcement Officer shall investigate the matter and if he finds the complaint to be sustained, he shall file a complaint against the person keeping such animal in Municipal Court. If any person is convicted of keeping a vicious or destructive dog twice in any one (1) year period, he shall be fined a minimum of three hundred dollars (\$300.00) plus Court costs.

Sec. 7-111 Vicious dogs—Impoundment.

The Code Enforcement Officer shall impound any dog running at large, or which is proven, in the manner provided in to be a vicious or destructive dog, even though such dog is under the direct supervision and control of a person while it is off the premises occupied by its owner. The Code Enforcement Officer shall also impound any dog proven to be a noisy dog in the manner provided in upon any complaint made to the Code Enforcement Officer.

Sec. 7-112 Vicious dogs—Destruction.

The Code Enforcement Officer may kill any vicious dog running at large, at any time or place, when there is a grave and imminent danger of its doing harm or injury to any person; and if a dog proved to be noisy, vicious or destructive is impounded, the Code Enforcement Officer may kill the same after ten (10) days from impounding the same, unless the owner shall dispose of such dog within five (5) days after the same shall be impounded, in such manner that the inhabitants of the Town shall be assured that any such dog shall no longer pose a danger to the inhabitants of the Town.

Sec. 7-113 Impounded dogs—Notification of owner.

The Code Enforcement Officer shall list with the Town Clerk all dogs impounded giving the names of the owner, if known, and if not known, the tag number of the dog, and a description thereof. The Town Clerk shall then make no less than two (2) attempts on separate days but within five (5) days of receiving such list to notify the owner of the dog that the dog is impounded.

Sec. 7-114 Impounded dogs—Redemption.

Any dog impounded other than a noisy, vicious or destructive dog, may be redeemed by the owner thereof upon payment to the Town of those fees set by the Board of Trustees. Any dog not redeemed within ten (10) days may be disposed of as directed by the Town or by such other person as the Board may designate.

Sec. 7-115 Violation—Penalty.

Any person, firm or corporation who violates any section of this chapter for any violation for which a penalty has not been assessed, shall be considered to have committed a civil infraction and not a crime, and shall be subject to a fine not exceeding four hundred ninety-nine dollars (\$499.00) for each such infraction. Each day upon which such infraction continues shall constitute a separate infraction.

TOWN OF WILLIAMSBURG

ORDINANCE 4 OF 2023

AN ORDINANCE REPLACING SECTION 7-102 OF THE MUNICIPAL CODE

BE IT ORDAINED and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that the following section is hereby amended within the Town of Williamsburg Municipal Code:

Where As: One of the reasons for licensing of dogs is to monitor that all dogs in town have current rabies vaccination.

Where As: It is possible for a vaccination to expire and the license still be valid with the town current license process.

Therefore: In an attempt to simplify the dog licensing process Section 7-102 should be replaced with the following:

All dogs in the Town shall be licensed and registered by their owners. Applications for licenses shall be made to the Town Clerk who shall issue licenses and tags. Dog licenses issued by the Town Clerk shall continue to be valid until the expiration of the rabies vaccination. Applications for dog licenses must be submitted to the Town Clerk within 30 days of the rabies vaccination expiration. Proof of rabies vaccination must be presented to the Town Clerk at the time of licensing the dog(s).

The current dog license expiration will be extended, at no charge, to the date of the rabies vaccination if the license expires within 12 months of the rabies vaccination.

Therefore: Replace Section 1-55 referencing dog license fee to reflect to a flat fee of \$20 for a dog license disregarding the length of the license

BE IT ENACTED this ____ Day of _____ 2023

Philip Ott
Mayor

ATTEST:

Sheri Moore
Town Clerk

Posted _____ 2023 on the Public Notice boards located at:

Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

ORDINANCE 10 OF SERIES 2018

ORDINANCE AMENDING THE MUNICIPAL CODE WITH RESPECT KENNELS

BE IT ORDAINED and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that the following section is hereby amended within the Town of Williamsburg Municipal Code:

The "Williamsburg Municipal Code" is amended by the addition thereto of the following language, which shall replace 7-101 Definitions, 7-102 License Required and 7-106 Kennels.

ARTICLE VI

Dogs

See. 7-101. Definitions.

B. "Dog" means any dog whether male or female excepting puppies which have not reached the age of four months.

C. "Dog kennel" means any collection of five (5) or more dogs owned by one (1) person or one (1) household at one (1) time and kept at the same location.

See. 7-102 License required.

All dogs in the Town shall be licensed and registered by their owners. Applications for licenses shall be made to the Town Clerk who shall issue licenses and tags. Dog licenses issued by the Town Clerk shall continue valid for a period of one or two years from the date of issuance. Applications for dog licenses must be submitted to the Town Clerk during the last month prior to the expiration of any prior valid license except as provided in this section. An owner who acquires a dog not previously licensed and registered must, within thirty (30) days, license and register such dog. Further, the owner of a newborn dog must license and register the same within thirty (30) days after the dog reaches the age of four months.

See. 7-106 Kennels.

Any person or entity keeping five (5) or more dogs at one time in one (1) place shall be deemed to be operating a kennel. No person or entity shall maintain a kennel within the Town without first having received a license therefor. Application for such a license shall be made to the Town Clerk and shall state the name of the applicant, location of the kennel, number of dogs to be kept therein and shall have the names of all persons residing within five hundred (500) feet of the proposed location stating that they consent thereto. The Code Enforcement Officer will inspect the kennel

facility and make a recommendation to the Town Clerk. Upon the payment of a fee, to be set by resolution, by the applicant, the Town Clerk, if the Clerk finds the application to be in order, shall issue a license to the applicant, good for one (1) year from the date of issuance. No person shall maintain within the Town a kennel having more than six (6) dogs.

BE IT ENACTED this _4_ day of December 2018

Image

Image

Forrest Borre, Mayor

AIF

inda Ricotta, To Clerk

Image

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Posted December 6, 2018 on the Public Notice boards located at: Quincy & Iron Horse Road, Williamsburg, Colorado

Wilmont Road and Smith Gulch Road, Williamsburg, Colorado 1 John Street, Williamsburg, Colorado Ordinance No. ?? OF 2018 Repealing Ordinance No. 4 OF 2018

AN ORDINANCE REGULATING THE OPERATION AND USE OF OFF HIGHWAY VEHICLES OR ALL TERRAIN VEHICLES ON THE PUBLIC

ROADWAYS OF THE TOWN OF WILLIAMSBURG WITHIN FREMONT COUNTY.

Whereas, THE BOARD OF TRUSTEE'S OF THE TOWN OF WILLIAMSBURG deems it is in the best interest of the citizens of the Town of Williamsburg that the operation and use of off

highway vehicles on the public roadways of the Town of Williamsburg be regulated as authorized by *33-14.5410, C.R.S., and:

BE IT ORDAINED BY THE BOARD OF TRUSTEE'S OF THE TOWN OF WILLIAMSBURG, COLORADO, A STAUTORY TOWN 'WITHIN FREMONT COUNTY, STATE OF COLORADO, THAT:

The Town Code Chapter 7 Article II Section 7-26 (c) is hereby replaced in its entirety with the following: PART ONE: DEFINITIONS

1. "Off-highway vehicle" (OHV), or "All-Terrain Vehicle" (ATV) means any self-propelled vehicle that is designed to travel on wheels or rubber tracks in contact with the ground, designed primarily for use off of the public highways and public roadways, and generally and commonly used to transport persons for recreation purposes. "Public roadway" means the entire width between the boundaries of every road located within The Town of

Williamsburg when any part thereof is open to the use of the public for purposes of vehicular travel. 1. "Public roadway" means the entire width between the boundaries of every road located within The Town of Williamsburg when any part thereof is open to the use of the public for purposes of vehicular travel

1. "Safety belt system" means a system utilizing a lap belt, a shoulder belt, or any other belt or combination of belts installed by the manufacturer of an off-highway vehicle for the purpose of restraining the operator and passengers.

PART TWO: VIOLATIONS

1. The operator of an OHV or ATV on the public roadways of the Town of Williamsburg shall comply with all traffic laws and ordinances regulating the operation of motor vehicles on said roadways within the town limits and boundaries of the Town of Williamsburg
2. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg unless the vehicle is properly registered and numbered with the Colorado Division of Parks and Wildlife in accordance with the provisions of 33-14.5-102, C.R.S., and the validation decal issued by the division shall be affixed to the off-highway vehicle in the manner prescribed by the division.
3. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg unless the vehicle is properly registered and numbered with the Town of Williamsburg. The validation decal issued by the Town of Williamsburg shall be affixed to the off-highway vehicle near the decal issued by the Colorado Division of Parks and Wildlife.
4. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg while towing a sled, toboggan or other similar device intended to be used for recreational purposes. A utility trailer may be towed if it is attached to the off-highway vehicle by a rigid bar and is equipped with a red reflector attached to the rear of said trailer. Transporting passengers or occupants in a trailer towed by an off-highway vehicle is prohibited.
5. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg unless it is equipped with the following:
 - a. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife;
 - b. Brakes and a muffler and spark arrester which conform to the standards prescribed by regulation of the Colorado Division of Parks and Wildlife.
6. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg between the hours of 8:00 p.m. and 7:00 a.m.
7. No OHV or ATV shall be operated at any time on any public roadway within the Town of Williamsburg for plowing snow on a Public Roadway or for modifying the grade or drainage of said public roadway.
8. If an OHV or ATV is equipped with a safety belt system by the manufacturer of said vehicle, every driver and every passenger of a vehicle so equipped shall wear a fastened safety belt at all times while the vehicle is being operated on any public roadway within the Town of Williamsburg.
9. This Ordinance shall be enforced by law enforcement officers and peace officers duly sworn and authorized to enforce laws and ordinances in Fremont County and the Town of Williamsburg, as well as by any person or persons designated by the Board of Trustees of the Town of Williamsburg as Town Code enforcement officer(s).

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PART THREE: PENALTIES

1. A person that is cited by Fremont County Law Enforcement, must abide by Fremont County Statutes and penalties set forth by Fremont County Courts.
2. A person that is cited by a designated Code Enforcement Officer as appointed by the Board of Trustees of the Town of Williamsburg for any violation of paragraphs (1) through (8) of Part Two of this Ordinance shall have penalties as set forth in the Town of

Williamsburg Code which will be paid to the Town of Williamsburg.

PART FOUR: REGISTRATION

Each OHV or ATV which the owner wishes to operate on the Public Roadway must register that OHV or ATV with the Town at an annual fee to be set by Resolution. Proof of State registration and insurance must also be provided. A form will be established to track such information.

ADOPTED ON THE 2nd DAY OF JULY 2018, AND ORDERED PUBLISHED IN THE FLORENCE CITIZEN.

Date:

Jerald Farringer Mayor

Date:

Lucinda Ricotta Clerk

Original Text

For all purposes of this chapter, the following words shall be defined as follows:

C. "Destructive dog" means any dog which has at any time prior injured any type of property belonging to any person or entity other than the owner of the dog, or any dog which the owner thereof knows or should know has destructive tendencies.

.....

All dogs in the Town shall be licensed and registered by their owners. Applications for licenses shall be made to the Town Clerk who shall issue licenses and tags. Dog licenses issued by the Town Clerk shall continue valid for a period of one or two years from the date of issuance. Applications for dog licenses must be submitted to the Town Clerk during the last month prior to the expiration of any prior valid license except as provided in this section. An owner who acquires a dog not previously licensed and registered must, within thirty (30) days, license and register such dog. Further, the owner of a newborn dog must license and register the same within thirty (30) days after the dog reaches the age of four months.

.....

Any person or entity keeping four (4) or more dogs at one time in one (1) place shall be deemed to be operating a kennel. No person or entity shall maintain a kennel within the Town without first having received a license therefor. Application for such a license shall be made to the Town Clerk and shall state the name of the applicant, location of the kennel, number of dogs to be kept therein and shall have the names of all persons residing within one thousand (1,000) feet of the proposed location stating that they consent thereto. The Code Enforcement Officer will inspect the kennel facility and make a recommendation to the Town Clerk. Upon the payment of one hundred dollars (\$100.00) by the applicant, the Town Clerk, if the Clerk finds the application to be in order, shall issue a license to the applicant, good for one (1) year from the date of issuance. The fee for a kennel license may be changed by resolution of the Board of Trustees. No person shall maintain within the Town a kennel having more

than ten (10) dogs.

(a) Original Text

- (b) Operation of non-street legal recreational motorized machines, including but not limited to motorcycles, all terrain vehicles, snowmobiles, go-carts and scooters, powered by internal combustion engines or electric motors, that are not licensed for street use, is prohibited on all streets.
- (c) The vehicles in 7-26(a) , may be operated on private property with the land owners permission. Noise limits are set at 50 db as described in Chapter 10 Article VI Section 10-91.

CHAPTER 8

Vehicles and Traffic

ARTICLE I Model Traffic Code

Section 8-1.	Adoption
Section 8-2	Additions and modifications
Section 8-3	Application
Section 8-4	Interpretation
Section 8-5	Certification
Section 8-6	Traffic violations
Section 8-6-20	Reserved

ARTICLE II Parking Regulations

Section 8-21	Parking of boats, trailers or trucks upon the streets of the Town
Section 8-22-23	Reserved
Section 8-24	Parking prohibited at certain locations
Section 8-25	Parking prohibited after snowfall accumulation
Section 8-26-40	Reserved

ARTICLE III Abandoned and Inoperable Vehicles

Section 8-41	Definitions
Section 8-42	Inoperable vehicles unlawful
Section 8-43	Abandonment of motor vehicles unlawful
Section 8-44	Storage and disposal of abandoned or inoperable vehicles
Section 8-45	Notice and hearing concerning impounded vehicles
Section 8-46-80	Reserved

ARTICLE I Model Traffic Code

Sec. 8-1. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31 and Part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2003 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, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town. The purpose of this Article and the adopted Model Traffic Code is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the State and the nation. Copies of the adopted Model Traffic Code are now filed in the office of the Town Clerk and may be inspected during regular business hours.

Sec. 8-2. Additions and modifications.

The adopted Model Traffic Code is subject to the following additions and modifications:

(1) Section 107 is amended to read as follows:

"107. Obedience to police and fire department officials. No person shall willfully fail or refuse to comply with any lawful order or direction of any police officer, or member of the fire department at the scene of a fire, who is invested by the law or ordinance with authority to direct, control or regulate traffic."

(2) Section 614(2) shall be modified to replace the word "sing" with the word "sign."

(3) Section 615(3) shall be modified by inserting the word "apply" in the first line between the words "not" and "if."

(4) Section 1203 is added to read as follows:

"1203. Parking for certain purposes prohibited. No person shall park a vehicle upon a roadway for the principal purpose of:

"(1) Displaying such vehicle for sale;

"(2) Washing, greasing, painting or repairing such vehicle except repairs necessitated by an emergency;

"(3) Displaying advertising."

(4) No vehicle, camper, trailer, or construction equipment of any type may be parked within the right-of-way of any paved street within the Town of Williamsburg. Exceptions may be permitted for the short term daily use of construction equipment. A lack of off-street parking must be shown for such exceptions. Permits to park construction equipment may be obtained at Town Hall."

(5) Section 1204(1) is amended by adding paragraph (1):

"(1) Within an alley except during the necessary and expeditious loading and unloading of merchandise or freight. No person shall stop, stand or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property."

(6) Section 1204(2) is amended by adding paragraph (g) to read as follows:

"(g) Within less than two (2) feet clearance from adjacent vehicles."

Sec. 8-3. Application.

This Article shall apply to all streets, alleys, highways, lanes and ways, whether public or private, within the corporate limits of the Town without exception.

Sec. 8-4. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform to the State's uniform system for the regulation of vehicles and traffic. Article and Section headings of this Article and the 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.

Sec. 8-5. Certification.

The Town Clerk shall certify to the passage of this Article and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours or at a public library and/or internet address.

Sec 8-6 Traffic violations

Traffic violations: The current fines and fees as established by the County of Fremont are adopted.
[{Ordinance 082021}](#)

Secs. 8-7—8-20. Reserved.

ARTICLE II

Parking Regulations

Sec. 8-21. Parking of boats, trailers or trucks upon the streets of the Town.

(a) No **car**, boat, trailer coach, mobile home, motor home, trailer, semitrailer, truck or truck-tractor, all as defined in the Model Traffic Code, or any part of any such vehicle, shall be parked or stored upon the roadway of the Town. **Roadway is defined as only that portion of a road intended for normal vehicular traffic and does not include the shoulder or other portion of the right-of-way.**
[{Ordinance 152021}](#)

(b) No boat, trailer coach, mobile home, motor home, trailer, semitrailer, truck or truck-tractor, all as defined in the Model Traffic Code, shall be parked or stored upon any lot in the Town closer than the parameters established by Section 16-121 of this Code concerning visibility at intersections. The parking of such vehicle(s) shall be prohibited 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 forty (40) feet along both intersecting edges and then along a transverse line connecting those points."

Sec. 8-22---8-23. Reserved

Sec. 8-24. Parking prohibited at certain locations.

(a) The parking of motor vehicles in designated fire lanes within the corporate limits of the Town, without exception.

(b) The Town Board is hereby authorized and instructed to erect appropriate signs and make markings to designate the restricted parking areas established hereby.

Sec. 8-25. Parking prohibited after snowfall accumulation.

(a) The Town Board is hereby authorized to oversee the development and placement of appropriate street signs to inform the public of the restrictions set forth in this Section and to oversee the development and adoption of such rules and regulations as may be deemed necessary to effectuate and carry out the intent of this Section.

Secs. 8-26--8-40. Reserved.

ARTICLE III

Abandoned and Inoperable Vehicles

Sec. 8-41. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(1) Abandoned motor vehicle means:

a. Any motor vehicle left unattended on private property for a period of twenty-four (24) hours or longer without the consent of the owner or lessee of such property or his or her legally authorized agent.

b. Any motor vehicle left unattended on public property for a period of twenty-four (24) hours or longer, unless the owner or driver has conspicuously affixed thereto a dated notice indicating his or her intention to return or has otherwise notified the appropriate law enforcement agency of his or her intention to remove the same within seventy-two (72) hours.

(2) Inoperable vehicle means any automobile, truck or self-propelled vehicle incapable of moving under its own power or which lacks a valid state license plate and current registration or does not comply with the minimum safety requirements of state motor vehicle laws.

(3) No motor vehicle shall be deemed abandoned or inoperable under this Section if said motor vehicle is stored in a fully enclosed garage or similar structure on private property.

Sec. 8-42. Inoperable vehicles unlawful.

(a) It shall be unlawful for the owner or any person having control over any inoperable vehicle to allow such vehicle to remain within the limits of the Town, except in areas specifically zoned for the storage, maintenance or repair of such vehicles.

(b) Inoperable vehicles found in areas other than personal property or those areas specifically zoned as aforesaid may be towed and impounded in accordance with the provisions of state law and this Code.

Sec. 8-43. Abandonment of motor vehicles unlawful.

It shall be unlawful for any person to abandon any motor vehicle upon public property or upon private property other than his or her own property. Abandoned vehicles may be towed and impounded in accordance with the provisions of state law and this Code.

Sec. 8-44. Storage and disposal of abandoned or inoperable vehicles.

Vehicles removed from public or private property within the Town and placed in storage as provided in this Code shall be stored and disposed of in accordance with the provisions of state law and this Code.

Sec. 8-45. Notice and hearing concerning impounded vehicles.

(a) Whenever a motor vehicle is impounded pursuant to this Code and state law, the Town Board or designee shall notify the registered owner of record of the impoundment of such vehicle and of the owner's opportunity to request a hearing to determine the validity of the impoundment.

(b) Notice under this Section shall be sent by certified mail to the owner of the motor vehicle within forty-eight (48) hours of impoundment, excluding weekends and holidays, and shall set forth the following information:

(1) The address, telephone number and current hours of the Town offices.

(2) The location of storage of the motor vehicle.

(3) A description of the motor vehicle, including the make, model, license plate number, mileage and vehicle identification number, if available.

(4) A brief statement of the reason for which the motor vehicle was impounded.

(5) That the owner may request a hearing concerning the validity of the impoundment and that such hearing must be requested through the Town Board or designee within ten (10) days after the date appearing on the notice.

(c) Hearings requested hereunder shall be conducted by the Municipal Judge and shall take place within seventy-two (72) hours after the receipt of a request for hearing, excluding weekends and holidays. The failure of the owner of a motor vehicle to request or to attend a scheduled hearing shall be conclusive of the validity of the impoundment and shall satisfy the hearing requirement of this Section.

(d) Hearings conducted hereunder shall be limited to the sole issue of the legality of the impoundment of the motor vehicle. The burden of proof shall be upon the Town Board to establish probable cause for the impoundment. The hearing shall be conducted in an informal manner and shall not be governed by technical rules of evidence. The Municipal Court may, in its discretion, adopt procedural rules for conducting such hearings.

(e) At the conclusion of the hearing, the Municipal Judge shall prepare a written decision and shall provide a copy thereof to the Sheriff's Department and the owner of the impounded vehicle. The decision of the Municipal Judge shall be final.

(f) In the event the Municipal Judge determines that the impoundment was invalid, the Town shall be responsible for the costs incurred in the towing and storage of the motor vehicle in question.

Secs. 8-46--8-80. Reserved.

ORDINANCE 8 OF 2021

AN ORDINANCE AMENDING ARTICLE I CHAPTER 8 OF THE MUNICIPAL CODE

Where As: There are no fines or fees established for violation of traffic laws within the Town of Williamsburg:

Therefore: section 8-6 is added to read as follows:

Traffic violations: The current fines and fees as established by the County of Fremont are adopted.

BE IT ENACTED this 2nd Day of March 2021

Forrest Borre
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

Ordinance 15 of 2021

AN ORDINANCE AMENDING ARTICLE II SECTION 8-21

PARKING REGULATIONS

Where As: There are restrictions on parking on unpaved roadways and,

Where As: There are no restrictions on cars parking on unpaved roadways,

Where As: There is a safety hazard with any vehicle, motorized or nonmotorized parking on a roadway,

Therefore: Section 8-21 (a) is modified to include cars by the addition of the following:

Sec. 8-21. Parking of cars, boats, trailers or trucks upon the streets of the Town.

- (a)** No **car**, boat, trailer coach, mobile home, motor home, trailer, semitrailer, truck or truck-tractor, all as defined in the Model Traffic Code, or any part of any such vehicle, shall be parked or stored upon the roadway of the Town. **Roadway is defined as only that portion of a road intended for normal vehicular traffic and does not include the shoulder or other portion of the right-of-way.**

BE IT ENACTED this ____ Day of _____ 2021

Jerald Farringer
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado

Original Text

(c) No boat, trailer coach, mobile home, motor home, trailer, semitrailer, truck or truck-tractor, all as defined in the Model Traffic Code, or any part of any such vehicle, shall be parked or stored upon the streets of the Town.

CHAPTER 10

General Offenses

ARTICLE I Criminal Code

Section 10-1.	Jurisdiction
Section 10-2	Interpretation
Section 10-3-10	Reserved

ARTICLE II Offenses by or Against Public Officers and Government

Section 10-11	Definitions
Section 10-12	False reporting to authorities
Section 10-13	Public buildings, trespass, interference
Section 10-14-31	Reserved
Section 10-32	Definitions
Section 10-33	Destruction of Public Property
Section 10-34	Penalties

ARTICLE III Offenses Against Property

Reserved

ARTICLE IV Offenses Against Public peace, order and safety

Section 10-41	Loitering prohibited
Section 10-42	Disorderly conduct
Section 10-43	Disturbing the peace; Using offensive language
Section 10-44	Assault
Section 10-45	Obstructing highway or other passageway
Section 10-46	Location restriction for campers, trailers and mobile homes
Section 10-47	Assembling to commit unlawful act
Section 10-48	Throwing missiles
Section 10-49	Use and possession of weapons
Section 10-50	Harassment
Section 10-51	Illegal Actions
Section 10-52	Disturbing religious worship
Section 10-53	Criminal trespass
Section 10-54	Door-to-door solicitation

Section 10-55	Attempt to obtain invitation prohibited
Section 10-56	Hours for solicitation
Section 10-57	Storage of flammable liquids
Section 10-58	Explosives
Section 10-59	Open fires
Section 10-60-80	Reserved

ARTICLE V Curfew

Section 10-81	Curfew established
Section 10-82	Parental responsibility
Section 10-83-90	reserved

ARTICLE VI RESERVED

ARTICLE VII Noise

Section 10-91	Noise, unreasonable
Section 10-92	Garbage collection
Section 10-93-100	Reserved

ARTICLE VIII Fireworks

Section 10-101	Definitions
Section 10-102	Manufacture, sale, use or possession of fireworks
Section 10-103	Bond and proof of financial responsibility
Section 10-104	Disposal of unused fireworks
Section 10-105	Seizure of illegal fireworks
Section 10-106-120	Reserved

ARTICLE I
Criminal Code

Sec. 10-1. Jurisdiction.

This Chapter shall apply to conduct and occurrences within the corporate limits of the Town, the manner of which the Town has jurisdiction and authority to regulate.

Sec. 10-2. Interpretation.

This Chapter shall be so interpreted and construed as to effectuate its general purpose. Articles and section headings of this Article and the adopted 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.

Secs. 10-3--10-10. Reserved.

ARTICLE II Offenses by or Against Public Officers and Government

Sec. 10-11. Definitions.

As used in this Chapter, unless the context otherwise requires: As used in this Chapter,

- (1) **Government** includes any branch, subdivision, institution or agency of the government of this Town.
- (2) **Governmental function** includes any activity which a public servant is legally authorized to undertake on behalf of a government.
- (3) **Public servant** means any officer or employee of the government, whether elected or appointed, and any person participating as an advisor or consultant, engaged in the service of process, or otherwise performing a governmental function, but the term does not include witnesses.

Sec. 10-12. False reporting to authorities.

It is unlawful for a person to falsely report to authorities. A person commits false reporting to authorities if:

- (1) He or she knowingly causes a false alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department, ambulance service or any other government agency which deals with emergencies involving danger to life or property;
- (2) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when he or she knows that it did not occur; or

(3) He or she makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when he or she knows that he or she has no such information or knows that the information is false.

Sec. 10-13. Public buildings - trespass - interference.

(a) No person shall so conduct himself or herself at or in any public building owned, operated or controlled by the Town as to willfully deny to any public official, public employee or invitee on such premises the lawful rights of such official, employee or invitee to enter, to use the facilities of or to leave any such public building.

(b) No person shall, at or in any public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion or intimidation or by force and violence or threat thereof.

(c) No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer or his or her designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit or incites others to commit any act which did, or would if completed, disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions being carried on in the public building.

(d) No person shall, at any meeting or session conducted by any judicial, legislative or administrative body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

(e) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building willfully impede, disrupt or hinder the normal proceedings of such body or official.

(f) The term public building, as used in this Section, includes any premises being temporarily used by a public officer or employee in the discharge of his or her official duties.

(g) No person shall interfere with any Town employee, volunteer, or Board member while they are on duty or performing a Town authorized function.

(h) Any person who violates any of the provisions of this Section commits an unlawful act.

Sections 10-14-31 Reserved

Sec 10-32 Definitions:

- (1) Public property is defined as any property obtained or maintained by the Town.
- (2) Destruction or Damage: any defacing, alteration, removal, physical modification or consumptive use of any property meeting the definition in (1) above.

Sec. 10-33. Destruction of Public Property:

It is unlawful to cause any unauthorized destruction or damage to public property.

Sec. 10-34. Penalties: The penalty for violation of Section 10-33 shall be a fine of \$300.00. The court may add the cost of replacement or repair of the property as restitution, which shall not be considered a fine, but shall instead be considered a forfeiture. Each item damaged or destroyed shall be considered a separate offense. Nothing in the municipal Code should be interpreted as preventing the Town from proceeding in County Court or District Court in a civil action to recover damages for damaged or destroyed items, and the prosecution under Section 10-33 shall not prevent such civil action.

ARTICLE III

Offenses Against Property

Secs. 10-31--10-40. Reserved.

ARTICLE IV

Offenses Against Public Peace, Order and Safety

Sec. 10-41. Loitering prohibited.

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.

Sec. 10-42. Disorderly conduct.

It is unlawful to commit disorderly conduct. A person commits disorderly conduct if he or she intentionally, knowingly or recklessly:

- (1) Openly urinates or defecates in or upon any street, alley or public place other than in a toilet facility provided for such purpose;
- (2) Fights with another in a public place except in an amateur or professional contest of athletic skill; or

- (3) Not being a peace officer, displays a deadly weapon in a public place in a manner calculated to alarm a member of the public.

Sec. 10-43. Disturbing the peace; using offensive language.

It shall be unlawful for any person to disturb or to tend to disturb the peace of others by violent, tumultuous, offensive or obstreperous conduct, by loud or unusual noises, 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 her or under his or her management or control, when it is within his or her power to prevent, so that others in the vicinity are or may be disturbed thereby.

Sec. 10-44. 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.

Sec. 10-45. Obstructing highway or other passageway.

- (a) It is unlawful to obstruct a highway or other passageway.
- (b) An individual or corporation commits an offense if, without legal privilege, he or she intentionally, knowingly or recklessly:
- (1) Obstructs a highway, street, sidewalk, railway, waterway, building, entrance, elevator, aisle, stairway or hallway to which the public or a substantial group of the public has access or any other place used for the passage of persons, vehicles or conveyances, whether the obstruction arises from his or her acts alone or from his or her acts and the acts of others; or
 - (2) Disobeys a reasonable request or order to move issued by a person he or she knows to be a peace officer, fireman or person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot or other hazard.
 - (3) For purposes of this Section, obstruct means to render impassible or to render passage unreasonably inconvenient or hazardous.

Sec. 10-46. Location restriction for campers, trailers and mobile homes.

No person or persons shall occupy a camper, trailer or recreation vehicle anywhere within the limits of the Town, unless said camper, trailer or recreation vehicle is located in an authorized and approved park. Visitors to Williamsburg residents are exempt from these provisions for a period of 30 days in any consecutive 12 month period unless approved by the Town Board.

Sec. 10-47. Assembling to commit unlawful act.

It shall be unlawful for any three (3) or more persons to assemble together in the 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.

Sec. 10-48. Throwing missiles.

It shall be unlawful for any person within the limits of the Town to throw any stones, snowballs or other objects or missiles upon or at any vehicle, building, or other public or private property, or upon or at any person in any public way or upon other public ground.

Sec. 10-49. Use and possession of weapons.

(a) Except as specifically provided herein, it shall be unlawful for any persons to discharge any firearms, pellet guns, BB guns, bow and arrow, or crossbows in the Town. This prohibition shall not apply to peace officers engaged in the lawful execution of their duty or to peace officers engaged in firearms training. Additionally, this prohibition shall not apply to any persons lawfully defending their person or property in accordance with the laws of the State.

(b) The Board of Trustees may, by resolution containing such conditions as may be appropriate, designate certain areas of the Town wherein firearms, BB guns, pellet guns, bow and arrow or crossbows may be discharged for the purpose of hunting or target shooting. Any such resolution so adopted shall be subject to all statutes and regulations of the State pertaining to the discharge of firearms, BB guns, pellet guns, bow and arrow or crossbows.

Sec. 10-50. Harassment.

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

- (1) Verbally assaults, strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or
- (2) In a public place directs obscene language or makes an obscene gesture to or at another person; or
- (3) Follows a person in or about a public place; or
- (4) Engages in conduct or repeatedly commits acts that alarm or seriously annoy another person—or
- (5) Initiates communication with a person, anonymously or otherwise in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone which is obscene; or
- (6) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(7) Makes repeated communications at inconvenient hours or in offensively coarse language;
or

(8) Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

(b) As used in this Section, unless the context otherwise requires, obscene means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, nailing's or excretory functions.

(c) Any act prohibited by subparagraph (5) of subsection (a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.

Sec. 10-51. Illegal Actions.

The following actions by persons shall be deemed illegal within the Town:

(1) Any person found loitering or strolling in, about or upon any street, land, avenue, alley or any other public way or public place, or at any public gathering or assembly, or in or around any private property or place without lawful business and conducting himself or herself in a lewd, wanton or lascivious manner in speech or behavior.

(2) Any person upon whose person or in whose possession shall be found any instrument, tool or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance.

(3) Any person wandering abroad and occupying, lodging or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car or other vehicle, without owning the same and without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness.

(4) Any person wandering abroad and begging; or any person who goes about from door to door of private homes or places himself or herself in or upon, any public way or public place to beg or receive contributions for himself or herself.

(5) Any person who shall be found trespassing in the nighttime upon the private premises of others.

(6) The fine for dumping or littering is set at a minimum of three hundred dollars (\$300) and a maximum of one thousand dollars (\$1000) plus any court costs and legal fees.

[{Ordinance 092021}](#)

Sec. 10-52. 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 a noise or 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.

Sec. 10-53. Criminal trespass.

(a) No person shall unlawfully enter or remain upon any premises within the Town.

(b) *Premises*, as used in Subsection (a) above, means real property, buildings and other improvements thereon located in the Town.

Sec. 10-54. Door-to-door solicitation.

(a) It shall be unlawful for any person to enter or remain upon any public or private premises in the Town, not having been requested or invited by the occupant or occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value. The provisions of the ordinance codified herein shall apply to, but shall not be limited to, books, pictures and periodicals.

(b) Nothing in the ordinance codified herein shall be deemed to apply to solicitations by nonprofit organizations exempt from federal income tax under Section 26 U.S.C. 501(c)(3).

(c) Nothing in the ordinance codified herein shall be deemed to apply to any person engaged in the business of selling and delivering goods or services directly to residents of the Town, who regularly delivers on a schedule or usually employs a vehicle for such deliveries over a regularly defined route and ordinarily sells from orders previously placed by such residents.

(d) Nothing in the ordinance codified herein shall be deemed to apply to any person engaged in the distribution of information in the exercise of such person's rights under the constitutions of the United States and the State of Colorado.

Sec. 10-55. Attempt to obtain invitation prohibited.

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

Sec. 10-56. Hours for solicitation.

All persons exempted by the provisions of the ordinance codified herein shall conduct solicitations only between the hours of 9:00 a.m. and 7:00 p.m.

Sec. 10-57. Storage of flammable liquids.

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

Sec. 10-58. Explosives.

It shall be unlawful for any person to store within the Town limits any amount of gunpowder, blasting powder, nitroglycerine, dynamite or other high explosive in excess of one (1) fifty (50) pound box or in excess of five hundred (500) caps or other devices used for the detonation of such high explosives. Components for sporting purposes are exempt.

Sec. 10-59. Open fires.

(a) It shall be unlawful for any person to have an open fire in the Town without first obtaining an appropriate permission to burn from the Florence Fire Protection District.

(b) For purposes of this Article, an open fire shall include all open burning with the specific exception of properly designed furnaces or other equipment connected to a stack or chimney, inside fireplaces and stoves, permanent outdoor fireplaces, charcoal-activated grills, propane grills, natural gas grills and outdoor electric cooking devices.

(c) State, County, or Florence Fire Protection fire ban laws may be enforced and fines levied as appropriate.

Secs. 10-60—10-80. Reserved.

ARTICLE V

Curfew

Sec. 10-81. Curfew established.

(a) It shall be unlawful for any person under the age of eighteen (18) years to loaf, play, loiter or remain upon the streets, public parks or alleys or in any unoccupied or vacant lot, block or building within the limits of the Town between the hours of 11:00 p.m. and 6:00 a.m. This Section shall not apply to persons who meet any of the following criteria:

- (1) Any person engaged in lawful employment;
- (2) Any person engaged in religious activities protected by the First Amendment to the United States Constitution;

(3) Any person accompanied by a parent, guardian or other person at least twenty-one (21) years of age who has permission of the parent or guardian to have custody of such person;

(4) Any person engaged upon an emergency errand or legitimate business directed by a parent, guardian or other adult person having the care and custody of such person; or

(5) Any person traveling either on foot or in or upon any conveyance directly to or from any activity specified herein and the person's residence.

(b) Upon the conviction of a violation of this Section, the Municipal Court shall have authority to impose a fine as is otherwise authorized by this Code and, in addition thereto, the Municipal Court:

(1) Is hereby authorized to impose useful public service hours not to exceed one hundred (100) hours, in addition to any fine which may be imposed hereunder;

(2) May impose a minimum of twenty (20) hours of useful public service upon the first conviction of a violation of this Section.

(3) May impose a minimum of forty (40) hours of useful public service upon a second and subsequent conviction.

(4) In the event useful public service is imposed, the Municipal Court shall assess costs for the administration of useful public service in the amount of thirty dollars (\$30.00) upon the imposition of a sentence to useful public service. Payment of said costs shall be deemed mandatory and necessary for the administration of the useful public service program and shall not be suspended.

Sec. 10-82. Parental responsibility.

It shall be unlawful for the parent, guardian or other adult person having the duty of care or custody of a person under the age of eighteen (18) years to knowingly allow such person to violate Section 10-81(a).

Secs. 10-83--10-90. Reserved.

ARTILCE VI

RESERVED

ARTICLE VII

Noise

Sec. 10-91. Noise, unreasonable.

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, the code enforcement officer is empowered to make a prima facie determination as to whether a noise is unreasonable

Sec. 10-92. Garbage collection.

No person or entity providing garbage collection service for a fee shall operate any vehicle for the purpose of collecting solid waste, garbage or recyclable materials on any street within the Town between the hours of 7:00 p.m. and 7:00 a.m.

Secs. 10-93--10-100. Reserved.

ARTICLE VIII

Fireworks

Sec. 10-101. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

(1) **Display** means a supervised public display of fireworks by municipalities, fair associations, amusement parks or other organizations in the Town.

(2) **Fireworks** means any combustible or explosive composition, or any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of balloons which require fire underneath to propel the same, firecrackers, torpedoes, skyrockets, roman candles, Day-Glo bombs, any devices containing any explosive or flammable compound or any tablets or other devices containing any explosive substances, except that the term fireworks shall not include automobile flares, sparklers or other devices of like construction, paper caps containing not in excess of an average of twenty-five hundredths (.25) of a grain of explosive content per cap manufactured in accordance with the Interstate Commerce Commission regulations for packing and shipping as provided therein, and toy pistols, toy canes, toy guns or other devices for use of such caps, the same and use of which shall be permitted at all times.

Sec. 10-102. Manufacture, sale, use or possession of fireworks.

(a) Except as hereinafter provided, it shall be unlawful for any person to use or explode any fireworks not in compliance with State Code.

(b) The Town board or designated representative may adopt reasonable rules and regulations for the granting of permits for supervised public displays of fireworks by municipalities, fair associations, amusement parks and other organizations or groups of individuals. Such permits may be granted upon application to the Town Clerk and after the filing of a bond by the applicant as provided hereafter. Every such display shall be handled by a competent operator licensed or certified as to competency by the Florence Fire Chief or his or her designated representative and shall be of such composition, character and

so located, discharged or fired as, in the opinion of the Florence Fire Chief, after proper inspection, shall not be hazardous to property or endanger any person or persons.

(c) Application for permits shall be made in writing at least thirty (30) days in advance of the date of any public display. After such permit has been granted, the possession and use of fireworks for the permitted display shall be lawful for that purpose only. No permit granted herein shall be transferable. At the time of permit application, a fee set by resolution shall be payable to the Town. Said fee may be subsequently adjusted by the Board of Trustees by Ordinance.

Sec. 10-103. Bond and proof of financial responsibility.

Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefore shall furnish proof of financial responsibility to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the Florence Fire Chief or his or her designated representative determines to be necessary for the protection of the public.

Sec. 10-104. Disposal of unused fireworks.

Any fireworks that remain unfired after the display is concluded shall be immediately disposed of in a way safe for the particular type of fireworks remaining.

Sec. 10-105. Seizure of illegal fireworks.

The Code Enforcement Officer , or any Fire Department officer or police 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 being fired in violation of this Article.

Secs. 10-106--10-120. Reserved

ORDINANCE 9 OF 2021

AN ORDINANCE AMENDING ARTICLE IV CHAPTER 10 OF THE MUNICIPAL CODE

Where As: There are no fines or fees established for dumping or littering on Town property:

Therefore: section 10-51 Illegal Actions is amended as follows:

Item (5) Dumping and or Littering is added.

The fine for dumping or littering is set at a minimum of three hundred dollars (\$300) and a maximum of one thousand dollars (\$1000) plus any court costs and legal fees.

BE IT ENACTED this 2nd Day of March 2021

Forrest Borre
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

ORDINANCE 14 OF 2021

AN ORDINANCE AMENDING ARTICLE VII CHAPTER 7 OF THE MUNICIPAL CODE

Where As: Chapter 7 Article 11 Section -26 (b) set noise level not to exceed 50 db and:

Where As: **Chapter 10 Article VII Sec. 10-91. Noise, unreasonable** defines the unreasonable noise level:
No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, the code enforcement officer is empowered to make a prima facie determination as to whether a noise is unreasonable

Therefore: Chapter 7 Article 11 Section 7-26-(b) is deleted.

BE IT ENACTED this 2nd Day of March 2021

Forrest Borre
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

Original Text

No person shall make, continue or cause to be made or continued any unreasonable noise; and no person shall knowingly permit such noise upon any premises owned or possessed by such person or under such person's control. For purposes of this Section, the code enforcement officer is empowered to make a prima facie determination as to whether a noise is unreasonable.

CHAPTER 11

Streets, Sidewalks and Public Property

ARTICLE I Standard Specifications and Construction

Section 11-1.	Adoption of standards
Section 11-2	Applicability
Section 11-3-10	Reserved

ARTICLE II Excavations

Section 11-11	Permit required: exception in the case of emergency
Section 11-12	Types of permits
Section 11-13	Application for permit: contents and conditions
Section 11-14	Fees for permits
Section 11-15	Bond and insurance requirements
Section 11-16	Requirements for performance of work
Section 11-17	Safety and protective requirements
Section 11-18	Backfilling of excavations
Section 11-19	Inspection of backfilling
Section 11-20	Restoration of surface
Section 11-21	Conformance to permit required: supplemental applications
Section 11-22	Permittee liable in case of nonconformance
Section 11-23	Permittee liable for injuries to person or property
Section 11-24	Excavations under sidewalks
Section 11-25-40	Reserved

ARTICLE III Encroachments and Obstructions

Section 11-41	Encroachments and obstructions prohibited
Section 11-42	Application for occupation of street
Section 11-43	Term of permit: renewal and revocation
Section 11-44	Surety bond required
Section 11-45	Protection of pedestrian and vehicular traffic
Section 11-46	Adequate drainage and access to fire hydrants required
Section 11-47	Permittee liable in case of nonconformance
Section 11-48	Permit application for encroachment
Section 11-49	Investigation: fee: revocation of permit
Section 11-50	Notice to remove encroachment
Section 11-51	Noncompliance with notice
Section 11-52-70	Reserved

ARTICLE IV Moving of Buildings

Section 11-71	Permit required; fee: liability: revocation: term
Section 11-72-80	Reserved

ARTICLE V Sidewalks, Curbs and Gutters

Section 11-81	Construction authorized
Section 11-82	Construction permit required
Section 11-83-110	Reserved

ARTICLE VI Curb Cuts and Driveways

Section 11-111	Definitions
Section 11-112	Driveways required for access to private property
Section 11-113	Permit required: application, contents, and conditions
Section 11-114	Permit fees
Section 11-115	Driveway construction regulations
Section 11-116-130	Reserved

ARTICLE VII Snow and Ice Removal

Section 11-131-140	Reserved
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ARTICLE VIII Public Parks, Recreational Facilities and Trails

Section 11-141	Hours of closure
Section 11-142	Possession of glass containers prohibited
Section 11-143	Dumping prohibited
Section 11-144	Trash disposal required
Section 11-145	Dogs
Section 11-146	Removal of dog waste required
Section 11-147	Horses
Section 11-148	Golfing
Section 11-149	Operation of motor vehicles prohibited
Section 11-150	Posting of signs and notices
Section. 11-151	Camping
Section 11-152-160	Reserved

ARTICLE IX Cemetery

Sections 11-161-170	Reserved
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ARTICLE X Town Facilities Rental

[Section 11-171](#)
[Section 11-172](#)

Town Park
Town Hall Public Meeting Areas

ARTICLE I

Standard Specifications and Construction

Sec. 11-1. Adoption of standards.

Pursuant to Article 16 of Title 31, C.R.S., there is hereby adopted by reference the Standard Specifications and Construction Manual. The Town Clerk shall certify to the passage of this Article, cause notice of its contents and passage to be published, and make not less than one (1) copy of the adopted Manual available for inspection by the public during regular business hours.

Sec. 11-2. Applicability.

Appendix 1 of Fremont County Subdivision Regulations are adopted as standards for streets and curbs for the Town of Williamsburg, except any references to Canon City standards. The Standard Specifications and Construction Manual adapted herein shall apply to construction, repair or replacement of gutters, sidewalks, water mains, sewer mains and storm sewers in the Town.

Secs. 11-3--11-10. Reserved.

ARTICLE II

Excavations

Sec. 11-11. Permit required; exception in the case of emergency.

It shall be unlawful for any person, firm or corporation, other than a duly authorized Town official or employee, to make or cause or permit to be made any excavation or opening in or under the surface or pavement of any street, alley, sidewalk or other public place within the Town, without first having obtained and having in force a permit therefore; provided, however, that, in case of actual emergency, it shall be lawful to make such excavation without a permit in order to repair utilities if a present danger to life or property exists.

Sec. 11-12. Types of permits.

Permits under this Article shall be of two (2) types: permits for a single excavation (hereinafter referred to as Type I permit); and blanket permits to cover all excavations during a calendar year made by a public utility company (hereinafter referred to as Type II permits). A public utility company is defined as a company providing public utility services to the Town, including but not limited to the Gas & Electric Company, Telephone and any cable television company licensed, franchised or permitted within the Town.

Sec. 11-13. Application for permit; contents and conditions.

(a) Any person desiring to obtain a permit for such excavations shall make written application therefore to the Town Board or Designee on the form prepared and provided by the Town.

(1) For a Type I permit, the application shall give the following information:

- a. The permit number.
- b. The applicant's name, address and telephone number.
- c. The date of the application.
- d. The location, size, width, length and depth of the proposed excavation.
- e. The type of pavement to be cut.
- f. The purpose of the excavation.
- g. The estimated time schedule, including the date the pavement will be broken, the date the excavation will be backfilled and the date of final repair.
- h. All streets and abutting property addresses which will be affected by the excavation.

(2) For a Type II permit, the application shall give the following information:

- a. The applicant's name, address and telephone number.
- b. The date of the application.
- c. Such other information as is required by the Town Board or designee.

(b) Every applicant shall agree in making application for a permit to be bound by all of the provisions of this Article. Application for a Type I permit shall be accompanied by a set of plans drawn to a minimum scale of one (1) inch to fifty (50) feet, showing in detail the location, size and kind of installation for the excavation.

Sec. 11-14. Fees for permits.

A fee shall be charged and paid for each application for each Type I or Type II permit to cover the cost of administration and inspection. Such fee schedule shall be separately established by resolution of the Board of Trustees. Scheduled excavations shall be those which the Town Board or Designee is notified of, on a form to be supplied by the Town, at least three (3) days in advance of the work. Such notice shall give the location, size and time schedule for the work. Holders of Type II permits shall report all excavations not previously reported to the Town Board or designee, on a form to be supplied by the Town, within five (5) days after the work has begun. Other than as set forth herein, there shall be no additional fee for the permit. If the permit is denied, the fee shall not be refunded.

Sec. 11-15. Bond and insurance requirements.

In addition to the above, every applicant for an excavation permit shall meet the following requirements:

File with the Town an acceptable corporate surety bond or other security approved by the Town, conditioned for the faithful performance of the work covered by the permit within the time allowed by the permit in accordance with the rules, regulations and ordinances of the Town; for the cost of restoration of any street, alley, sidewalk or other public place in which an excavation may be made under the permit to its original condition and to the satisfaction of the Town Board or Designee, for the cost of maintenance of such condition for a reasonable length of time as shall be required by the Town Board or Designee; and for the payment of all fees, costs and charges of the Town in connection with the excavation. Or, in lieu of a bond or other approved security, the applicant may make a cash deposit in the appropriate amount, which deposit shall be held subject to the same conditions as a bond. Such bond or other approved security shall be in full force and effect for a period of one (1) year after the permit expires. For a Type I permit, such bond or other approved security shall be in the amount of one hundred percent (100%) of the amount that the Town Board or Designee estimates will be the cost of restoring the street opening or two hundred dollars (\$200.00), whichever is greater. For a Type II permit, such bond or other approved security shall be in the amount determined by the applicant, but the permit shall only authorize the holder thereof to have open at any one (1) time only such excavations as can be repaired at the cost of the amount of the bond as determined by the Town Board or Designee.

- (1) File with the Town an acceptable certificate of insurance, insuring against all claims for damages which may arise from or out of the performance of work under the permit.

Sec. 11-16. Requirements for performance of work.

Anyone making excavation by virtue of a permit issued under this Article shall do work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and to occupants of neighboring properties. In particular, the following requirements shall be followed:

- (1) Occupants of neighboring properties shall be notified at least twenty-four (24) hours in advance of the work to be done. Such notice shall include the estimated time schedule and the extent of the work. Written notice shall also be given to all utility companies that may be affected, including but not limited to telephone, electrical, water and gas companies.
- (2) Noise, dust and debris shall be kept to as low a level as practicable.
- (3) Excavated material shall be stored in neat, compact piles and not allowed to be scattered by wind, rain, traffic or other means.
- (4) Private driveways shall be kept open whenever possible. If driveways must be closed, they shall be closed at the time most convenient to the users thereof and for as short a time as possible.
- (5) Not more than two hundred (200) linear feet of trench shall be open at one (1) time without written permission from the Town Board or Designee.
- (6) When traffic or other conditions warrant, the Town Board or Designee may require that the work be accomplished during slack hours or at particular times or that the work proceed on a twenty-four (24) hour per day basis, or the Town Board or Designee may require other appropriate measures. All such requirements shall be complied with.
- (7) No excavations shall be made, without written permission from the Town Board or Designee, entirely across a street or across so much of a street that traffic cannot move on said

street. Such permission may impose additional requirements, and in such case, such requirements shall be followed.

Sec. 11-17. Safety and protective requirements.

Whenever any person, under authority of this Article or otherwise, shall place any obstruction in any street, alley, sidewalk or other place, or make any excavation therein or alteration thereto, such person shall keep such obstruction, excavation or alteration properly safeguarded by substantial barricades, and between dusk and daylight adequate warning lights or flares shall be placed around the obstruction, excavation or alteration. In all instances, fire hydrants shall be kept clear of all building material, dirt and rubbish, with clear and adequate access to such hydrant from the roadway. Existing gutters and other drainage courses shall be kept open so as to allow adequate drainage. All excavations shall be made in such a way as to protect any existing surveying monuments and existing utilities. The Town Board or Designee shall have authority to specify protective measures and minimum clearances regarding existing utilities, and any such specifications shall be followed. Sufficient shoring of excavations shall be provided whenever needed or whenever deemed necessary by the Town Board or Designee

Sec. 11-18. Backfilling of excavations.

All permit holders shall adequately backfill any excavations made under the authority of this Article. Backfilling shall be done in accordance with the Standard Specifications and Construction Manual for the Town. At the request of the Town Board or Designee, the density of the compacted backfill shall be tested by a soils engineer and a copy of the test results shall be given to the Town Board or Designee. The number and location of soil tests shall meet the approval of the Town Board or Designee. All costs for testing shall be paid by the permit holder. The permit holder must notify the Town Board or Designee before backfilling

Sec. 11-19. Inspection of backfilling.

Within forty-eight (48) hours after completion of backfilling, the permit holder shall notify the Town Board or designee and request an inspection. The surface of the excavation shall not be replaced until the backfill has been approved on inspection. Any defects in the backfill shall be corrected by the permit holder within the time required by the Town Board or Designee. Upon correction of defects noted, the permit holder shall again request an inspection from the Town Board or Designee.

Sec. 11-20. Restoration of surface.

(a) Upon receiving approval of the backfill from the Town Board or Designee, the permit holder shall restore the surface of the excavation in the manner required by this Section, or, at the option of the permit holder, such work may be done by the Town and charged to the permit holder, in which case the permit holder shall reimburse the Town for such work within thirty (30) days after it is billed.

(b) All patches shall have straight and vertical edges and shall cover the total width of the excavation. Patches in concrete pavements shall be six (6) inches thick, shall be made from concrete conforming to specifications of the Town and shall be finished to the same surface texture as the adjacent existing concrete. The existing concrete shall be saw-cut to a depth of one and onehalf (1½) inches to assure a straight edge and uniform patch. Patches in asphalt pavements shall consist of four (4) inches of base course material and asphalt surfacing equal to the total thickness of adjacent existing pavement. The concrete and asphalt shall conform to the specifications of the Town. Asphalt surfacing shall be compacted to conform to the specifications of the Town. Permanent asphalt patches shall not be put in during freezing weather. Upon completion of work, all surplus earth, rubbish and other materials shall be immediately removed, and the Town Board or Designee shall be notified that the job is completed

Sec. 11-21. Conformance to permit required; supplemental applications.

In no case shall any permit holder open or remove a greater area of surface or make such removal at a location other than that specified in the permit. In the event it shall be necessary to open or remove a greater area than originally applied for, the applicant shall first notify and obtain the consent of the Town Board or Designee and, if required by said Director, file a supplemental application and make an additional deposit. No person shall exceed the time limit specified on the permit without the express consent of the Town Board or Designee.

Sec. 11-22. Permittee liable in case of nonconformance.

In the event any permit holder fails to do anything required of him or her hereunder, the Town Board or Designee may cause the same to be done, the cost of the same shall be charged to the holder of the permit, and he or she shall be liable therefore.

Sec. 11-23. Permittee liable for injuries to person or property.

Every permit holder acting under a permit issued pursuant to this Article shall be responsible to anyone for injury to person or property by reason of the work done under the permit and shall indemnify and hold the Town harmless from any expenses, costs, claims or other charges or fees arising out of such work. The permit holder shall be responsible for adequately protecting the work, the surrounding property and the public and shall adequately safeguard the work regardless of whether any specific requirements in connection with the work are made by the Town Board or Designee.

Sec. 11-24. Excavations under sidewalks.

It shall be unlawful for any person, persons or corporation to make any excavation or opening at a depth greater than one (1) foot and/or two (2) inches in diameter under any sidewalk or upon any street, alley or public ground of the Town, for the purpose of installing permanent areaways thereunder, without first obtaining a right so to do from the Town Board or Designee; and no such right or privilege shall be granted by the Town Board or Designee, except upon written application therefor and upon conditions to be prescribed by the Town Board or Designee respecting the continued occupancy and use of such areaways after the same have been constructed.

Secs. 11-25--11-40. Reserved.

ARTICLE III

Encroachments and Obstructions

Sec. 11-41. Encroachments and obstructions prohibited.

No encroachment or obstruction whatever, other than that provided by law or by this Article or some other Town ordinance, shall be made or placed upon any street, alley or other public place within the Town.

Sec. 11-42. Application for occupation of street.

(a) Any person desiring to occupy any portion of a street, alley or other public place in connection with the erection, construction, remodeling or demolishing of any building or improvement on property abutting or adjacent thereto shall make written application to the Town Board or Designee on a form prepared and provided by the Town. The application shall give the following information:

1. The applicant's name, address and telephone number.
2. The street, alley or other public place affected and the amount thereof.
3. The address of the property on which the work is to be done.
4. The reason for blocking the street.
5. The amount of time the permit is needed.

(b) The applicant shall agree in making the application to be bound by all of the provisions of this Article and the rules and regulations of the Town Board or Designee.

Sec. 11-43. Term of permit; renewal and revocation.

No permit required under Sections 11-41 through 11-47 shall be issued for a period of more than ninety (90) days, provided that the Town Board or Designee may renew any such permit for additional ninety (90) day periods upon written application. Any permit issued under this Article may be revoked by the Town Board or Designee if the holder thereof violates any of the provisions of this Article or the rules and regulations of the Town Board or Designee or if the work allowed by the permit unduly interferes with pedestrian or vehicular traffic.

Sec. 11-44. Surety bond required.

Any person applying for a permit under Sections 11-41 through 11-47 shall file with the Town an acceptable corporate surety bond conditioned for the faithful performance of the work in accordance with the rules, regulations and ordinances of the Town and the terms of the permit, and indemnifying and saving harmless the Town against and from any and all damages or claims for damages, loss, costs and charges or expenses that may be brought against it by any person for or on account of injury to persons or property resulting from or occasioned by reason of the occupation of the street, alley or public place.

Sec. 11-45. Protection of pedestrian and vehicular traffic.

The holder of any permit issued under Sections 11-41 through 11-47 shall provide whatever fencing the Town Board or Designee requires to protect pedestrian and vehicular traffic on the abutting public property. If required, the permit holder shall build and maintain a good and substantial protected walkway around the obstruction. The permit holder shall adequately light and mark the obstruction so as to protect pedestrian and vehicular traffic.

Sec. 11-46. Adequate drainage and access to fire hydrants required.

Any person holding a permit issued under Sections 11-41 through 11-47 shall take such measures as may be required to ensure that adequate drainage is maintained around the obstruction. All fire hydrants shall be kept clear of all building materials, rubbish and other obstructions, and easy access to such hydrants shall be provided and kept clear at all times. Upon completion of the work, the permit holder shall remove all obstructions, materials, debris and rubbish within ten (10) days.

Sec. 11-47. Permittee liable in case of nonconformance.

In the event any permit holder fails to do anything required of him or her hereunder, the Town Board or Designee may cause the same to be done, and the cost of the same shall be charged to the holder of the permit, and such holder shall be liable therefore.

Sec. 11-48. Permit application for encroachment.

Any person desiring to erect a building, fence, barrier, post or other obstructions or encroachments upon any street, avenue, alley, sidewalk, highway, public right-of-way or other public ground within the Town shall file a written application for a permit therefore upon a form prepared and provided by the Town. Said application shall state therein the following:

6. The applicant's name, address and telephone number.
7. The location of the proposed encroachment, obstruction or structure.
8. The type of encroachment, obstruction or other structure.
9. The purpose of the proposed encroachment, obstruction or other structure.
10. That the applicant agrees to abide by the provisions of Sections 11-48 through 11-51 of this Article.

Sec. 11-49. Investigation; fee; revocation of permit.

The application provided for in Section 11-48 shall be made to the Town Board or Designee. Such Department shall make an investigation of the information contained in the application and, prior to the issuance of a permit, shall determine that the proposed encroachment, obstruction or other structure does not constitute a nuisance, destroy or impair the use of the right-of-way by the public or constitute a traffic hazard. No permit shall be issued where the above conditions are found to exist. At the time of issuance of a permit hereunder, the applicant shall pay a fee equal to the cost of recording the permit with the County Clerk and Recorder. The Town Board or Designee shall so record a copy of the permit. Any such permit so issued may be revoked by the Town Board or Designee at any time the conditions above referred to are

found to exist, or when it is determined that the property upon which the encroachment, obstruction or structure exists is required for use by the public.

Sec. 11-50. Notice to remove encroachment.

(a) Whenever any encroachment, obstruction or structure is made or located contrary to the terms of the permit therefore or without a permit or at such time as the permit is revoked as above provided for, the Town Board or his or her authorized agent shall give notice to the person who made or located such encroachment, obstruction or structure or caused or permitted the same to be done, or who owns or controls the premises with which such encroachment, obstruction or structure is connected, to remove such encroachment, obstruction or other structure. The same shall be removed within ten (10) days after notice.

(b) It shall be unlawful for any person to continue any encroachment, obstruction or other structure for a period of ten (10) days after receipt of the notice provided for above

Sec. 11-51. Noncompliance with notice.

(a) In case any notice given under Section 11-50 shall not be complied with, the Town Board or his or her authorized agent is hereby authorized and empowered to cause the removal of the encroachment, obstruction or structure.

(b) Upon completion of such removal, the Town Board or his or her authorized agent shall certify to the Town Clerk the cost of said removal, and the Town Clerk shall thereupon, by certified mail addressed to the owner of the premises with which the obstruction is connected, give notice of such removal and the cost incurred for such work, together with a statement that the cost of the work will be assessed against the owner's lot, tract or parcel of land if such cost is not paid to the Town within thirty (30) days after mailing of such notice.

(c) If such person fails to make payment within the aforesaid thirty (30) days, the Town shall make assessment by ordinance against the lot, tract or parcel of land in connection with which the encroachment, obstruction or structure was made, and such assessment shall be certified to the County Treasurer for the purpose of having the same placed upon the tax rolls and collected in the same manner as general taxes are collected.

Secs. 11-52--11-70. Reserved.

ARTICLE IV

Moving of Buildings

Sec. 11-71. Permit required; fee; liability; revocation; term.

(a) It shall be unlawful for any person, persons or corporation to use or occupy any street, alley or other public ground in the Town for the purpose of moving a building or other structure greater than fourteen (14) feet in width across or thereon without first having obtained a permit therefor from the Town Clerk and according to Fremont County Code.

(b) Application for a permit hereunder shall be made upon forms to be furnished by the Town Clerk and shall set forth such information as may be required thereon. At the time of making application, the applicant shall pay a permit fee as established by ordinance by the Board of Trustees and shall file the bond required herein.

(c) Application for a permit hereunder shall be accompanied by a corporate surety bond in an amount established by the Board of Trustees, conditioned upon compliance with all requirements of the ordinances of the Town relating to activities under the permit.

(d) Any person using the streets, alleys or other public ground for the purpose of moving buildings and other structures across or thereon shall be responsible for any damage done to such street, alley or public ground or any improvements situated thereon, including, without limitation, trees and other plantings, signs, utility poles, utility lines, traffic signals and the like. Any such persons shall also be responsible for any damage caused to any private property by virtue of use of the streets, alleys and other public grounds of the Town for the purpose of moving such buildings or other structures.

(e) The code of Fremont County shall determine whether the applicant possesses the technical qualifications and the necessary equipment for the moving of buildings and structures and shall issue or deny the permit based upon such determination.

(f) Any permit granted hereunder may be revoked by the Director of Public Works upon written notice to the holder of the permit, if the permit holder fails to comply with the requirements of the ordinances of the Town relating to the permit or for other good cause relating thereto. In the event of such revocation, no fee paid hereunder shall be refunded. If any permit holder objects to the revocation of a permit by the Town Board, he or she may request a hearing on the question of revocation before the Board of Trustees, which shall make the final determination on the question.

(g) Any permit granted hereunder shall be valid for ten (10) days unless sooner revoked.

Secs. 11-72--11-80. Reserved.

ARTICLE V

Sidewalks, Curbs and Gutters

Sec. 11-81. Construction authorized.

Sidewalks, curbs and gutters may be constructed by the owners of property abutting upon the same and at their expense within the corporate limits of the Town, when streets are laid out, open, improved and in common use by pedestrians, and shall be constructed of the character, location, grade, material and in the same manner provided for in this Article.

Sec. 11-82. Construction permit required.

Before constructing any sidewalks, curbs or gutters, the owner of the property adjacent thereto shall make application to the Town Board or Designee for a permit upon forms furnished by said Director, and the sidewalks, curbs or gutters shall be constructed in conformity with County and State codes.

Secs. 11-83--11-110. Reserved.

ARTICLE VI

Curb Cuts and Driveways

Sec. 11-111. Definitions.

For the purpose of this Article, the following terms are defined as follows:

(1) *Change of use* means any change of purpose for which any land, building or structure is occupied, maintained, arranged, designed or intended.

(2) *Driveway* means any area, construction or facility between the roadway or the street and private property.

(3) *Roadway* means the paved, improved or proper driving portion of a street, designed or ordinarily used for vehicular traffic.

(4) *Street* means any street, alley or other public place within the Town.

Sec. 11-112. Driveways required for access to private property.

Any access from any public roadway to private property hereafter provided, constructed, altered or repaired shall be through driveways constructed according to the provisions of this Article

Sec. 11-113. Permit required; application contents and conditions.

(a) Except when included in a building permit, it shall be unlawful for any person, firm, corporation or organization to construct, reconstruct, alter or repair any driveway in the Town without first obtaining a permit therefore and paying the permit fee as required by Section 11-114 hereof; provided, however, that no permit fee shall be required of a sub divider constructing driveways as a part of street and sidewalk installation within the subdivision. No permit fee will be required when driveway construction occurs as part of an existing driveway.

(b) Any party requesting such permit shall file a written application with the Town Board or Designee. Such application shall be made on a standard Town form provided for that purpose and shall include:

(1) The applicant's name, address and telephone number.

(2) The name and address of the owner of the property abutting and the street where the work is to be performed.

(3) The exact location of the proposed work, giving the street address or legal description of the property involved.

(4) A detailed plan showing the exact dimensions of the abutting property and the exact dimensions and location of all existing or proposed driveways and other pertinent features with the limits of the frontage of said property.

(5) The location of buildings, loading platforms or off-street parking facilities being serviced or to be served by such driveways.

(6) The Town Board or Designee may require, at his or her discretion, the filing of any other information when, in his or her opinion, such information is necessary to properly enforce the provisions of this Article.

(7) No plan shall be approved nor a permit issued where it appears that the proposed work, or any part thereof, conflicts with the provisions of this Article or any ordinance of the Town; nor shall

issuance of a permit be construed as a waiver of the Zoning Ordinance or other ordinance requirements concerning the plan.

Sec. 11-114. Permit fees.

The permit fees for driveways approved by the Town Board or Designee shall be established by a fee schedule separately established by resolution of the Board of Trustees.

All construction outlined in this Article shall be located and constructed in accordance with the Town's Standard Specifications and Construction Manual,

Sec. 11-115. Driveway construction regulations.

Every driveway hereafter constructed, reconstructed or altered, in the street right-of-way, shall conform to the following regulations:

(1) Location:

a. No driveway shall be so located as to create a hazard to pedestrians or motorists, or to invite or compel illegal or unsafe traffic movements.

b. Unless otherwise approved by the Town Board or Designee, all driveways shall be constructed within lines at right angles to the curb line.

c. No driveway shall be constructed in such a manner as to create a hazard to any existing street lighting standard, utility pole, traffic regulating device or fire hydrant. The cost of relocating any such street structure, when necessary to do so, shall be borne by the abutting property owner. Relocation of any street structure shall be performed only by or through the person holding authority for the particular structure involved.

d. No construction, alteration or repair shall be permitted for any driveway which can be used only as a parking space or which provides access only to the area between the street roadway and private property.

e. All driveways shall be so constructed that they shall not interfere with the drainage system of the street.

Secs. 11-116--11-130. Reserved.

ARTICLE VII

Snow and Ice Removal

Secs. 11-131--11-140. Reserved.

ARTICLE VIII

Public Parks, Recreational Facilities and Trails

Sec. 11-141. Hours of closure.

The Board will establish by resolution the hours of operation of the Towns parks.

Sec. 11-142. Possession of glass containers prohibited.

It shall be unlawful for any person to bring, or to have in his or her possession, any glass beverage container in any park, recreational facility or on any trail within the Town.

Sec. 11-143. Dumping prohibited.

It shall be unlawful for any person to bring in and dump, deposit or leave any bottles or other containers made of glass, any broken glass, ashes, papers, boxes, cans, dirt, rubbish, waste, tree leaves and limbs, garbage, refuse or other trash in or upon any park, recreational facility or trail within the Town.

Sec. 11-144. Trash disposal required.

It shall be unlawful for any person utilizing any park, recreational facility or trail within the Town to leave such park, recreational facility or trail without first placing in provided trash disposal receptacles all trash, of whatever kind or nature, generated by his or her usage of the park, recreational facility or trail. In the event no trash disposal receptacle is available, then such person shall carry away said trash and dispose thereof in a proper and legal manner.

Sec. 11-145. Dogs.

Dogs shall be allowed in public parks and on trails within the Town under appropriate supervision and specifically in accordance with the provisions appearing elsewhere in this Code concerning dogs.

Sec. 11-146. Removal of animal waste required.

The owner or keeper of any animal shall be responsible for the removal of any feces deposited by such animal in any public park or on or adjacent to any trail within the Town.

Sec. 11-147. Horses.

Except in areas specifically designated for equestrian activities, it shall be unlawful for any person to allow any horse or pony in any public park or recreational facility within the Town.

Sec. 11-148. Golfing.

Unless specifically allowed in designated areas, it shall be unlawful for any person to drive or hit golf balls in any public park, recreational facility or on any trail within the Town.

Sec. 11-149. Operation of motor vehicles prohibited.

It shall be unlawful for any person to operate any motor vehicle including, but not limited to, automobiles, trucks, motorcycles, motorbikes, motor scooters, go-carts or mobile homes in any public park, recreational facility, and public open space or on any trail within the Town. This provision shall not apply to duly authorized employees of the Town in the performance of work activities in the scope of their employment.

Sec. 11-150. Posting of signs and notices.

The Town Board shall cause to be erected in public parks, recreational facilities, and upon trails, such signs or notices as may be necessary to adequately inform the citizens of the Town of the restrictions set forth in this Article.

Secs. 11-151 Camping

(1) Erection of Tents and Buildings.

- a. No tent, building, booth, stand or other structure may be built or placed in or upon the parks or Town property without first having obtained a permit to do so from the Town Clerk.
- b. Any permitted tent or other building shall be temporary in nature and in no case be in place for more than 5 days.
- c. The fee for Erection of a tent or other building shall be set by ordinance. (2) Camping. Camping is not allowed at any time, day or night, in any of the Town's parks

[{Ordinance 132021}](#)

Secs. 11-152--11-160. Reserved.

ARTICLE IX

Cemetery

Sec. 11-161--180. Reserved

ARTICLE X

Town Facilities Rental

Sec. 11-171. Town Park

The Town Park, including any portion thereof, shall be open to the public from 8:00 a.m. to 10:00 p.m. daily, free of charge. Neither the park nor any portion thereof shall be rented, reserved or used in entirety for any public or private function. Prior notification is encouraged for large parties to facilitate cleaning of outhouses and grounds maintenance. The gate shall be unlocked and electricity will be made available for use in the park by request. Extension cords are the responsibility of park users.

Prior to leaving the Park, the grounds shall be cleared of all debris and rubbish and left in good condition by users.

Sec. 11-172. Town Hall Public Meeting Areas:

(a) Definition. The Town Hall public meeting areas shall include the main meeting room, the kitchen, and the Americans with Disabilities Act-accessible restroom.

(b) Reservation and Fees.

A cleaning deposit of \$100.00 shall be paid in advance for the reservation of any portion of the facilities described above. Said fee is refundable, in part or in whole, following inspection of the facilities by Town personnel. The Town shall have up to two weeks following the reserved event to return any portion of said deposit.

(c) Facilities Use.

The building shall be opened no earlier than 9:00 a.m. and vacated no later than 3:00 p.m. Monday through Thursday. Arrangement for additional times and days must be made with Town personnel. No holes shall be made in and no tape shall be applied to any walls. Town Hall is a smoke free environment.

(d) The party responsible for making reservations shall be responsible for set-up and clean-up of the facilities, and shall be responsible for all damage to the facilities.

(e) Should the deposit or any portion thereof be retained by the Town, notice of same shall be served by letter to the person responsible for renting the facilities. Mailing of said notice shall serve as full required notice to be given.

TOWN OF WILLIAMSBURG
ORDINANCE 13 OF SERIES 2021

ORDINANCE AMENDING THE MUNICIPAL CODE WITH RESPECT CAMPING AND
PARK STRUCTURES

Whereas, current municipal code is silent on the subject of camping in the public parks. and

Whereas, parks are intended for day use only, and

Whereas, park hours are set to allow day use only.

Therefore: be it ordained and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that the following section is hereby amended within the Town of Williamsburg Municipal Code:

The "Williamsburg Municipal Code" is amended by the addition of Secs. 11-151 Camping to Chapter 11, Article VIII Public Parks, Recreational Facilities and trails

Secs. 11-151 Camping

(1) Erection of Tents and Buildings.

- a. No tent, building, booth, stand or other structure may be built or placed in or upon the parks or Town property without first having obtained a permit to do so from the Town Clerk.
- b. Any permitted tent or other building shall be temporary in nature and in no case be in place for more than 5 days.
- c. The fee for Erection of a tent or other building shall be set by ordinance. (2) Camping. Camping is not allowed at any time, day or night, in any of the Town's parks

BE IT ENACTED THIS DAY OF 2021

MAYOR

ATTEST:

LUCINDA RICOTTA

TOWN CLERK

Posted on the Public Notice Boards located at:

Qunicy & Iron Horse Road, Wilmont Road and Smith Gulch Road,
and I John Street, Williamsburg, Colorado

CHAPTER 13

Municipal Utilities

ARTICLE I Septic Systems

[Section 13-1](#)
[Section 13-2-20](#)

Septic systems
Reserved

ARTICLE II Water

<u>Section 13-21</u>	Declaration of purpose
<u>Section 13-22</u>	Definitions
<u>Section 13-23</u>	Powers and duties of the Water Operator
<u>Section 13-24</u>	Receipts and deposits
<u>Section 13-25</u>	Inspections
<u>Section 13-26</u>	Application for connection and use of water
<u>Section 13-27</u>	Water plant investment fee
<u>Section 13-28</u>	Metered water rate schedules
<u>Section 13-29</u>	Estimate of charges in event of meter failure
<u>Section 13-30</u>	Effective date of billings
<u>Section 13-31</u>	Payment of water charges
<u>Section 13-32</u>	Unpaid charges a lien
<u>Section 13-33</u>	Termination of service for nonpayment of charges
<u>Section 13-34</u>	Charges for turning water on or off
<u>Section 13-35</u>	Interference with water facilities prohibited
<u>Section 13-36</u>	Connections to water system
<u>Section 13-37</u>	Restrictions on water use
<u>Section 13-38</u>	Shutoff of water for repairs
<u>Section 13-39</u>	Reservation of rights by Town
<u>Section 13-40</u>	Use of water by other than customers prohibited
<u>Section 13-41</u>	General regulations for water service lines
<u>Section 13-42</u>	Installations prior to street paving
<u>Section 13-43</u>	Individual service lines required
<u>Section 13-44</u>	Maintenance of service lines and fixtures
<u>Section 13-45</u>	Water meters: requirements and installation
<u>Section 13-46</u>	Maintenance of meters
<u>Section 13-47</u>	Meter interference and bypass prohibited
<u>Section 13-48</u>	Size of water mains
<u>Section 13-49</u>	Extension of water mains: payment of costs
<u>Section 13-50</u>	Construction of mains for a subdivision
<u>Section 13-51</u>	Control and operation of fire hydrants
<u>Section 13-52</u>	Unprotected cross-connection prohibited

<u>Section 13-53</u>	Inspection of user's system
<u>Section 13-54</u>	Notice to remove or correct violation
<u>Section 13-55</u>	Testing, repair and replacement of backflow prevention device
<u>Section 13-56</u>	Premises requiring a backflow prevention devices
<u>Section 13-57</u>	Location of backflow prevention device
<u>Section 13-58</u>	Required types of backflow prevention devices
<u>Section 13-59</u>	Standards for backflow prevention devices
<u>Section 13-60</u>	Water Utilities Enterprise
<u>Section 13-61</u>	Williamsburg Water Utilities Enterprise
<u>Section 13-62</u>	Governing Body of Water Utilities Enterprise
<u>Section 13-63</u>	Enterprise Fees and Charges
<u>Section 13-64</u>	Enterprise Annual Budget
<u>Section 13-65</u>	Water Revenue fund Established
<u>Section 13-66</u>	Wells and Cisterns
<u>Section 13-67-80</u>	Reserved

ARTICLE III Storm Drainage

<u>Section 13-81</u>	Purpose and intent
<u>Section 13-82</u>	Owners of property to provide on-site drainage facilities as a condition of development
<u>Section 13-83-100</u>	Reserved

ARTICLE IV Utility Accounts

<u>Section 13-101</u>	Delinquency fee
<u>Section 13-102-120</u>	Reserved

ARTICLE I

SEPTIC SYSTEMS

Secs. 13-1 Septic Systems

Septic systems are important to the community health and welfare. The Town Board has determined that septic systems that are not maintained or are not designed properly are a possible source of pollution to ground and surface waters. The Williamsburg Town Board decrees the following:

- a) All sewerage that cannot be placed into a community wastewater system must be treated by an approved State of Colorado or Fremont County septic system design.
- b) Any malfunction of a septic system must be reported within 24 hours to the Town of Williamsburg. Information must include what action has been taken to remedy the problem or what action is planned and the time frame to implement the planned action. Under no circumstance is the septic system malfunction to continue more than 24 hours and use of the system just cease until the problem is corrected.
- c) Failure to comply with this ordinance is subject to an initial fine of \$300 and \$100 per day (after the initial 24 hours) that the malfunction is not corrected.

Secs. 13-2--13-20. Reserved.

ARTICLE II

Water

Sec. 13-21. Declaration of purpose.

There is hereby created and established a Water Utilities Enterprise of the Town, for the purpose of management, maintenance, care and operation of the water works of the Town.

Sec. 13-22. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Article shall be as follows:

- (1) ***Air-gap*** means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, other device or vessel and the flood level rim of said vessel.
- (2) ***Approved*** means accepted by the Town of Williamsburg meeting the applicable specifications stated or cited in this Article.

- (3) ***Approved backflow prevention device*** means a device listed in the latest University of Southern California, Foundation for Cross Connection Control and Hydraulic Research "List of Approved Backflow Prevention Assemblies."
- (4) ***Auxiliary water supply*** means any water supply on or available to the premises other than the Town's water supply or any natural sources such as a well, spring, river, stream, pond, lake, etc., or "used waters" or "industrial fluids." These waters may be polluted or contaminated, or may be objectionable and constitute an unacceptable water source over which the Town does not have sanitary control.
- (5) ***Backflow*** means the undesirable reversal of the direction of flow of the water or mixtures of water and other liquid, gases or other substances into the distribution pipes of the potable water supply of water from any source or sources caused by backpressure and/or backsiphonage.
- (6) ***Backflow prevention device*** means a device or means designed to prevent backflow created by backpressure, backsiphonage or backpressure and backsiphonage acting together.
- (7) ***Back pressure*** means the backflow caused by a pump, elevated tank, boiler or "head" in pipe, or any means that could create greater pressure within a piping system than that which exists within the potable water supply.
- (8) ***Backsiphonage*** means the reverse flow of water or other liquids, mixtures, gases or substances into the distribution pipes of a potable water supply system caused by negative or sub-atmospheric pressure in the potable water supply system.
- (9) ***Certified cross-connection control device technician*** means a person who has shown his or her competency and has passed the cross-connection control technician certification examination given by the Water Distribution and Wastewater Collection Systems Council. This person shall be familiar with appropriate laws, rules and regulations which address cross-connection control. He or she shall be able to make competent tests and repairs on all approved backflow prevention devices and stay abreast of all new products and information on the subject. The technician shall be listed by the Colorado Department of Health.
- (10) ***Check valve*** means a self-closing device which is designed to permit the flow of fluids in one direction. A single check valve is not an approved backflow prevention device.
- (11) ***Colorado Department of Health cross-connection control manual*** means a manual that has been published by the State addressing cross-connection control practices which shall be used as a guidance document for implementing a cross-connection control program.
- (12) ***Containment, protection by***, means the installation of an approved backflow prevention device or method on the water service lines servicing any premises, location, facility or area. Protection by containment shall be used when the potable water system may be contaminated or polluted by substances used or stored within a building or premises.
- (13) ***Contamination*** means the impairment of the quality of the potable water by sewage, industrial fluids, waste liquids, compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or through the spread of disease.

- (14) **Critical level** means the point on a backflow prevention device or vacuum breaker, conforming to approved standards and established by testing laboratory, which determines the minimum elevation above the flood-level rim of the fixture, highest point of usage, or receptacle served at which the device may be installed. When a backflow prevention device does not bear a critical level marking, the bottom of the vacuum breaker, combination valve or any such approved device shall constitute the critical level.
- (15) **Cross-connection** means any physical arrangement whereby a potable water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, tank, plumbing fixture or the device which contains, or may contain, contaminated water, sewage or other waste, liquid or gas of unknown or unsafe quality which may be capable of imparting contamination or pollution to the potable water supply as a result of backflow. Bypass arrangements, jumper connections, removable spools, swivel or changeover devices, four-way valve connections and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections.
- (16) **Cross-connection, controlled**, means a connection made between a potable water system and a nonpotable water system with an approved backflow prevention device, properly installed and tested, that will continuously afford the protection commensurate with the degree of hazard.
- (17) **Director** means the Water Operator of the Town or his or her duly authorized representative.
- (18) **Double check valve assembly** means a backflow prevention device which consists of two (2) independently operating check valves which are internally loaded, with four (4) properly located test cocks for testing purposes. The assembly shall be located between two (2) drip-tight valves.
- (19) **Equivalent Residential Unit (ERU)**, In order to establish uniform tap fees and monthly billing rates, an ERU is any service line and/or meter that is equal to or will flow the amount of water equal to a single 3/4 inch water pipe. Such pipe shall be equal to 0.44 square inches in area. All base tap fees, monthly charges and water consumption allowances will be based upon this unit.
- (20) **Flood-level rim** means the edge of the receptacle from which liquid overflows.
- (21) **Hazard, degree of**, means the term is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
- (22) **Hazard, health**, means any condition, device or practice in the water supply system and its operation which could create, or in the judgment of the Town may create, a danger to the health and well-being of the water used. An example of a health hazard is a structural defect, including cross connections, in a water supply system or a direct connection of a potable water supply line to a sanitary sewer.
- (23) **Hazard, plumbing**, means a plumbing type cross-connection in a potable water system that has not been properly protected by an air-gap separation or an approved backflow prevention device. Unprotected plumbing type cross-connections are considered to be a health hazard.
- (24) **b** means an actual or potential threat to the physical properties of the water system or the potability of the public or the user's potable water system and would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances, but would not be a threat to life or be dangerous to health.

(25) **Hazard, system,** means an actual or potential threat of severe damage to the physical properties of the potable water system or the user's potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system caused by a cross-connection.

(26) **Industrial fluids system** means any system containing a fluid or solution which may be chemically, biologically, radiological or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into an approved water supply. This may include, but not be limited to, polluted or contaminated waters; all types of process waters and "used waters" originated from the potable water system which may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalis, circulated cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters such as from wells, springs, streams, rivers, lakes, dams, ponds, retention pits, irrigation canals or system, etc.; oils, gases, glycerine, glycols, paraffin's, caustic and acid solutions and other liquid and gaseous fluids used in industrial or other purposes or for fire-fighting purposes.

(27) **Isolation means** the control of cross-connections within a building's plumbing system by the installation of approved backflow prevention devices or methods at or near the potential sources of pollution or contamination.

(28) **Nonpotable water** means water that is not safe for human consumption or that does not meet the requirements set forth in the State Primary Drinking Water regulation.

(29) **Pollution** means the presence of any foreign substance (organic, inorganic, radiological or biological) in the water that may degrade the water quality so as to constitute a hazard or impair its usefulness without causing a threat to the public health.

(30) **Potable water** means water free from impurities in amounts sufficient to cause disease or harmful physiological effects. The bacteriological, chemical and radiological quality shall conform with State Primary Drinking Water regulations.

(31) **Reduced pressure principle device** means an assembly of two (2) independently operating approved check valves with a hydraulic automatic operating differential relief valve between the two (2) checks closing shutoff valves and having four (4) properly located test cocks for the testing of the check and relief valves. The entire assembly shall be an approved backflow prevention device.

(32) **Submerged inlet** means a water pipe or extension thereof from a potable water supply terminating below the flood level rim of a tank, vessel, fixture or appliance which may contain water of questionable quality, waste or other contaminant or pollutant.

(33) **User** means any person or business that uses water from the Town water system, whether located inside or outside of the Town.

(34) **Vacuum:** means any pressure less than atmospheric pressure.

(35) **Vacuum breaker, atmospheric,** means a vacuum breaker consisting of an air inlet opening and a nonloaded floating check disk valve designed to prevent backsiphonage only. The device shall not be subjected to continuous static line pressure or backpressure or be installed where it would be under pressure for more than twelve (12) continuous hours.

(36) ***Vacuum breaker, pressure***, means a vacuum breaker designed to prevent backsiphonage only, consisting of a spring-loaded check valve, a spring-loaded air inlet opening, a tightly closing shutoff valve on each side of the device and two (2) appropriately located test cocks. The device shall not be subjected to backpressure. The entire assembly shall be an approved backflow prevention device.

(37) ***Water distribution and wastewater collection systems certification council*** means the group which has been designated by the State Department of Health to administer and maintain the cross-connection control technician certification program.

(38) ***Water service connection*** means the terminal end of the Town's water service connection from the Town's potable water distribution system; i.e., where the Town loses jurisdiction and sanitary control over the water at its point of delivery to the user's stop box or shutoff valve or meter, whichever comes first from the water main. This shall include irrigation systems and fire sprinkler systems. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the potable water system.

(39) ***Tap abandonment***; If monthly water fees have not been paid for a period of six (6) consecutive months, the tap will be considered abandoned. See Ordinance 1 of series 2014 for revocation process.

(40) ***Water system*** means the complete distribution system which is made up of two (2) parts: the Town's water system and the user's system. The Town's water system shall consist of the source facilities of the water system under the complete control of the Town, up to the point where the user's water system begins. The source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system. The Town's distribution system shall include the network of conduits used for the delivery of water from the source to the user's water system. The user's water system shall include those parts of the facilities beyond the termination of the Town's distribution system which are utilized in conveying the Town delivered potable water to points of use.

Sec. 13-23. Powers and duties of the Water Operator.

The Town Water Operator shall have the immediate control and management of all things pertaining to the Town water works system, and he or she shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of said water works, subject to the approval and confirmation of the Board of Trustees.

Sec. 13-24. Receipts and deposits.

The Town Clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to property owners, collect the same and deposit the proceeds.

Sec. 13-25. Inspections.

Whenever, in the judgment of the Town Water Operator, it is deemed necessary, an authorized representative may inspect the premises or buildings of any water user for the purpose of examining the condition of all pipes, motors, meters and water fixtures, or the manner in which the water is used.

Sec. 13-26. Application for connection and use of water.

Any person desiring to make a connection to the water system or use water there from shall make written application to the Town. No person shall connect to the water system or use water there from until such application has been approved and such person has otherwise complied with all relevant provisions of the Code.

Sec. 13-27. Water plant investment fee.

Any applicant desiring to take and use water from the water utility of the Town shall pay a System Development fee for each individual service pursuant to the schedule of fees set forth herein. Such fees shall be paid in full prior to the time water is used for any purpose. Said fees shall be in addition to all other charges and required dedication of raw water as set forth in this Article and elsewhere in this Code. The System Development fee may be waived, after consideration, by the Water Utilities Enterprise board by a majority vote of the board.

(1) Schedule 1. New in-town water taps.

a. All taps three-fourths ($\frac{3}{4}$) inch shall be charged a plant investment fee established by ordinance of the Board of Trustees.

b. All taps in excess of three-fourths ($\frac{3}{4}$) inch shall be charged a fee negotiated by the Town Administrator and approved by the Board of Trustees upon the recommendation of the Town Board. All plant investment fees are subject to revision from time to time by resolution made by the Board of Trustees.

(2) Schedule 2. Enlargement of existing in-town water taps. In the event that a property owner applies for and obtains permission to increase the size of his or her water tap, he or she shall pay an additional water plant investment fee.

(3) Schedule 3. Out-of-town water taps. Water service to owners of property outside the boundaries of the Town shall be at the sole discretion of the Board of Trustees. Nothing in this Article shall be construed as obligating or otherwise requiring the Town to serve any property outside its corporate boundaries. In the event a request for water service outside the Town boundaries is approved, the water plant investment fee shall be double the fee set forth in Subsection (1) hereof.

Sec. 13-28. Metered water rate schedules.

(a) With the specific exception of structures with one (1) meter and containing more than one (1) dwelling units as defined in Section 16-12 of this Code, the charge for water on a monthly basis taken through a meter inside the corporate limits of the Town shall be as follows:

(1) A monthly charge established by ordinance of the Board of Trustees will be assessed on the basis of the size of the property owner's water meter line.

(2) In addition to the aforesaid charge, a monthly charge, to be established by ordinance of the Board of Trustees, shall be calculated on the basis of the amount of water taken through the property

owner's meter, and other costs for transport and treatment. The Regional Water Association through the City of Florence sets debt retirement costs per meter.

Sec. 13-29. Estimate of charges in event of meter failure.

If any meter shall fail to register in any billing period, the water user shall be charged according to the average quantity of water used in a similar period.

Sec. 13-30. Effective date of billings.

The billing and payment time frame for all charges are set by the Board of Trustees.

Sec. 13-31. Payment of water charges.

Definitions:

Due date – Due date is the 15th of each month or next business day if the 15th falls on a non-work day.

Late Fee – See Chapter 1 Article II Section 1-55

Payment Plan - A signed agreement to pay 50% of outstanding balance at the time of signing the agreement and 25% of outstanding balance within the next 30 days and the remaining outstanding balance within the next 60 days plus keeping future water bills paid in full.

Shutoff - The water will be shutoff and locked but the tap ~~is~~ not removed. A written notification that the tap will be removed in 90 days, if bill is not paid, must be provided to the owner of the property and residence of the property if different. This notice must include the financial implications if the tap is removed i.e. the full new tap fee will apply to have the tap reinstalled. Also the notice should include a copy of the Payment Plan Agreement.

1st month after due date

-- Amount owed, current bill plus Late Fee

2nd month after due date

-- Amount owed, 1st month bill including late fee plus 2nd month bill including late fee.

-- Action to be taken - Written notification of Shutoff if not paid in full by the first of the following month.

First of 3rd month

-- Action to be taken – Shutoff (see above)

3rd month after due date

-- Amount owed - 1st, 2nd, and 3rd months bills plus late fees.

4th month

-- Fees continue to be added to account. NOTE: Should not be any water usage.

5th month

-- Fees continue to be added to account. Send notification of tap removal in 30 days if not paid in full.

1st of 6th month

-- Remove tap. Notify the Town Board to determine what action to take to collect outstanding bill.

The shutoff and/or tap removal will be suspended at any time if a payment plan agreement is signed and payments are made as defined in the Payment Plan agreement. The water will be shutoff in 10 days if the payments are not kept up per the agreement. The tap will be removed in the time frame defined in this section.

Exceptions:

1) When the amount owed is greater than \$500: A written notification should be provide to the customer of water shutoff in 10 days and tap removed in 30 days if amount owed is not paid in 10 days. Shutoff and tap removal can be averted with a Payment Plan that is kept current.

2) The water customer may apply for a variance to deal with special circumstances.

3) The tap may be removed immediately, at the mayor's discretion, if evidence of any tampering of the tap.

[{Ordinance 012022}](#)

Sec. 13-32. Unpaid charges a lien.

All water charges shall be a lien upon the property to which water is delivered from the date said charges become due until said charges are paid. The owner of every building, premises, lot or house shall be liable for all water delivered to or taken from and used upon his or her premises, which lien or liability may be enforced by the Town by action at law or suit to enforce the lien. In case the tenant in possession of any premises or buildings shall pay the water charges, it shall not relieve the landowner from such obligations and lien and the Town shall not be required to look to any person whatsoever other than the owner for the payment of water charges. No change of ownership or occupation shall affect the application of this Article and the failure of any owner to learn that he or she purchased property against which a lien for water service exists shall in no way affect his or her liability for such payment in full. The amount due and in default shall, in addition to said right of enforcement by disconnection of service, become a lien of the property and premises so served to the amount of water rent and other service charges from the date the same accrued and became due and payable; and said delinquent payments shall be enforced by assessment upon the property and premises so served and certification thereof to the County Treasurer for collection in the same manner as though they were part of the taxes.

Sec. 13-33. Termination of service for nonpayment of charges.

In case any water user shall fail to pay all charges as prescribed by this Article, the Town may shut off the water and the water shall not be turned on again until all charges, together with the charge for turning on the water, are paid.

Sec. 13-34. Charges for turning water on or off.

(a) Following Termination of Service Due to Nonpayment.

(1) There shall be a charge, to be established by resolution of the Board of Trustees, for turning the water on again after it has been turned off due to nonpayment of the bill or failure to abide by the rules and regulations as set forth in this Article. Such amounts are to be charged if the turn-on or turnoff is made during regular working hours.

(2) If the turn-on is made after regular working hours of the staff person performing the task, the charge shall be as established by resolution of the Board of Trustees. All property owners shall be responsible for metered service until such service is actually turned off.

(b) Normal Circumstances.

(1) The regular fee for turning water on to any premises after it has been turned off for any period of time shall be as established by ordinance of the Board of Trustees. This fee must be paid at the time the owner signs the application for service.

(2) The property owner or designated representative must be present at the property when the water is turned on. In the event that the owner or designated representative is not present at the scheduled time, a fee established by ordinance of the Board of Trustees will be charged for each additional trip to the property.

Sec. 13-35. Interference with water facilities prohibited.

It shall be unlawful for any person to tap any water lines or to make any connections therewith, or in any manner to interfere with the property, equipment, pipes, valves or any other water appliances of the Town, or to change or alter the position of any valve or appliance regarding the flow of water in any pipeline, without the express written authority of the Town Board.

Sec. 13-36. Connections to water system.

It shall be unlawful for any person to make any connection with any water pipeline which forms a part of the Town's water system except as may be properly authorized by the Town Board. It shall be unlawful to make any connection with any privately owned water line which is connected to the Town's water system or to change, alter or renew any presently existing private water line connected with the Town's water system with any pipe larger than that which is already in existence, except as provided herein.

Sec. 13-37. Restrictions on water use.

- (a) The use of water from the water utility for lawn sprinkling, irrigation and/or recreation purposes may, upon recommendation the Board of Trustees, be prohibited or restricted as determined by resolution of the Board of Trustees. Such order shall be effective immediately upon posting on the Town's bulletin boards. This regulation shall apply to all users of water service.
- (b) In the event of an emergency that should require the immediate curtailment of the use of water from the water utility, the Town shall have the authority to make such restrictions as it deems necessary for the protection of the public.

Sec. 13-38. Shutoff of water for repairs.

Water may be shut off from any street main when necessary to repair the main or to make any connections or extensions of the water mains or to perform any other work necessary to maintain the water system.

Sec. 13-39. Reservation of rights by Town.

The use of water under the provisions of this Article shall not constitute or be deemed to be a relinquishment of any water or water right by the Town and the Town reserves the full right to determine all matters in connection with the control and use of said water.

Sec. 13-40. Use of water by other than customers prohibited.

It shall be unlawful for any person having water service hereunder to permit any other person, firm or corporation to take or use water from his or her said water service for use on property not connected to the Town water system, except as provided herein.

Sec. 13-41. General regulations for water service lines.

(a) Original service lines from the water main to the structure to be served shall be installed by the water user at his or her expense.

(b) It shall be unlawful for any person other than a licensed plumber or a Town-authorized representative to install a water service line from the main to the meter pit or curb stop. All service lines shall be of Type K copper or other suitable material as determined by the Town. Corporation stops, meter risers or curb stops and service lines shall be of the size and type specified by the Town. All service lines shall be buried at least fifty-four (54) inches below the established grade of the street or ground. When the main is of greater or lesser depth, the service line shall be brought to the required depth as soon as taps shall be inspected by the Town's authorized representative prior to use.

© The water service line from the street main to the water distribution system of the building to be serviced with water shall be of sufficient size to furnish an adequate flow of water to meet the requirements of the building at peak demand and in no case shall be less than three-fourths ($\frac{3}{4}$) inch nominal diameter.

(d) In the case that the water user desires to disconnect his or her premises, he or she shall not be permitted to take up that portion of the service line between the main and the curb stop or the meter pit or take up the meter pit, but at his or her expense the water shall be shut off at the corporation stop and all appliances from the water main to and including the meter pit shall remain in the ground and become the property of the Town. New services shall not be approved by the Town and the water shall not be turned on until old service lines are dug up and the corporation stop shut off at the main.

e) A tracer wire to Town specifications must be installed from the structure being serviced through the meter location to the connection to the main service line.

[{Ordinance 102022}](#)

Sec. 13-42. Installations prior to street paving.

Before any street containing a water line is paved, the Town shall cause to be installed all service lines with meter pits or curb stops and meter risers, as the Town determines necessary to serve said property when fully developed.

Sec. 13-43. Individual service lines required.

Each property shall be served by its own service line, and no connection with the water utility shall be made by extending the service line from one (1) property to another property.

Sec. 13-44. Maintenance of service lines and fixtures.

(a) The owner of any property connected to the Town water utility shall be responsible for the maintenance of the water service line from the property line where the water service line enters upon the property of the user to the structure being served, and the owner shall keep this line in good condition and, at his or her expense, shall at all times keep all pipes, fixtures and appliances on his or her property tight and in good working order so as to prevent waste of water.

(b) The Town will maintain the service line from the water main to the point where the line enters onto the private property. Where a curb stop or meter pit has been installed in the service line near the actual property line, the point of change of maintenance responsibilities shall be at the curb stop or meter pit.

Sec. 13-45. Water meters: requirements and installation.

(a) All water services supplied by the Water Utilities Enterprise shall be metered. Use of any water without proper metering shall be prohibited.

(b) All meters shall be of a size, type and design approved by the, water operator or his or her designee, and shall be installed in a readily accessible location for the meter reader. All water meters shall be installed either in a frost-proof meter pit or inside the structure with a remote reading device connected to allow reading from the outside of the structure. All meters shall be installed with a stopcock on each side of the meter.

© Each meter shall be inspected by the Town and shall be properly adjusted before installation.

(d) A record shall be made and preserved of each meter or meters installed, giving the location, the serial number and the size of the meters.

(e) All meters for all water services shall be installed by the Town or an authorized representative of the Town at the expense of the property owner.

Sec. 13-46. Maintenance of meters.

All water meters shall be maintained by the Town and shall be tested and repaired as necessary. Meters may be inspected at any reasonable time by the Town. The cost of replacement meters and/or parts are the responsibility of the user / customer.

Sec. 13-47. Meter interference and bypass prohibited.

It shall be unlawful for any person to tamper or interfere with any meter or meter seal or to so arrange a water service or piping that the use of water will not actuate the meter. The Town shall discontinue water service immediately to any user who violates the provisions of this Section until satisfactory payment has been made for all water used and all repairs to the meter and piping.

Sec. 13-48. Size of water mains.

The size of the main required to serve any part of the Town shall be determined by the Town. No main less than four (4) inches in diameter shall be placed in the water distribution system. All water system materials are subject to approval by the Town.

Sec. 13-49. Extension of water mains; payment of costs.

When water mains are extended, the property owners benefitted thereby, as determined by the Town, shall pay all of the costs of extending such mains insofar as such costs relate to the size of the main required to serve the property benefitted. In the event the Town requires that such main be of a size larger than eight (8) inches, the Town shall pay the additional costs incurred on such amount. At the time of annexation, or as the property abutting such water main is developed and connections are made to said water main, the Town may collect a charge assessed in relation to the affected property, based upon the original construction cost.

Sec. 13-50. Construction of mains for a subdivision.

- (a) All water mains required within a platted subdivision, including cross-ties, shall be installed at the cost of the sub divider. The sub divider shall install mains to the farthest point of his or her subdivision.
- (b) When a sub divider finds it necessary to extend a water main from the existing water system through land owned by someone other than the sub dividers or construct lines on the perimeter of said subdivision, the sub divider shall pay the cost of the original construction. Cost of construction shall include the acquisition of any necessary easement, if applicable. The size of the mains shall be determined by the Town and where the required mains are larger than eight (8) inches, the Town shall pay a percentage of the cost as set forth in this Section. © The sub divider shall install the mains in his or her subdivision by private contractor, subject to approval by the Town of the plans and specifications and actual construction. Failure to do so may result in the Town's refusal to participate in over sizing costs and acceptance of the mains for perpetual maintenance.

Sec. 13-51. Control and operation of fire hydrants.

All fire hydrants connected to the Town's water mains shall be a part of the water system and shall be kept in repair by the Town's staff. No person, other than a fireman of the Florence Fire District, Town employee or other person authorized by the Town shall operate any fire hydrant.

Sec. 13-52. Unprotected cross-connection prohibited.

It shall be unlawful to make, install, maintain or permit any cross-connection with the water system without providing protection against backflow by proper installation and maintenance of an approved backflow prevention device to insure that it is in proper working order. Failure to permit entry to the premises shall result in discontinuance of water services to said premises.

Sec. 13-53. Inspection of user's system.

The Water Operator shall have the authority to access and inspect any private water system to determine whether cross-connections or other violations of this Article exist, and to determine the extent and degree of hazard the system poses to the Town's water system. The **Operator** also has the right to inspect any installed approved backflow prevention device to ensure that it is in proper working order. Failure to permit entry to the premises shall result in discontinuance of water service to said premises.

Sec. 13-54. Notice to remove or correct violation.

(a) When a condition involving a violation of this Article resulting in a hazard is determined to exist, the Water Operator shall notify in writing the owner of the premises. The notification shall include a description of the hazard and required remedial action and set a reasonable time period in which the property owner must have the violation removed or corrected.

(b) If the property owner fails to correct the violation in the specified time, the Water Operator may, if in his or her judgment an imminent health hazard exists, request that the water service to the building or premises be terminated. Additional fines or penalties, as otherwise set forth in this Code, may also be assessed following termination of service.

Sec. 13-55. Testing, repair and replacement of backflow prevention devices.

(a) It shall be the responsibility of the property owner, at any premises where a backflow prevention device is installed, to have a certified operational test made immediately after original installation of the device and least once annually thereafter at the property owner's expense. In those instances where the Water Operator deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. All inspections and tests must be performed by a certified cross-connection control technician.

(b) In the event that a device fails a test or inspection or cannot be repaired, the technician must verbally report it to the Water Operator and the property owner. This notification shall be made immediately, if possible, but in no case later than one (1) work day after the discovery of the failing device. A written notification shall follow within three (3) working days. All devices which do not pass the certified test shall be repaired or replaced at the expense of the property owner within fifteen (15) working days of the test. The device must be re-tested by a certified technician following repairs or replacement.

© A written report shall be submitted to the Water Operator within five (5) working days of any test or work performed on a device. All records of the certified test, repairs and replacements of a backflow

prevention device shall be maintained by the Director of Public Works, the property owner and the certified technician for a period of not less than two (2) years.

Sec. 13-56. Premises requiring a backflow prevention devices.

(a) Auxiliary water supply: In the case of premises having an auxiliary water supply which is not or may not be safe of bacteriological, radiological or chemical quality and which is not acceptable as an additional source by the Water Operator, the Town's water system shall be protected by an approved backflow prevention device in the service line appropriate to the degree of hazard.

(b) Industrial fluids: In the case of premises on which any industrial fluids or any other objectionable substance is handled in such a fashion as to create an actual or potential hazard to the Town's water system, the Town's system shall be protected against backflow from the premises by an approved backflow prevention device in the water service line appropriate to the degree of hazard. This shall include the handling of process waters and waters originating from the Town's water system which have been subject to deterioration in quality.

©

The Town's water system shall be protected against backflow from the premises by an approved backflow prevention device in the water service line.

Sec. 13-57. Location of the backflow prevention device.

When determined to be necessary, an approved backflow prevention device shall be installed at or near the property line or immediately inside the structure being served before the first branch line leading off the water service line. In all cases, the backflow prevention device shall be installed after the water meter.

Sec. 13-58. Required types of backflow prevention devices.

(a) In the case of any premises where there is an auxiliary water supply as stated in preceding paragraphs of this Article and it is not subject to any of the following rules, the Town's water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device.

(b) In the case of any premises where there is water or a substance that would be objectionable but not hazardous to health, if introduced into the public water system, the Town's water system shall be protected by an approved double check valve assembly.

© In the case of any premises where there is any material dangerous to health which is handled in such a fashion as to create an actual or potential hazard to the Town's water system, the water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device. Examples of premises where these conditions will exist include sewage treatment plants, sewage pumping stations, chemical manufacturing plants, hospitals, mortuaries and plating plants.

(d) In the case of any premises where there are "uncontrolled" cross-connections, either actual or potential, the public water system shall be protected by an approved air-gap separation or an approved reduced pressure principle backflow prevention device at the service connection.

(e) In the case of any premises where, because of security requirements or other prohibitions or restrictions, it is impossible or impractical to make a complete in-plant cross-connection survey, the public water system shall be protected against backflow or back siphonage from the premises by the installation of a backflow prevention device in the service line. In this case, maximum protection will be required; that is, an approved reduced pressure principle backflow prevention device shall be installed in each service to the premises.

(f) The following guidelines relating to backflow prevention devices for irrigation systems shall apply:

(1) Atmospheric vacuum breakers shall be installed after the last control valve of each sprinkler circuit and at a minimum of six (6) inches above the highest irrigation circuits with heads that will not return any pressure in the circuit when the circuit control valve is closed.

(2) Pressure vacuum breakers shall be installed at the beginning of each irrigation circuit and at a minimum of twelve (12) inches above the highest irrigation head on the circuit. Individual irrigation circuits having quick coupling valves or other similar type heads that will permit pressure to be retained in the circuit shall have a pressure vacuum breaker installed as a minimum requirement for each circuit. Irrigation systems using the subsurface drip method shall have a pressure vacuum breaker on each circuit. A pressure vacuum breaker may not be installed where a double check valve assembly, reduced pressure principle backflow prevention device or air-gap separation is required.

(3) A double check valve assembly may be installed to serve multiple irrigation circuits in lieu of vacuum breakers on each individual irrigation circuit.

(4) Reduced pressure principal backflow device or air-gap separation shall be required before any piping network in which fertilizers, pesticides and other chemical or toxic contaminants are injected or siphoned into the irrigation system.

(g) Water systems for fighting fire, derived from a supply that cannot be approved as safe or potable for human use, shall be kept wholly separate from drinking water pipelines and equipment. In cases where the domestic water system is used for both drinking and fire-fighting purposes, approved backflow prevention devices shall be installed to protect such individual drinking water lines as are not used for fire-fighting purposes.

(h) The use of a Town fire hydrant shall only be done with the approval of the Director of Public Works. Any time water is taken out of a fire hydrant for the purpose of filling a tank or container, this will require the use of an air-gap or an approved reduced pressure principle backflow prevention device, which will be installed on the line connection to the fire hydrant.

Sec. 13-59. Standards for backflow prevention devices.

(a) Any backflow prevention device required herein shall be of a model and size approved by the Water Operator. The standards used for approval shall be those of the American Water Works Association (AWWA), the American Society of Sanitary Engineering and the Foundation of Cross-Connection Control and Hydraulic Research (FCC & HR) of the University of Southern California in their present form and as they subsequently may be amended from time to time.

(b) Those backflow prevention devices which are not subject to the approval of the laboratory listed in (a) above, i.e., in line dual checks, atmospheric vacuum breakers or hose bib vacuum breakers, shall have full approval by appropriate organizations such as the American Society of Sanitary Engineering, International Association of Plumbing and Mechanical Officials or Los Angeles Mechanical Laboratory.

Sec. 13-60. Water Utilities Enterprise.

The Board of Trustees hereby declares that pursuant to Section 37-45.1-101 *et seq.*, C.R.S., the Williamsburg Water Utilities Enterprise is a water activity enterprise receiving less than ten percent (10%) of its annual revenues and grants from other governmental entities and which is authorized to issue its own revenue bonds pursuant to applicable law.

Sec. 13-61. Williamsburg Water Utilities Enterprise.

The Board of Trustees hereby declares that pursuant to Section 37-45.1-101 *et seq.*, C.R.S., the Williamsburg Water Utilities Enterprise is a water activity enterprise receiving less than ten percent (10%) of its annual revenues and grants from other governmental entities. The Williamsburg Water Utilities Enterprise is authorized to issue bonds, notes, or other obligations payable from the revenues derived or to be derived from the System. The Board of Trustees may also authorize the issuance of such bonds, notes, or other obligations in accordance with the laws of the State of Colorado, and in so doing shall be deemed to be acting as both the Governing Body and the Board of Trustees.

Sec. 13-62. Governing Body of Water Utilities Enterprise.

The governing body of the Williamsburg Water Utilities Enterprise (the "Governing Body") shall be the Board of Trustees of the Town, and shall be subject to all of the applicable laws, rules, and regulations pertaining to the Board of Trustees. Whenever the Board of Trustees is in session, the Governing Body shall also be deemed to be in session. It shall not be necessary for the Governing Body to meet separately from the regular and special meetings of the Board of Trustees, nor shall it be necessary for the Governing Body to specifically announce or acknowledge that actions taken thereby are taken by the governing body of the Enterprise. The Governing Body may conduct its affairs in the same manner and subject to the same laws which apply to the Board of Trustees for the same or similar matters; provided that in accordance with §37-45.1-104(2), C.R.S., the Governing Body may authorize the issuance of bonds by adoption of a resolution.

Sec. 13-63. Enterprise Fees and Charges.

The Board of Trustees shall adopt by ordinance for and on behalf of the Williamsburg Water Utilities Enterprise the following rates, fees, and charges:

- a. minimum and sufficient water rates, fees and charges;

- b. plant investment fees; and other fees and charges as the Board of Trustees deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance, and extensions of the System.
- c. other fees and charges as the Board of Trustees deems necessary to cover the cost of inspection, testing fees for engineering design review, operations, maintenance, and extensions of the System.

Sec. 13-64. Enterprise Annual Budget.

The Board of Trustees shall adopt an annual budget for the Williamsburg Water Utilities Enterprise, separate from the Town's general fund budget.

Sec. 13-65. Water Revenue Fund Established.

There is hereby established a fund, to be known as the "Water Revenue Fund", in which shall be deposited all revenues from the various Water Operations. Revenues from the various Water Operations shall be accounted for separately under the Water Revenue Fund. All revenues related to the System, including but not limited to all rates, fees, credits and charges, ("System Revenues") shall be accounted for in the Water Revenue Fund as being revenues of the System. System Revenues shall be used: first to pay for the operation and maintenance expenses of the System; second to pay debt service; third to fund or replenish any required debt service or other reserve fund; fourth for the replacement of and additions to the system; and fifth for any other purpose approved by the Board of Trustees as the Governing Body of the Williamsburg Water Utilities Enterprise. All amounts on hand in such fund shall be invested by the Board of Trustees in investments proper for public funds.

The Williamsburg Water Utilities Enterprise may pledge all or any portion of the Water Revenue Fund, including revenues anticipated to be collected, to the payment of principal, interest, premium, if any, and reserves for revenue bonds or any other obligations lawfully issued or otherwise contracted for by the Williamsburg Water Utilities Enterprise for the payment or other financing of costs of the System, or for the purpose of refunding any obligations issued or otherwise contracted for such purpose.

Section 13-66:

A) Wells,

- a. When a water line borders the property line then no well is allowed and a town water tap must be purchased if one is available
- b. When a water line does not border the property line then the lot owner has the option to put the waterline in and attach a tap. Alternatively, the property owner may put in a well, if an application is submitted to, and accepted by, the Colorado Division of Water Recourses for a Residential Water Well Permit or a Domestic and Livestock Well
- c. When a water line borders the property and a water tap is available then pre-existing wells may not be used for household water.

B) Cisterns

a. Definition: For purposes of this ordinance a cistern is defined as a container with a capacity greater than 5 gallons used to hold water for use within a home. This does not include water storage that is an integral part of a motorhome or travel/camping trailer.

b. A cistern is allowed:

i. If the property has a well that is authorized for household water as noted in A) b. above

Or,

ii. If the property is 35 acres or more

c. A cistern is not allowed when a water line borders the property, whether or not a tap has been installed for the property.

d. A cistern, if allowed, must be buried underground

C) Application fee for a well, cistern, or well & cistern combination will be set by resolution

The penalty for this section is a minimum fine of \$100 for each of the first two (2) violations and \$300 for each additional violation. In addition unauthorized cisterns must be removed.

[{Ordinance 062018}](#)

Secs.13-67-13-68-80.Reserved.

ARTICLE III

Storm Drainage

Sec. 13-81. Purpose and intent.

The Board of Trustees hereby finds, determines and declares the necessity of providing storm water drainage facilities for the drainage and control of flood and surface waters within the Town, including areas to be subdivided and developed, in order that storm and surface waters may be properly drained and controlled, pollution may be reduced, the environment enhanced and the health, safety and welfare of the Town and its inhabitants may be safeguarded and protected.

Sec. 13-82. Owners of property to provide on-site drainage facilities as a condition of development.

In accordance with the assumptions of the Drainage Master Plan, the owners of property to be developed within the Town shall be required, as a condition of development, to provide at their sole expense, such on-site storm water drainage facilities as are required by the Plan and made necessary by the development. Such requirements shall include an obligation of owners of property to provide facilities necessary to convey storm water runoff to major drainage ways. Since the development of elevated land can increase the amount of storm water runoff from such land onto adjoining lands at lower elevations, the owner of elevated land has the legal duty to prevent such increased runoff from doing damage to other lands, which duty shall be deemed satisfied if adequate facilities are installed as required by this Section. Thus, in

determining under this Section what facilities a landowner shall be responsible for constructing, the amount of increased storm water runoff that will result from the development shall be taken into account.

Sec. 13-83.—13-100. Reserved.

ARTICLE IV Camping

Utility Accounts

Sec. 13-101. Delinquency fee.

(a) The Board of Trustees shall, from time to time, by ordinance, set a delinquency fee for municipal utility accounts.

(b) The delinquency fee shall be charged for each month in which a delinquency occurs. No charge shall be made on any account for the first delinquency, and said charge shall be assessed in the second month. Any account incurring a first month's delinquency for which no fee was charged shall thereafter be charged a monthly delinquency fee for each month in which a subsequent delinquency may occur.

© Any delinquency fees assessed hereunder shall become a lien upon the property and may be assessed against the property in accordance with the assessment provisions of this Code and the laws of the State.

(d) The assessment of delinquency fees as aforesaid shall be mandatory and shall in addition to any other remedies, including the termination of utility services, as may be authorized by this Code.

Secs. 13-102—13-120. Reserved.

Ordinance _1_ of 2022

An Ordinance replacing ARTICLE II CHAPTER 13 Section 13-31

Where As: There has been some issue and inconsistencies as to when to turn the water off and when to remove the tap due to nonpayment of water bill.

Therefore: Chapter 13 Article II Section 13-31 is completely replaced with the following

Sec. 13-31. Payment of water charges.

Definitions:

Due date – Due date is the 15th of each month or next business day if the 15th falls on a non-work day.

Late Fee – See Chapter 1 Article II Section 1-55

Payment Plan - A signed agreement to pay 50% of outstanding balance at the time of signing the agreement and 25% of outstanding balance within the next 30 days and the remaining outstanding balance within the next 60 days plus keeping future water bills paid in full.

Shutoff - The water will be shutoff and locked but the tap ~~is~~ not removed. A written notification that the tap will be removed in 90 days, if bill is not paid, must be provided to the owner of the property and residence of the property if different. This notice must include the financial implications if the tap is removed i.e. the full new tap fee will apply to have the tap reinstalled. Also the notice should include a copy of the Payment Plan Agreement.

1st month after due date

-- Amount owed, current bill plus Late Fee

2nd month after due date

-- Amount owed, 1st month bill including late fee plus 2nd month bill including late fee.

-- Action to be taken - Written notification of Shutoff if not paid in full by the first of the following month.

First of 3rd month

-- Action to be taken – Shutoff (see above)

3rd month after due date

-- Amount owed - 1st, 2nd, and 3rd months bills plus late fees.

4th month

-- Fees continue to be added to account. NOTE: Should not be any water usage.

5th month

-- Fees continue to be added to account. Send notification of tap removal in 30 days if not paid in full.

1st of 6th month

-- Remove tap. Notify the Town Board to determine what action to take to collect outstanding bill.

The shutoff and/or tap removal will be suspended at any time if a payment plan agreement is signed and payments are made as defined in the Payment Plan agreement. The water will be shutoff in 10 days if the payments are not kept up per the agreement. The tap will be removed in the time frame defined in this section.

Exceptions:

1) When the amount owed is greater than \$500: A written notification should be provide to the customer of water shutoff in 10 days and tap removed in 30 days if amount owed is not paid in 10 days. Shutoff and tap removal can be averted with a Payment Plan that is kept current.

2) The water customer may apply for a variance to deal with special circumstances.

3) The tap may be removed immediately, at the mayor's discretion, if evidence of any tampering of the tap.

BE IT ENACTED this _4_ Day of _January__ 2022

Jerald Farringer
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____ 2022 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

Original Text

All charges for the use of water as provided by this Code are due and payable at the Town Hall. All charges are due on the 10th day of the month following the billing cycle. Charges are delinquent and service is subject to termination on the 20th day of the month. Partial payments may be accepted at the sole discretion of the Town. A past due statement and notice of termination of service may be sent upon delinquency.

ORDINANCE 6 OF 2018
TOWN OF WILLIAMSBURG, COLORADO
WELLS AND CISTERNS

To insure the integrity of the Town's water system, the following is added to Chapter 13, Article II:
Add Section 13-66:

A) Wells,

- a. When a water line borders the property line then no well is allowed and a town water tap must be purchased if one is available
- b. When a water line does not border the property line then the lot owner has the option to put the waterline in and attach a tap. Alternatively, the property owner may put in a well, if an application is submitted to, and accepted by, the Colorado Division of Water Resources for a Residential Water Well Permit or a Domestic and Livestock Well
- c. When a water line borders the property and a water tap is available then pre-existing wells may not be used for household water.

B) Cisterns

- a. Definition: For purposes of this ordinance a cistern is defined as a container with a capacity greater than 5 gallons used to hold water for use within a home. This does not include water storage that is an integral part of a motorhome or travel/camping trailer.
- b. A cistern is allowed:
 - i. If the property has a well that is authorized for household water as noted in A) b. above

Or,

- ii. If the property is 35 acres or more
- c. A cistern is not allowed when a water line borders the property, whether or not a tap has been installed for the property.
- d. A cistern, if allowed, must be buried underground

C) Application fee for a well, cistern, or well & cistern combination will be set by resolution

The penalty for this section is a minimum fine of \$100 for each of the first two (2) violations and \$300 for each additional violation. In addition unauthorized cisterns must be removed.

ImageJerald Farringer, Mayor

ATTEST:

Lucinda Ricotta, Town Clerk

Image

A proved this 7th day of August, 2018

ORDINANCE 10 OF 2022
AN ORDINANCE AMENDING ARTICLE II SECTION 13-41 OF THE MUNICIPAL
CODE

Where As: Currently the Town of Williamsburg municipal code does not require a tracer wire for future location of water lines.

Therefore: Add Paragraph e to Section 13-41

Section 13-41. General regulations for water service lines.

e) A tracer wire to Town specifications must be installed from the structure being serviced through the meter location to the connection to the main service line.

BE IT ENACTED this Day of 2022

Jerald Farringer

Mayer

ATTEST:

Lucinda Ricotta

Town Clerk

Posted 2022 on the Public Notice boards located at:

Quincy & Iron Horse Road, Williamsburg, Colorado

Wilmont Road and Smith Gulch Road, Williamsburg, Colorado

1 John Street, Williamsburg, Colorado

CHAPTER 15

Annexations

ARTICLE I Annexation Procedures

<u>Section 15-1</u>	Purpose
<u>Section 15-2</u>	Responsibilities of applicant
<u>Section 15-3</u>	Preliminary steps
<u>Section 15-4</u>	Annexation impact report
<u>Section 15-5</u>	Consideration of annexation ordinance
<u>Section 15-6</u>	Final Submission
<u>Section 15-7-10</u>	Reserved

ARTICLE I

Annexation Procedures

Sec. 15-1. Purpose.

The purpose of this Chapter is to establish a procedure to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.

Sec. 15-2. Responsibilities of applicant.

In addition to other duties imposed upon all applicants by this Code and the Colorado Municipal Annexation Act of 1965, as amended, all applicants shall have the following responsibilities:

- (1) The applicant is responsible for having a representative at all meetings where the request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- (2) The applicant shall consult with the Planning and Zoning Committee to discuss any special conditions pertaining to the annexation and to obtain an annexation petition.

Sec. 15-3. Preliminary steps.

(a) Procedure. At least fifteen (15) days prior to the presentation of any annexation petition to the Board of Trustees, the applicant shall submit to the Town an original and Fifteen (15) copies of the annexation petition, the annexation fee, the master plan fee, a minimum of Fifteen (15) copies of the master plan and the annexation map and the appropriate number of copies of all required supportive information as set forth in this Section. Such annexation fee shall be established by ordinance of the Board of Trustees.

(1) The Planning and Zoning Committee shall review all documents submitted for completeness and accuracy. If all documents are complete and accurate, the Planning and Zoning Committee Department shall submit the annexation petition to the Town Clerk.

(2) The Town Clerk shall present the annexation petition and a resolution initiating annexation proceedings to the Board of Trustees who shall thereafter establish a date for a public hearing. Upon the establishment of a public hearing date, the Town Clerk shall give appropriate notice in accordance with the Colorado Municipal Annexation Act of 1965, as amended, and shall specifically direct copies of the annexation petition and the resolution initiating the annexation procedure by certified mail to the Clerk of the Board of County Commissioners and to the County Attorney of the county wherein the territory is located. Copies of the annexation petition and the resolution initiating the annexation procedure shall also be sent by certified mail to any school district or special district having territory within the annexed area. These copies shall be sent at least twenty-five (25) days prior to the public hearing.

(3) Upon acceptance of the annexation petition by the Board of Trustees, the Planning and Zoning Committee shall furnish to the following entities copies of the annexation map and the master plan. The Planning and Zoning Committee may submit copies of the annexation map and the master

plan to additional interested entities as determined by the Planning and Zoning Committee Department in its sole discretion. Such entities shall

be advised by the Planning and Zoning Committee of the scheduled hearing date and shall further be notified that any objections to the annexation and master plan must be submitted to the Town in writing no later than seven (7) days after receipt of the annexation map and master plan:

- a. Charter Communications.
- b. Atmos Company of Colorado.
- c. Town Engineer or designee.
- d. Florence Fire Protection District.
- e. Town Water.
- f. Colorado Department of Transportation.
- g. Black Hills Energy
- h. Fremont County RE-2 School District.

(4) The Planning and Zoning Committee shall submit the annexation map, master plan and zoning request to the Town Board. The Board shall review the annexation map, master plan and zoning request at a public hearing; and the Board of Trustees shall submit a written recommendation.

(a) Annexation map. All annexation maps shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twenty-four by thirty-six (24 x 36) inches. The annexation map shall contain the following information:

- The date of preparation, the scale and a symbol designating true north.
- The name of the annexation.
- The names, addresses, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the annexation map.
- The legal description (section, township, range).
- Distinction of the boundary that is contiguous to the Town and the length of same.
- Lot and block numbers if the area is already platted.
- Existing and proposed easements and rights-of-way.
- Existing and requested zoning and acreage of each requested zone.
- Ownership of all parcels within and adjacent to the annexation.

- Appropriate certification blocks as directed by the Planning and Zoning Committee Department.
- Vicinity map.
- Revisions block. An information block entitled "Revisions" shall be included on all annexation maps, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the annexation map.

(b) Master plan. The applicant shall submit to the Planning and Zoning Committee Department the master plan fee, as established by ordinance of the Board of Trustees, along with the requirements provided in Subsection (a) above. All master plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents one hundred (100) feet, and shall be on a reproducible medium with outer dimensions of twentyfour by thirty-six (24 x 36) inches. The master plan shall contain the following information:

- (1) The date of preparation, the scale and a symbol designating true north.
- (2) The name of the annexation.
- (3) The names, addresses, phone numbers and fax numbers of the applicant and the firm or person responsible for preparing the master plan.
- (4) Existing and proposed easements and rights-of-way.
- (5) On each land-use-specific section of the plan identify, if appropriate:
 - a. Projected acreage, minimum lot size and gross and net residential densities;
 - b. Projected acreage designated for parks, open space and other public and semi-public uses;
 - c. Projected acreage for industrial and commercial uses; and
 - d. All of these projected acreages must equal the total acreage of the parcel shown in the Land Use Legend in Subsection (6)d below.
- (6) Land Use Legend showing if appropriate:
 - a. Proposed gross and net residential densities;
 - b. Proposed acreage designated for each specific land use – parks, commercial, industrial, residential, other public and semi-public uses, streets, etc.;
 - c. Proposed zoning classifications; and
 - d. Total acreage of the parcel.
- (7) Existing watercourses with adequate easements for flood control.
- (8) Designation of all public sites to be reserved and dedicated.

- (9) Existing two-foot contours.
- (10) Appropriate certification blocks as directed by the Planning and Zoning Committee.
- (11) Vicinity map.
- (12) Revisions block. An information block entitled "Revisions" shall be included on all master plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the master plan.

(c) Supportive information. The following supportive information shall be submitted with the annexation map and master plan:

(1) A Town application form, provided by the Planning and Zoning Committee Department, with original signature of the property owner or the owner's authorized representative plus Fifteen (15) copies of application form. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Fifteen (15) copies of a Town general application overview form provided by the Planning and Zoning Committee .

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Three (3) copies of soils description and limitation.

(6) Three (3) copies of preliminary utility plan. Such utility plan shall include the size and location of all existing utility lines and facilities and the approximate size and location of all proposed utility lines and facilities. A table with estimates of peak hour and maximum day water and wastewater demands shall be included on the utility plan.

(7) Three (3) copies of preliminary drainage plan showing flow patterns, including off-site contributions; detention and retention areas; and discharge areas.

(8) One (1) paper copy of mailing addresses of all property owners within three hundred (300) feet of the annexation, one (1) copy of these mailing addresses on self-adhesive labels and a copy of the most recent zoning map (at a minimum scale of 1" = 400' without further reductions) indicating all such surrounding property owners, with each property being indexed with the list of mailing addresses.

(9) One (1) original copy of an affidavit concerning the amount and historical use of all water rights owned within the last three (3) years, and three (3) copies of such affidavit.

(10) Fifteen (15) copies of a statement on community need for proposed annexation and zoning.

(11) For all annexations in excess of ten (10) acres, the applicant shall obtain from the school district governing the area to be annexed a statement of the effect of the annexation upon the school district, including an estimate of the number of students generated by the proposed annexation and the capital construction required to educate such students. Fifteen (15) copies of the school district statement shall be included in the application materials.

Sec. 15-4. Annexation impact report.

- b. For all annexations in excess of ten (10) acres, the Town shall prepare an impact report regarding the proposed annexation no less than twenty-five (25) days before the date of the annexation hearing. One (1) copy of the impact report shall be filed with the Board of County Commissioners governing the area proposed to be annexed within five (5) days thereafter. The preparation and filing of the annexation impact report may be waived upon approval of the Board of County Commissioners governing the area proposed to be annexed.
- c. The annexation impact report shall include the following:
 - (1) A map or maps of the Town and adjacent territory showing the following information:
 - a. The present and proposed boundaries of the Town in the vicinity of the proposed annexation.
 - b. The present streets, major trunk water lines, sewer interceptors and outfalls, other utility lines and ditches and the proposed extension of such streets and utility lines in the vicinity of the proposed annexation.
 - c. The existing and proposed land use pattern in the areas to be annexed.
 - (2) A copy of any draft or final pre-annexation agreement, if available.
 - (3) A statement of the Town's plans for extending or providing for municipal services within the area to be annexed.
 - (4) A statement of the Town's plans for the financing of municipal services to be extended into the area to be annexed.
 - (5) A statement identifying all existing districts within the area to be annexed.
 - (6) A statement of the effect of the annexation upon the school district governing the area to be annexed, as is more fully set forth in Section 15-3(c)(11) of this Chapter.

Sec. 15-5. Consideration of annexation ordinance.

Upon the submission of documentation in accordance with this Chapter and upon compliance with the notice and hearing requirements as set forth in the Colorado Municipal Annexation Act of 1965, as amended, the Board of Trustees may consider the approval of an ordinance annexing the subject property to the Town. In the event the Board of Trustees considers and disapproves such ordinance, no similar request may be heard for a period of one (1) year from the date of denial.

Sec. 15-6. Final submission.

Upon final approval of the Board of Trustees, the applicant shall submit to the Planning and Zoning Committee four (4) translucent original Mylars of final annexation maps and one (1) translucent original Mylar of the master plan within ten (10) days of the effective date of the ordinance. ~~Reproduction~~ Mylars, dark colored or tinted Mylars and sepias will not be accepted. One (1) original of the maps, master plan, and the annexation ordinance shall be recorded by the Town with the Town Clerk. Three (3) originals of the maps and three (3) certified copy of the annexation ordinance shall be filed for recording with the Fremont County Clerk and Recorder.

Secs. 15-7--15-10. Reserved.

CHAPTER 16

Zoning

ARTICLE I Purpose

Section 16-1	Declaration of purpose
Section 16-2-10	Reserved

ARTICLE II Definitions and Usage

Section 16-11	Rules of construction of language
Section 16-12	Definitions
Section 16-13-20	Reserved

ARTICLE III Establishment of Districts

Section 16-21	Official Zoning is R1
Section 16-22-16-30	Reserved

ARTICLE IV Administration and Enforcement

Section 16-31	Zoning Committee
Section 16-32	Building permits
Section 16-33	Application for building permit
Section 16-34	Expiration of building permit
Section 16-35	Compliance with approved plans and applications
Section 16-36	Public hearings
Section 16-37	Building Repair
Section 16-38-50	Reserved

ARTICLE V Amendments

Section 16-51	Authority to amend
Section 16-52	Rezoning applications
Section 16-53	Protest of amendments
Section 16-54-60	Reserved

ARTICLE VI Board of Trustees and Variances

Section 16-61	Variances
Section 16-62	Variance procedure

Section 16-63	Conditions on granting variances
Section 16-64-80	Reserved

ARTICLE VII Conditional Use Grants

Section 16-81	Intent of conditional use grants
Section 16-82	Approval of conditional use grants
Section 16-83	Application to existing uses
Section 16-84	Termination of conditional uses
Section 16-85	Standards and requirements for conditional use grants
Section 16-86	Procedure for conditional use grants
Section 16-87-100	Reserved

ARTICLE VIII General Application of Regulations

Section 16-101	Compliance with regulations
Section 16-102	Structures other than buildings
Section 16-103	Accessory uses and structures
Section 16-104	Basic location regulations
Section 16-105	Legal nonconformity
Section 16-106-120	Reserved

ARTICLE IX Supplementary District Regulations

Section 16-121	Visibility at intersections
Section 16-122	Home occupations
Section 16-123	Building height regulations
Section 16-124-140	Reserved

ARTICLE X Application of Individual Lot Regulations

Section 16-141	General
Section 16-142	Use regulations
Section 16-143	Minimum lot size
Section 16-144	Density
Section 16-145	Building location
Section 16-146	Minimum exterior and interior standards
Section 16-147-160	Reserved

ARTICLE XI Single Family Residential SF-1 District

Section 16-161	Intent
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<u>Section 16-162</u>	Use Regulations
<u>Section 16-163</u>	Density
<u>Section 16-164</u>	Building location
<u>Section 16-165-180</u>	Reserved

ARTICLE XII Single Family Attached Residential SF-2 District

<u>Section 16-181</u>	Definition of Purpose
<u>Section 16-182-200</u>	Reserved

ARTICLE XIII Estate Residential Districts

<u>Section 16-201</u>	Definition of Purpose
<u>Section 16-202-220</u>	Reserved

ARTICLE XIV Multifamily Residential MF-1 District

<u>Section 16-221</u>	Definition of Purpose
<u>Section 16-222-240</u>	Reserved

ARTICLE XV High Density Multifamily Residential MF-2 District

<u>Section 16-241</u>	Definition of Purpose
<u>Section 16-242-260</u>	Reserved

ARTICLE XVI Neighborhood Commercial NC District

<u>Section 16-261</u>	Definition of Purpose
<u>Section 16-262-280</u>	Reserved

ARTICLE XVII Central Business CD District

<u>Section 16-281</u>	Definition of Purpose
<u>Section 16-282-320</u>	Reserved

ARTICLE XVIII Reserved

ARTICLE XIX Heavy Industrial I-H District

<u>Section 16-321</u>	Definition of Purpose
<u>Section 16-322-340</u>	Reserved

ARTICLE XX Limited Industrial I-L District

[Section 16-341](#) Definition of Purpose
[Section 16-342-360](#) Reserved

ARTICLE XXI Recreation and Open Space O District

[Section 16-361](#) Definition of Purpose
[Section 16-362-380](#) Reserved

ARTICLE XXII Planned Unit Development Regulations

[Section 16-381](#) Definition of Purpose
[Section 16-382-400](#) Reserved

ARTICLE XXIII Residential Mixed Use Development Regulations

[Section 16-401](#) Definition of Purpose
[Section 16-402-420](#) Reserved

ARTICLE XXIV Planned Mobile Home Park Development Regulations

[Section 16-421](#) Definition of Purpose
[Section 16-422-478](#) Reserved

ARTICLE XXV Vested Property Rights

Section 16- Reserved

ARTICLE XXVI Flood Damage Prevention

[Section 16-479](#) Colorado Floodplain Damage Prevention Ordinance
[Section 16-480-490](#) Reserved

ARTICLE XXVII Historic Preservation

[Section 16-491](#) Designation of landmarks and historic districts
[Section 16-492](#) Procedures for designating structures and districts for preservation
[Section 16-493](#) Criteria for designation
[Section 16-494](#) Revocation of designation
[Section 16-495](#) Amendment of designation
[Section 16-496](#) Landmark alteration certificate required
[Section 16-497](#) Construction on proposed landmark sites or in proposed districts

Section 16-498	Landmark alteration application and review
Section 16-499	Unsafe or dangerous conditions exempted
Section 16-500	Criteria for review of an alteration certificate
Section 16-501	Relocation criteria
Section 16-502	Exemptions from alteration certificate requirements
Section 16-503	Enforcement and penalties
Section 16-504-520	Reserved

ARTICLE XXVIII Adult Businesses

Section 16-521	Definition of Purpose
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ARTICLE I Purpose

Sec. 16-1.Declaration of purpose.

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. To these ends such regulations have been prepared in accordance with the Comprehensive Development Plan for the Town and are designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land and undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements; to conserve the value of buildings; to encourage the most appropriate use of land; and to otherwise provide for the growth of an orderly and viable community. For any Articles or deficient sections, the Florence Colorado Code 17 shall be used as the decision document.

Secs. 16-2--16-10. Reserved.

A

RTICLE II Definitions

and Usage

Sec. 16-11.Rules of construction of language.

For the purposes of this Chapter, words used herein shall be interpreted in accordance with the following rules:

- (1) The particular controls the general.

(2) In case of any difference of meaning or implication between the text of this Chapter and the heading of a section or subsection thereof, the text shall control.

(3) The word "shall" is mandatory unless the context clearly indicates the contrary. The word "may" is permissive.

(4) Words used in the present tense include the future unless the context clearly indicates the future tense.

(5) Words used in the singular number include the plural and words used in the plural number include the singular, unless the context clearly indicates the contrary.

Sec. 16-12. Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

Basement means that portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor is more than the vertical distance from normal grade to ceiling.

Building means any structure used, designed or intended for the roofed shelter, enclosure or protection of persons, animals or property.

Building, accessory means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use and which is not intended for human habitation.

Building elevation means the building wall, face or facade as measured to the predominant roofline. For the purpose of sign calculations, the building elevation shall be considered a two-dimensional flat surface as depicted in a site plan drawing, with each building typically having four (4) elevations, regardless of architectural features. The predominant roofline shall not include architectural elements or appurtenances such as clock towers or cupolas.

Building height means the vertical distance from ground level to the highest point of the roof surface.

Complete application means an application wherein all of the required information and submittal materials in the particulars required by this Code have been submitted to and received by the Town department or official specified in this Code, and the Zoning Committee of the Town or his or her designee has certified the application as complete.

Dwelling: A residence occupied by a single individual or family.

Dwelling, single-family attached means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance but not necessarily occupying a private lot, and sharing a common wall between adjoining dwelling units.

Dwelling, single-family detached means a residential structure designed to house a single-family unit with private outside entrance but without common walls between the dwelling units.

Dwelling unit means a housekeeping unit designed and used for occupancy by a single individual or a family containing cooking, living, sleeping and sanitary facilities and having a separate entrance.

Equivalent performance engineering basis means that, by using engineering calculations or testing, following commonly accepted engineering practices, all components and subsystems will perform to meet health, safety and functional requirements to the same extent as required single-family housing units.

Family means an individual living alone, or either of the following groups living together in a single dwelling unit and sharing common living, sleeping, cooking and eating facilities:

- a. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relationship, unless such number is otherwise specifically limited in this Code; or
- b. Any unrelated group of persons consisting of (i) not more than four (4) persons; or (ii) not more than two (2) unrelated adults and their related children, if any.
- c. This definition shall not include individuals living in small group living facilities as defined in this Code.

Front building corner of a principal structure. In residential zoning districts, screening devices not exceeding four (4) feet in height may be erected and extended from each of the front building corners of the principal structure into the front yard. See attached diagram See Ordinance 9 of 2013 for reference:

Home occupation means a gainful occupation conducted by members of a household within its place of residence and incidental to the residential use of the premises.

Individual sewage disposal system means any sewage disposal system serving no more than one (1) lot and approved and authorized by the Town, the State Department of Health, and any other appropriate state or local agency.

Kennel means any establishment wherein or whereon the business of boarding, training, selling or breeding dogs for sale is carried on, not, however, including veterinary hospitals, veterinary clinics, veterinary offices or pet shops. If the occupants of any dwelling unit harbor more than 4 or more dogs over the age of six (6) months, such occupants shall be deemed to be operating a kennel.

Lot means a single parcel of contiguous land occupied or intended to be occupied by such structures and uses as permitted under this Chapter, together with the open spaces required by this Chapter and abutting on a public street or officially approved way.

Lot area means the area of land bounded by lot lines, exclusive of land provided for public thoroughfare.

Lot lines means the lines bounding a lot as defined herein.

Manufactured home means a single-family dwelling which:

- a. Is partially or entirely manufactured in a factory;
- b. Is not less than 960 square feet of living space. For the purpose of this definition, a mobile home shall be considered a manufactured home.
- c. Is installed on an engineered permanent foundation:
- d. Has brick, wood, masonite or a cosmetically equivalent exterior siding and a pitched roof;
- e. Meets or exceeds on an equivalent performance engineering basis standards established by the Building Code of the Town.
- f. Constructed no earlier than fifteen (15) years prior to the current year.
- g. Is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974", 42 U.S.C. Section 5401, et seq., as amended.

Minor tenant means any use that (1) contains gross leasable area (GLA) equal to or less than five thousand (5,000) square feet and (2) if part of a multiple tenant building, the use is not the largest tenant, in terms of GLA, in the building that it occupies.

Mobile home means a single-family dwelling which: Is not less than 960 square feet of living space, and constructed no earlier than ten (10) years before the current date. For the purpose of this definition, a mobile home shall be considered a manufactured home. Is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401, et seq., as amended.

Motel means a building or series of buildings in which lodging is offered for compensation and which is distinguished from a hotel primarily by reason of providing direct independent access to and adjoining parking for each rental unit.

Nonconforming lot means a lot which does not conform to the lot size regulations of the district in which it is located.

Nonconforming structure means a structure which does not conform to the building location regulations of the district in which it is located.

Nonconforming use of land means a use of any land in a way which does not conform to the use, density or open space regulations of the district in which it is located.

Nonconforming use of structure means a use carried on within any building which does not conform to the use or density regulations of the district in which it is located.

Offset means the horizontal distance between any structure and a lot line, other than a street right-of-way line.

Open house means a temporary event intended to market or advertise the sale of the property at which the open house is located.

Open space, livable means open space on a building site, exclusive of space devoted to vehicular streets, drives and parking areas and including pedestrian ways, space for active and passive recreation and landscaping.

Outdoor recreational facilities means land and structures, along with accessory equipment, designed and utilized for leisure-time activities of a predominantly outdoor nature and of more specific purposes than passive park-like open areas and further classified as follows:

- a. *Public* - Facilities owned and operated by a governmental agency for limited or general public use.
- b. *Private commercial* - Facilities owned and operated by an individual or group for profit as a business, whether or not open to general public use.
- c. *Private group* - Facilities owned and operated by a group for the exclusive use of the members of such group and their guests and not for profit as a business.
- d. *Private residential* - Facilities owned by an individual, located on the same lot as or an adjoining lot to his or her residence and intended solely for the use of his or her family and guests.

Parapet means an extended wall or false building front above a roofline.

Parking lot means a group of off-street parking spaces which is designed to be used for the temporary parking of motor vehicles. As used in this Section, any such group of off-street parking spaces shall not include any part of any street or alley and shall not include any off-street storage areas for industrial uses which are (a) authorized by the Town through the site-planning process, and (b) shown on the site plan for the respective industrial development.

Planning Procedures Manual is the manual approved by the Board of Trustees.

Private lodge or club means a structure or grounds used for regular or periodical meetings or gatherings of a group of persons organized for a nonprofit purpose but not groups organized to render a service customarily carried on as a business.

Professional office means the office of a doctor, dentist, architect, engineer, lawyer or other similar recognized profession.

Retail store means a commercial establishment for the sale of material goods or commodities in relatively small quantities directly to the consumer.

Setback means the horizontal distance between any structure and the established street right-of-way line.

Sign, off-premises means a sign not directly related to the use of the premises on which such *off premises sign* is located.

Sign, regulatory traffic means traffic control and informational signage typically erected or required to be erected by government agencies such as the Town or the Colorado Department of Transportation.

Small group living facilities means state-licensed group homes for the developmentally disabled or mentally ill, nonprofit or owner-occupied group homes for the aged as defined in Section 31-23-303(2), C.R.S., wherein not more than eight (8) unrelated individuals are living together in a single dwelling unit with common access to and common use of all living and eating areas and all facilities for the preparation and serving of food within the dwelling unit. None of the residents of *small group living facilities* shall receive onsite medical or psychological treatment, therapy or counseling, but some or all of the residents may receive physical assistance with day-to-day living activities.

Street means a public or private right-of-way usually affording primary access to abutting property.

Street frontage means that portion of a legal lot which abuts a designated public or private street. For the purpose of overall development identification sign calculations, the *street frontage* shall be calculated as the *street frontage* that abuts a street classified as an arterial or collector adjacent to the property upon which the overall development is located.

Structure means a combination of materials other than natural terrain or plant growth, erected or constructed to form a shelter, enclosure, retainer, container, support, base, pavement or decoration. The word "structure" includes buildings.

Structure, principal means the structure on a lot in which the principal use is conducted (see *use, principal*).

Use, accessory means a use subordinate to and customarily incidental to the permitted principal use of the property or buildings and located upon the same lot as the principal use.

Use, legal nonconforming means a building or premises lawfully used or occupied at the time of the passage of this Chapter or amendments thereto, which use or occupancy does not conform to the regulations of this Chapter or the amendments thereto.

Use, permitted means the utilization of land by occupancy, activity, building or other structure which is specifically enumerated as permissible by the regulations of the zoning district in which said land is located.

Use, principal means the main or primary use of property or structures as permitted on such lot by the regulations of the district in which it is located.

Secs. 16-13--16-20. Reserved.

ARTICLE III

Establishment of Districts

Sec. 16-21. Official Zoning is R1

The official zoning of the Town is R1, single family residential.

Secs. 16-22--16-30. Reserved.

ARTICLE IV

Administration and Enforcement

Sec. 16-31. Zoning Committee.

- (a) The Zoning Committee designated by the Board of Trustees shall administer and enforce this Chapter. The Zoning Committee may be provided with the assistance of such other persons as the Board of Trustees may direct.
- (b) If the Zoning Committee shall find that any of the provisions of this Chapter are being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Zoning Committee shall order discontinuance of illegal use of land, buildings or structures, removal of illegal buildings or structures or of additions, alterations or structural changes thereto, or discontinuance of any illegal work being done; or take any other action authorized by this Code to ensure compliance with or prevent violation of its provisions.

Sec. 16-32. Building permits.

No building or other structure shall be erected, moved, added to, remodeled, repaired, structurally altered or any work accomplished or undertaken subject to the requirements of Chapter 18 without obtaining a permit therefore, issued by the by the Town Clerk. No building permit shall be issued except in conformity with the provisions of this Code, except after written order from the Board of Adjustment.

Sec. 16-33. Application for building permit.

- (a) All applications for building permits shall be submitted to the Town Clerk and reviewed by the Building Inspector to determine compliance with established building codes, zoning and lot setback requirements. Applications shall be accompanied by plans in duplicate, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any, and the location and dimensions of the proposed building or alterations. The application shall include such other information as lawfully may be required , including existing or proposed building or alterations; existing or proposed uses of the building and land; the number of families or dwelling units the building is

designed to accommodate; conditions existing on the lot; and such matters as may be necessary to determine conformance with and provide for the enforcement of this Chapter.

(b) In addition to 16.33 (a), All applications for building permits, that require a variance from established building codes, zoning or lot setback requirements, shall reviewed by the Planning and Zoning Committee. The application shall include such other information as lawfully may be required, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families or dwelling units the building is designed to accommodate; conditions existing on the lot and such matters as may be necessary in order for the Planning and Zoning Committee to determine conformance with and provide for the enforcement of this Chapter and to provide a recommendation for or against acceptance of the variance to the Town Board.

(c) One (1) copy of the plans shall be returned to the applicant by the Town Clerk after the plans have been marked either as approved or disapproved and attested to same by his or her signature on such copy. The second copy of the plans, similarly marked, shall be retained in Town Hall.

Sec. 16-34. Expiration of building permit.

(a) If the work described in any building permit has not begun within ninety (90) days from the date of issuance thereof, said permit shall expire.

(b) If the work described in any building permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire.

(c) No repair in the amount of one thousand five hundred dollars (\$1,500) or less shall require a permit.

Sec. 16-35. Compliance with approved plans and applications.

Building permits issued on the basis of plans and applications approved by the Zoning Committee authorize

only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Use, arrangement or construction at variance with that authorized shall be deemed a violation of this Code.

Sec. 16-36. Public hearings.

- (a) No regulation, restriction or boundary of this Chapter shall become effective, nor shall any such regulation, restriction or boundary be amended until after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard.
- (b) Upon the filing of an application, petition or other document, the designated hearing authority shall set a date for a public hearing, which date shall be not more than sixty (60) days from the date of filing such petition, application or document.
- (c) Not less than fifteen (15) days prior to the date set for the hearing, the Board of Trustees shall cause a notice stating the time, place and purpose of such hearing to be published once in a newspaper in general circulation in the County of Fremont. When the hearing involves a proposed change in the zoning district

classification of any property or the granting of a conditional use, a notice stating the time, place and purpose of such hearing shall be posted in the vicinity of such proposed change or conditional use.

Section 16-37 Building Repair:

No repair in the amount of one thousand five hundred dollars (\$1,500) or less shall require a permit. Failure to obtain a permit for actions listed in 16-32 will result in the following:

First offense: Property owner and/or contractor will be issued a warning and work will be suspended until the required permit is obtained.

Second offense for the same type of violation: The property owner and/or contractor will be issued a ticket in the amount of \$50 plus court cost and all work will be suspended until ticket is paid and permit obtained. Any contractor involved shall receive a written advisement that any additional violations will result in their being added to a "watch" list for adherence to permit requirements.

Third violation of the same type: The fine will be \$100 plus court costs. Each violation after the third will result in a fine of 10% of the project cost plus court costs per violation. Any contractor involved after the third violation will not be allowed to perform work within the Town of Williamsburg.

Secs. 16-38—16-50. Reserved.

ARTICLE V

Amendments

Sec. 16-51. Authority to amend.

The Board of Trustees may amend, supplement, change or repeal the regulations, restrictions and district boundaries set forth in this Chapter, after public notice and hearing as provided in Section 16-36 and after first submitting the proposal to the Zoning Committee for report and recommendation. The Zoning Committee shall submit a written recommendation to the Board of Trustees within forty-five (45) days after receipt of such submittal. Upon failure of the Zoning Committee to submit a recommendation within forty five (45) days, the Board of Trustees may amend, supplement, change or repeal the regulations, restrictions and district boundaries set forth in this Chapter, after public notice and hearing as provided in Section 16-36.

Sec. 16-52. Rezoning applications.

(a) Purpose. The purpose of this Section is to provide a procedure for changing the existing zone classification of a parcel of land within the Town.

(b) Responsibilities of applicant.

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

(2) The applicant shall meet with the Zoning Committee to obtain a rezoning petition and to discuss the requirements of rezoning.

(c) Preliminary submission to Zoning Committee.

(1) Procedure. The applicant shall submit to the Planning Committee the rezoning petition, the review fee as established by ordinance of the Board of Trustees, a minimum of twenty (20) folded copies of the preliminary rezoning map and the required supportive information. Such submission shall allow the Zoning Committee to schedule consideration of the rezoning proposal by the Zoning Committee.

a. Upon the filing of the preliminary rezoning map, the applicant or the applicant's representative shall distribute copies of the preliminary rezoning map to the appropriate agencies and offices listed in Section 17-74(a)(1). The map shall be accompanied by written notice to the agencies and offices that any comments or objections must be received by the Zoning Committee within ten (10) days of receipt of the notice. It shall be the responsibility of the applicant or the applicant's representative to provide evidence in a form sufficient to the Zoning Committee that the rezoning map and accompanying notice were properly distributed.

b. The Zoning Committee shall submit the rezoning petition, rezoning map and the required supportive information to the Board of Trustees. The Zoning Committee shall give notice and hold a public hearing on the request as provided in Section 16-36. The Zoning Committee shall submit a written recommendation to the Board of Trustees within the time limit fixed by Section 16-51.

(2) Preliminary rezoning map and data. All rezoning maps shall be made with an engineer's scale, minimum scales to be one (1) inch represents two hundred (200) feet, shall be on one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale and a symbol designating true north.

b. A legal description of the area proposed for rezoning, including total acreage.

c. Each ownership within and adjacent to the property.

d. Existing and proposed zone classification.

e. The location and dimensions of all existing and proposed easements and rights-of-way.

f. A description of all developed on-site property, including its use and total acreage. g. Vicinity

map.

(3) Supportive information. The following supportive information shall be submitted with the rezoning map:

a. Complete rezoning petition.

b. List of names and mailing addresses of owners of all property within one thousand (1000) feet of the area for which rezoning is requested.

c. A statement regarding the justification for rezoning.

(d) Final submission to Board of Trustees.

(1) Procedure. The applicant shall submit to the Zoning Committee a minimum of fifteen (15) folded copies of the final rezoning map a minimum of fifteen (15) days prior to a regularly scheduled meeting of the Board of Trustees.

a. The Board of Trustees shall give notice and hold a public hearing on the rezoning request as provided in Section 16-36.

b. If the rezoning request is approved, the ordinance effecting the rezoning shall become effective thirty (30) days after publication. The Official Zoning Map of the Town shall be changed only upon the approval of the Board of Trustees, in accordance with Section 16-22 of this Chapter.

(2) Final rezoning map. The final rezoning map shall conform to the preliminary rezoning map as approved. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final rezoning map.

(3) Upon final approval of the Board of Trustees, the applicant shall submit to the Zoning Committee either two (2) translucent original Mylars of final rezoning maps to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylars of final rezoning maps to be recorded in the office of the Fremont County Clerk and Recorder within ten (10) days of the effective date of the ordinance. Reproduction Mylars, dark colored or tinted Mylars and sepias will not be accepted.

Sec. 16-53. Protest of amendments.

In case of a protest against a proposed change, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change or of those immediately adjacent in the rear thereof extending one hundred (100) feet there from or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

Secs. 16-54--16-60. Reserved.

ARTICLE VI

Board of Trustees and Variances

Sec. 16-61. Variances.

(a) The Board of Trustees is empowered to grant variances from the regulations and provisions of this Chapter.

(b) A variance, if granted, will constitute a change in the zoning provisions of this Chapter as distinct from a conditional use grant which allows for inclusion within the zones established by this Chapter certain anticipated uses of a unique nature or character justified by temporary conditions. Variances may be considered where, due to special conditions, a literal enforcement of the provisions of this Chapter would result in unnecessary hardship. Variances will not be granted contrary to the public interest and will only be considered when the spirit of this Chapter can be observed and public safety and welfare secured.

Sec. 16-62. Variance procedure.

(a) Application. An application for a variance shall be submitted to the Town Clerk in writing, together with the required application fee.

(b) Determination by Board of Adjustment. The Board of Trustees shall give notice and hold a public hearing on all variance applications in accordance with Section 16-36 of this Code. The Board of Trustees shall consider the application for variance at a public meeting.

Sec. 16-63. Conditions on granting variances.

In granting any variance, the Board of Trustees impose such conditions and requirements with respect to location, construction, maintenance and operation in addition to any which may be stipulated by this Chapter as deemed necessary for the protection of the adjacent properties and the public interest and welfare. Violation of such conditions and requirements, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code.

Secs. 16-64--16-80. Reserved.

ARTICLE VII

Conditional Use Grants

Sec. 16-81. Intent of conditional use grants.

The conditional use classification is intended to provide the inclusion within a district of uses of such unique nature or character or uses which are so dependent upon specific contemporary conditions that predetermination of permissibility by right, or the detailing within the chapter of specific standards, requirements or conditions necessary or appropriate to such permissibility, is not practical, but which may be permitted in the district where listed, subject to conditions and requirements as hereinafter specified.

Sec. 16-82. Approval of conditional use grants.

Subject to final approval and acceptance by the Board of Trustees, uses listed as conditional uses may be permitted upon a petition to the Zoning Committee for a conditional use grant and subject to approval by the Commission. The Zoning Committee shall base its determination on general considerations as to the effect of such permit on the health, safety, welfare and economic prosperity of the Town and specifically on

the effect of such use upon the immediate neighborhood in which it would be located, including the considerations listed in Section 16-85 below.

Sec. 16-83. Application to existing uses.

A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only upon approval of a conditional use grant shall automatically be granted conditional use status. In such cases, the grant of conditional use status shall be based upon the existing conditions at that time, and any expansion or change in use shall require changing of the conditional use grant. Petition may be made at any time for expansion or other change of the conditional use grant, and such petition shall not prejudice the existing grant as herein authorized.

Sec. 16-84. Termination of conditional uses.

Where a permitted conditional use does not continue in conformity with the conditions of the original approval or where a use is no longer compatible with the surrounding area, the conditional use grant may be terminated by the Board of Trustees upon referral to the Zoning Committee and public hearing thereon. Such use shall thereafter be classified as a legal nonconforming use; except that, where the action is due to failure to comply with the conditions of the conditional use grant, the Board of Trustees may require complete termination of the use.

Sec. 16-85. Standards and requirements for conditional use grants.

- (a) Approval of a conditional use grant shall be based on the evaluation of such factors as the following:
- (1) The character and quality of the area in which the use will be located.
 - (2) The physical appearance of the use, including suitability of architectural and landscaping treatment.
 - (3) Appropriate location of the building or buildings on the lot.
 - (4) Adequate provision of parking, loading and circulation facilities.
 - (5) Potential effect of the use upon off-site vehicular and pedestrian traffic circulation, with particular reference to potential traffic congestion.
 - (6) Potential effect of the use on storm drainage in the area.
 - (7) Adequacy of planting screens where necessary.
 - (8) Provision of operational controls where necessary to avoid hazardous conditions or eliminate potential air or water pollutants or other noxious influences.
 - (9) The general compatibility of the proposed use with the area in which it is to be located.
- (b) Conformity with regulations. Except as may be specifically otherwise provided, any conditional use shall conform to the lot size, building location, building size, open space and height limitation regulations of the district in which it is located.

- (c) Accessory uses. Uses and structures accessory to a principal conditional use shall be subject to appropriate regulations in the same manner as herein set forth for the principal conditional use.

Sec. 16-86. Procedure for conditional use grants.

- (a) Filing. A petition for a conditional use grant shall be submitted in writing and filed with the Town Clerk, who shall promptly refer such petition to the Zoning Committee. Such petition shall be accompanied by building site and operational plans and by such other data and information as necessary for proper evaluation of the request.
- (b) Hearing. The Zoning Committee shall conduct a study and investigation of the petition and shall give public notice and hold a public hearing thereon as provided in Section 16-36.
- (c) Decision. Following public hearing the Zoning Committee shall make a determination and set forth its decision in writing, indicating conditions of approval or if the petition is disapproved, indicating the reasons for disapproval. The determination of the Zoning Committee shall be transmitted forthwith in writing to the Board of Trustees, which shall, at the next regular meeting, finally approve or disapprove the decision of the Zoning Committee.
- (d) Recording. When a conditional use grant is approved, such approval shall be appropriately noted on building permits and zoning certificates.

Secs. 16-87--16-100. Reserved.

ARTICLE VIII

General Application of Regulations

Sec. 16-101. Compliance with regulations.

Within the Town, the use of any land, the size and placement of lots, the use, location and type of structure thereon and the provision of open spaces shall be in compliance with the regulations established herein and made applicable to the district or districts in which such land or structure is located.

Sec. 16-102. Structures other than buildings.

- (a) Structures less than six (6) inches in height. Structures not classified as buildings and less than six (6) inches in height from the surface of the ground shall not be subject to the setback, offset, building size or open space requirements of this Chapter, except as may be specifically otherwise provided.
- (b) Structures six (6) inches or more in height. Structures not classified as buildings and six (6) inches or more in height from the surface of the ground shall be subject to the setback, offset, height limitation and open space requirements of this Chapter, except as may be specifically otherwise provided.

Sec. 16-103. Accessory uses and structures.

(a) General. Any accessory use or structure shall conform to the applicable regulations of the Town in which it is located, except as specifically provided.

(b) Permanent structures.

(1) Outdoor lighting installations shall not be permitted closer than three (3) feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed fifteen (15) feet in height and shall be adequately shielded or hooded so that no excessive glare or illumination is cast upon the adjoining properties.

(2) With the exception of the restrictions and limitations hereinafter set forth, fences, walls and other architectural screening devices, not in excess of six (6) feet in height, shall be permitted on lots within the Town.

a. No fences, walls or other solid architectural screening devices, including, but not limited to, wooden or vinyl fences, and continuous hedge rows and other natural or artificial barriers in excess of four (4) feet in height, shall be permitted in the front yard of any residential zoning district in the Town.

b. Chain link fences shall be permitted in the yard of any residence in the Town.

c. No man-made structure of any type over four (4) feet in height is allowed between the front building corners of the residence and any road way, with the following conditions: natural vegetation, and decorative items are allowed. Not allowed include, but not limited to, are structures of any type or material without an approved permit, machinery (except mowers and other normal yard equipment), fencing made of material not normally used, such as, but not limited to, pallets, metal sheeting, plastic or fiberglass panels. Structures existing prior to adoption of this ordinance are grandfathered in. Any modification to an existing structure after adoption will require compliance with this ordinance.

[{Ordinance 012021}](#)

c. In the event screening devices in excess of six (6) feet in height are permitted under the provisions of this Code, all such screening devices shall conform to all setbacks, offset and height requirements of the zoning district in which such screening devices are permitted.

d. Accessory buildings which are not any larger than one hundred twenty (120) square feet in area, as measured around the perimeter of the building, and do not exceed eight (8) feet in height, as measured as the vertical distance from the ground level adjacent to the structure to the highest point of the roof surface, shall be permitted without a building permit. Accessory buildings which have dimensions in excess of either or both of these requirements shall conform to the location requirements of the zoning district in which the building is located and shall be required to have a building permit. However, no accessory building, regardless of its size, shall be located any closer to the front property line than the rear corners of the principal building, that is, accessory buildings are only allowed in rear yards. Additionally, all accessory buildings shall also conform to the visibility requirements of Section 16-121 of this Chapter and the open space requirements of the zoning district in which the building is located.

[{Ordinance 092018}](#)

e. No fencing is allowed within any road right-of-way.

(c) Barbed wire and electrical fences. It shall be lawful to erect or maintain, in the Town, a fence equipped with or having barbed wire, spikes or any similar device or any electric charge sufficient to cause shock.

unless otherwise prohibited by the Town Board.

(d) For the purposes of this subsection, "accessory buildings" shall include all structures placed on the property, including all structures that have wheels and which may be moved on and off of the property. "Accessory buildings" includes all mobile homes not intended for primary habitation, buildings that exceed specifications listed in 16-103(b)(2)(d) whether the item was built for human habitation or not. Prior to placement of the accessory buildings on any property, the Town of Williamsburg must be notified. Notification does not require a permit. All other permit procedures remain in effect.

Sec. 16-104. Basic location regulations.

(a) Building must be on a lot. Every building hereafter erected, structurally altered or relocated shall be placed on a lot as herein defined.

(b) Only one (1) residence structure shall be permitted on a lot.

Sec. 16-105. Legal nonconformity.

The existing lawful use of a building or premises at the time of the enactment of this Chapter or any amendment applicable thereto which is not in conformity with the provisions established by this Chapter may be continued in the manner and for the purposes then existent, subject to the conditions hereinafter stated. For the purpose of administration, such nonconformity shall be classified and regulated as follows:

(1) Nonconforming structure.

a. No such structure shall be expanded or enlarged except in conformity with the regulations of the district in which it is located.

b. When such structure is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored except in conformity with the regulations of the district in which it is located.

(2) Nonconforming use of structures.

a. No such use shall be expanded or enlarged.

b. Upon petition to and approval by the Zoning Committee, such use may be changed to another use, provided that the Zoning Committee determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.

- c. Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three (3) year period, any future use of the structure shall conform to the regulations of the district in which it is located.
- d. Where the structure in which such use is carried on is damaged to the extent of more than fifty percent (50%) of its current local assessed value, it shall not be restored for use except in conformity with the regulations of the district in which it is located.
- e. Structural repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed fifty percent (50%) of the local assessed value of the structure at the time the use became nonconforming.

(3) Nonconforming lots.

- a. No building permit shall be issued except in conformity with Article IV of this Chapter.
- b. The size and shape of such lot shall not be altered in any way so as to increase the degree of nonconformity, except with the approval of the Zoning Committee.

(4) Nonconforming use of land.

- a. No such use shall be expanded or enlarged.
- b. Upon petition to and approval by the Zoning Committee, such use may be changed to another use, provided that the Zoning Committee determines that the new use would result in greater or no less degree of conformity, and provided further that such new use shall thereafter determine the degree of legal nonconformity.
- c. Where any such use is discontinued for a period of twelve (12) consecutive or eighteen (18) accumulative months during any three (3) year period, any future use of the land shall conform to the regulations of the district in which it is located.

Secs. 16-106--16-120. Reserved.

ARTICLE IX

Supplementary District Regulations

Sec. 16-121. Visibility at intersections.

No substantial impediment to visibility between the heights of three (3) and eight (8) feet shall be created or maintained 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 forty (40) feet along both intersecting edges and then along a transverse line connecting these points.

Sec. 16-122. Home occupations.

(a) Home occupations shall be permitted as an accessory use of any dwelling unit in any Single Family Residential property, whether or not authorized as a named accessory use by this Code, if the following conditions are met and continuously exist:

- (1) No more than one (1) home occupation shall be allowed as an accessory use of any dwelling
- (2) All persons carrying on the occupation must be regular inhabitants of the dwelling unit and the home occupation shall not employ other than those inhabitants for any purpose.
- (3) Such use shall be incidental and secondary to the residential purposes of the dwelling unit and the occupational activity shall be harmonious with the residential use.
- (4) The total area used for such purposes shall not exceed three hundred (300) square feet of the dwelling unit.
- (5) There shall be no advertising display or other indications of home occupation on the premises.
- (6) Merchandise shall not be sold or displayed for sale at the dwelling unit.
- (7) There shall be no offensive noise, vibration, smoke, dust, odor, heat or glare noticeable at or beyond the property line which would not exist but for the home occupation.
- (8) In the event the home occupation involves tutoring or instruction, no more than two students may be present at the dwelling unit at any one (1) time.
- (9) In the event the home occupation involves child care, the number of children cared for at the dwelling unit at any one (1) time shall be limited to the lawful number permitted by the rules and regulations for day care homes then in effect and issued by the Department of Social Services of the State. The home occupation of child care shall be exempt from the square footage conditions as set forth in Subsection (a)(4) hereof.
- (10) Such use may not adversely affect traffic flow and parking in the surrounding residential area.

(b) Home occupation by conditional use grant.

- (1) All uses not in compliance with all of the conditions set forth in Subsection (a) hereof but located within a Single-Family Residential Zoning District shall require a conditional use grant as set forth in Article VII of this Chapter.
- (2) All uses in compliance with all of the conditions set forth in Subsection (a) hereof but located in Residential Zoning Districts other than Single-Family Residential Zoning Districts shall require a conditional use grant as set forth in Article VII of this Chapter.
- (3) No home occupation shall be allowed in other than Residential Zoning Districts.

(c) Registration of Home Occupations. All persons engaged in home occupations shall register said occupations with the Town Clerk. Registration shall be required whether the home occupation is

allowed by right under Subsection (a) hereof or by conditional use grant under Subsection (b) hereof. The registration shall include the name and address of the persons conducting the home occupation and a description of said occupation. In the event the home occupation is allowed by right under Subsection (a) hereof, the registration shall include a statement that the home occupation complies and will continue to comply with the conditions set forth in Subsection (a) hereof. In the event the home occupation is by conditional use grant, the registration shall similarly require a statement of continuing compliance as to all conditions set forth in Subsection (a) hereof, with the exception of those conditions from which an exemption by conditional use grant has been allowed. There shall be no fee for the registration set forth herein.

- (d) All home occupations lawfully in existence at the time of the adoption of this Section shall be allowed to continue at their present levels of activity and in their present form; and, if hereafter changed, those home occupations must conform to the requirements of this Section.

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Sec. 16-123. Building height regulations.

- (a) Intent. The following regulations are intended to preserve the comprehensive development plan of the Town, create a desirable architectural effect, contribute to fire safety and, generally, to promote a desirable community environment.
- (b) General regulations. The following regulations shall apply to all buildings and structures within the boundaries of the Town:
 - (1) In zones classified as Residential and Estate Residential, no building or structure shall exceed a maximum height of twenty-five (25) feet from the top of the foundation.
- (c) Prohibited signs.
 - (1) No sign shall be erected on the roof of any building.
 - (2) No sign shall be illuminated by or contain flashing, intermittent rotating or moving light or lights. The only exception shall be signs which provide a legitimate public service, such as the giving of time and temperature.
 - (3) No sign or part thereof shall contain or consist of strings of lights, ribbons, streamers, spinners or similar moving, fluttering or revolving devices. Inflatable signs such as blimps, animals, inflatable representations of a product for sale and other inflatable devices shall also be prohibited. Such devices shall not be used for the purposes of advertising or attracting attention.
 - (4) Searchlights, whether stationary or revolving, beacons or other similar devices used for the purposes of advertising or attracting attention shall be prohibited.
 - (5) Unpainted signs, broken signs and signs on vacated buildings shall be removed from the premises or repaired or renovated by the owners of the premises on order of the code enforcement officer.

- (6) No sign shall obscure vision or views of the natural landscape or the larger urban area along arterial and collector streets and roads, nor shall any such sign be distracting to motorists.
- (7) No sign shall be erected at the intersection of any street or road in such manner as to obstruct clear vision, nor shall any sign be erected at a location where, by reason of its position, shape or color, it may interfere with, obstruct the view of or be confused with any traffic sign, signal or control device.
- (8) Off-premises signs. No outdoor advertising sign, billboard or other advertising media not directly related to the use of the premises on which it is located shall be permitted in any RE-1 except as a conditional use in such districts as are hereinafter provided. Any off-premises sign permitted as a conditional use shall be in harmony with the spirit and intent of these regulations. Temporary signs advertising open houses shall be allowed in accordance with Subsection 16126(g)(10) below.
- (9) Signs pertaining to special events which refer to particular periods or points of time, such as garage sales, shall not be erected any sooner than the day before the event and shall be completely removed no later than two (2) hours after the end of the event.
- (10) Pole-mounted signs are prohibited.
- (11) No sign shall be mounted to or otherwise applied to trees or other landscaping, regulatory traffic signage, utility and light poles or other similar structures, and shall not be located within road rights-of-way or private street easements.

(d) Residential district signs.

No sign shall be erected or maintained in the Single-Family Residential SF-1, Single-Family Attached Residential SF-2, Estate E-1 or E-2, Multifamily Residential MF-1, High-Density Multifamily Residential MF-2, Recreation and Open Space zoning district or a residential component of a Residential Mixed Use RMU zoning district (Commercial and industrial uses within a Residential Mixed Use RMU zoning district as approved by the Town shall comply with the applicable commercial and industrial district sign regulations) except in conformity with the following regulations:

- (1) A sign identifying the property or the name of the owner or occupant of property, provided that such sign is not in excess of two (2) square feet in area and provided further that not more than one (1) such sign is erected on any single lot or parcel.
- (2) Signs pertaining to the lease or sale of the property on which they are located or of any building thereon, provided that such signs do not exceed six (6) square feet in area per side and further provided that no more than two (2) such signs are located on any single lot or parcel.
- (3) Signs identifying any of the following uses in a residential district shall be allowed, subject to a maximum sign area of twenty-four (24) square feet and, further, not more than one (1) such sign per street frontage shall be erected on any single lot or parcel, not to exceed a total of two (2) such signs. Such freestanding signs identifying the following uses shall not exceed six (6) feet in height and shall be located in accordance with the offset and setback requirements of this Section:
 - a. Public or private school.
 - b. Church.

c. Nursing or rest home.

d. Public Park

Secs. 16-124--16-140. Reserved.

ARTICLE X

Application of Individual Lot Regulations

Sec. 16-141. General.

The regulations set by this Chapter within each district shall be held to be minimum requirements and shall apply to each class or kind of structure or land, except as hereinafter provided.

Sec. 16-142. Use regulations.

No structure or land shall be used and no structure shall be hereafter erected, structurally altered or relocated except for a use as permitted in compliance with the regulations hereinafter established for the district in which it is located.

Sec. 16-143. Minimum lot size.

No building shall be erected on a lot of less size than hereinafter specified by the regulations of the Town of Williamsburg in which such building is located.

Sec. 16-144. Density.

(a) Method. In single-family residential development, the density is established by the minimum required lot size.

Sec. 16-145. Building location.

(a) Setback.

(1) No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to the base setback line than the minimum setback distance hereinafter specified by the regulations of the Town.

(2) The only structures permitted within such setback area shall be necessary highway and traffic signs, public utility lines, fences, screens and mailboxes.

(b) Offsets. No building shall hereafter be erected, structurally altered or relocated so that any portion thereof is closer to any lot line than the offset distance hereinafter specified by the regulations for the Town: except as follows:

(c) Maintenance and use of setback and offset areas.

(1) All setback and offset areas which are not fully contained within and concealed by a solid fence, wall or other similar screening device shall be landscaped and kept clean and free from the accumulation of debris and refuse and shall not be used for the storage or display of equipment, products, vehicles or any other material, except as may be specifically otherwise permitted under this Chapter; and

(2) In addition to the requirements outlined in subparagraph (1) above and regardless of whether or not any such setback or offset area is fully contained within and concealed by a solid fence, wall or other similar screening device, a clear, open passageway no less than five (5) feet wide.

Sec. 16-146. Minimum exterior and interior standards.

All single-family, **constructed after adoption of these codes**, detached dwellings shall meet the UBC building code.

(1) All dwellings shall be set on and attached to a permanent recessed foundation and shall include a crawl space.

(2) The pitch of the roof shall be not less than three (3) inches of rise for each one (1) foot of horizontal run.

(3) Roofing materials shall be asphalt shingles or the equivalent.

(4) All dwellings shall face the public street.

(5) The exterior finish of all dwellings shall be of brick, wood, masonite or a cosmetically equivalent finish and shall be of acceptable similarity to the surrounding residential dwellings.

Secs. 16-147--16-160. Reserved.

ARTICLE XI

Single-Family Residential SF-1 Zone

Sec. 16-161. Intent.

The Single-Family Residential SF-1 Zone is intended to provide for the development of single-family dwellings with a full complement of accessory uses. It is intended that such development be served by institutional uses and community facilities compatible with the character of the Zone.

Sec. 16-162. Use regulations.

A building or lot may be used for the following uses and no other:

(1) Principle uses permitted by right.

a. All single-family detached dwellings including manufactured homes which otherwise meet the minimum standards set forth in Section 16-147.

b. Public parks and recreation areas.

(2) Permitted accessory uses.

a. Private garages, carports and paved parking areas.

b. Private residential and private group outdoor recreational facilities, including, by way of example but not of limitation, swimming pools and tennis courts.

c. Home occupations, subject to the provisions of Section 16-122.

d. Service buildings and facilities normally incidental to the use of a public park or recreation area.

e. Any other structure or use clearly incidental to and commonly associated with the operation of a principal use permitted by right.

Sec. 16-163. Density.

~~Any subdivision of property shall consist of lots no less than one (1) acre.~~

[{Ordinance ??2020}](#)

Sec. 16-164. Building location.

Minimum setback shall be twenty (20) feet. Minimum offset shall be five (5) feet.

Secs. 16-165--16-180. Reserved.

ARTICLE XII

Single-Family Attached Residential SF-2 Zone

Sec. 16-181. Definition of Purpose:

The Single-Family Attached Residential SF-2 District is intended to provide for residential development of single-family attached dwellings of the duplex or townhouse type where all dwelling units have ground

level occupancy and private entrances at relatively low density and where such development would be compatible with surrounding residential uses.

Secs. 16-182-16-200. Reserved.

ARTICLE XIII

Estate Residential Districts

Sec. 16-201. Definition of Purpose:

The Estate Residential E-2 District (E-2 District) is intended to provide for single-family residential subdivision development which utilizes public water and sewer services and provides for such development to be served by community facilities which are compatible with the District, while at the same time providing for the maximum usage of topographic features to promote a balance of residential zoning, open space features and a semi-rural environment which will utilize urban-level services and improvements which are required in the Single-Family Residential District.

Sec. 16-202-16-220 Reserved.

ARTICLE XIV

Multifamily Residential MF-1 District

Sec. 16-221. Definition of Purpose:

The Multifamily Residential MF-1 District is intended to provide for residential development of multifamily dwellings in areas where such development would be compatible with surrounding uses and where such intensive use would not create service problems.

Sec. 16-222-16-240 Reserved.

ARTICLE XV

High-Density Multifamily Residential MF-2 District

Sec. 16-241. Definition of Purpose.

The High-Density Multifamily Residential MF-2 District is intended to provide for more intensive development of multifamily residential district in areas where such development would be compatible with surrounding areas and where such intensive use would not create service problems.

Sec. 16-242-16-260 Reserved.

ARTICLE XVI

Neighborhood Commercial NC District

Sec. 16-261. Definition of Purpose.

The Neighborhood Commercial NC District is intended to provide for appropriately located groups of retail stores and service establishments serving the daily needs of a local neighborhood and of such character, scale, appearance and operation as to be compatible with the character of the surrounding residential areas.

Sec. 16-262-16-280 Reserved.

ARTICLE XVII

Central Business CB District

Sec. 16-281. Definition of Purpose.

The Central Business CB District is intended to provide for the development of a concentration of commercial, office, recreational, cultural, entertainment and governmental facilities serving as a center of community activity. It is the further intent of this district to conserve and enhance the existing central business area for the benefit of the community as a whole.

Sec. 16-282-16-320 Reserved.

ARTICLE XVIII RESERVED

ARTICLE XIX

Heavy Industrial I-H District

Sec. 16-321. Definition of Purpose.

The Heavy Industrial I-H District is intended to identify and preserve land suitable for heavy industrial use and to provide for the orderly grouping of such uses in an appropriate setting. The further intent of this district to establish such regulatory controls as are deemed necessary to promote a harmonious relationship between heavy industrial uses and the community at large.

Sec. 16-322-16-340 Reserved.

ARTICLE XX

Limited Industrial I-L District

Sec. 16-341. Definition of Purpose.

The Limited Industrial I-L District is intended to identify and preserve land suitable for limited industrial use and to provide for the orderly grouping of such uses in an appropriate setting. The intent of this district is to establish such regulatory controls as are deemed necessary to promote a harmonious relationship between limited industrial uses and the community at large.

Sec. 16-342-16-360 Reserved.

ARTICLE XXI

Recreation and Open Space O District

Sec. 16-361. Definition of Purpose.

The Recreation and Open Space O District is intended to preserve land for recreational uses and public and private open space. Residential development of such areas would be subject to rezoning. However, residential subdivisions could encompass open space areas if the open space within such developments was planned to overlay the previous Recreation and Open Space.

Sec. 16-362-16-380 Reserved.

ARTICLE XXII

Planned Unit Development Regulations

Sec. 16-381. Definition of Purpose.

(a) The planned unit development (hereinafter called PUD) provisions contained herein are intended to provide for the planning and development of substantial tracts of land, suitable in location and character for the uses proposed, as unified and integrated entities in accordance with detailed development plans.

(b) Such planned unit developments are to be permitted as amendments to the Official Zoning District Map upon approval of a specific development proposal which complies with the requirements and standards set forth in this Chapter.

(c) The regulations contained herein, which are based on sound comprehensive planning principles, are adapted to unified planning and development and are intended to accomplish the purposes of public control to the same extent as do zoning and other regulations applicable to conventional lot-by-lot development, while simplifying, integrating and coordinating land development controls and providing necessary flexibility to encourage design innovation and creative community development.

(d) Specifically, the PUD provisions are intended to further the following objectives:

(1) To provide flexibility in land planning and development, resulting in amenable relationships between buildings and ancillary uses and permitting more intensive use of land where well-related open space and recreational facilities are integrated into the overall design.

(2) To encourage unity and diversity in land development, resulting in convenient and harmonious groupings of uses, structures and common facilities, varied type, design and layout of housing and other buildings and appropriate relationships of open spaces to intended uses and structures.

(3) To encourage unified and planned development of a site without customary subdivision into single lots and without specific application of the district regulations as provided for individual lots, subject to the regulations set forth herein.

(4) To provide for and encourage the preservation and enhancement of desirable natural landscape and other features unique to a development site.

(5) To provide reasonable standards and criteria by which the specific proposals for a PUD can be evaluated.

(6) To provide a procedure which can relate the design and layout of unified residential, commercial or industrial developments to the particular site and demand for such development in a manner consistent with the preservation of property values within established residential areas.

Sec. 16-382-16-400 Reserved.

ARTICLE XXIII

Residential Mixed Use Development Regulations

Sec. 16-401. Definition of Purpose.

The intent of the residential mixed use zoning district (hereinafter referred to as the RMU zoning district) is to (1) provide for the development of mixed land uses in areas designated as such on the Land Use Plan Map of the Williamsburg Comprehensive Plan; (2) encourage the creation of a desirable mix of residential dwelling classifications which are compatible with, complimentary to and located on the same parcel as common recreational uses, open spaces and commercial and light industrial uses which are similar to those outlined below in Section 16-403; (3) provide for improved vehicular and pedestrian traffic circulation and access; and (4) facilitate land use arrangements which preserve desirable natural landscape features.

Sec. 16-402-16-420 Reserved.

ARTICLE XXIV

Planned Mobile Home Park Development Regulations

Sec. 16-421. Definition of Purpose.

The planned mobile home park development (hereinafter called PD-MHP) provision is intended to encourage the unified planning and development of permanent mobile home parks providing all facilities and amenities appropriate to the need of residents. It is the further intent to provide for the orderly grouping of mobile homes, accessory uses and common facilities within the park and to provide such regulatory controls as will assure a harmonious relationship between the mobile home park and adjoining residential uses.

Sec. 16-422-16-478 Reserved.

ARTICLE XXV

Vested Property Rights

Reserved

ARTICLE XXVI

Flood Damage Prevention

Sec 16-479 The Department of Natural Resources Colorado Water Conservation Boards "Colorado Floodplain Damage Prevention Ordinance" dated September 6,2011 is adopted in full.

Sec 16-480-16-490 Reserved.

ARTICLE XXVII

Historic Preservation

Sec. 16-491. Designation of landmarks and historic districts.

Pursuant to the procedures hereinafter set forth, the Board of Trustees may by ordinance make the following designations of landmarks and historic districts:

(1) Designate as a landmark an individual structure or other feature or an integrated group of structures and features on a single lot or site having a special historical or architectural value, and designate a landmark site for each landmark;

(2) Designate as an historic district an area containing a number of structures having a special historical or architectural value.

Each such designating ordinance shall include a description of the characteristics of the landmark or historic district which justify its designation and a description of the particular features that should be preserved, and shall include a legal description of the location and boundaries of the landmark site or historic district. Any such designation shall be in furtherance of and in conformance with the purposes and standards of this Article. The property included in any such designation shall be subject to the controls and standards set forth in this

Article.

Sec. 16-492. Procedures for designating structures and districts for preservation.

A nomination for designation may be made by any member of the Board of Trustees or by any citizen by filing an application with the Town. The Town Board, or his or her designee, shall contact the owner of such landmarks or property within a landmark district, outlining the reasons and effects of designation as a landmark and, if possible, shall secure the consent of the owner to such designation before the nomination is accepted for review.

(1) Board review with owner's consent. The Board of Trustees shall hold a public hearing on any proposal not more than sixty (60) days after the filing of an application for designation. The Board of Trustees shall review the application for conformance with the established criteria for designation.

Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after said hearing, the Board of Trustees shall either approve, modify and approve or disapprove the proposal.

(2) Board review without owner's consent. If the owner of the property nominated for designation does not consent to the review, the Board of Trustees shall hold a public hearing on the proposal not more than sixty (60) days after the filing of the application. Notice of time, date and place of such hearing, and a brief summary or explanation of the subject matter of the hearing, shall be given by at least one (1) publication in a newspaper of general circulation within the Town not less than fifteen (15) days prior to the date of the hearing. In addition, at least fifteen (15) days prior to the hearing date, the Town shall:

a. Post the property in the application so as to indicate that a landmark or historic district designation has been applied for; and

b. Mail written notice of the hearing to record owners, as reflected by the records of the county assessor, of all property included in the proposed designation. Failure to send notice by mail to any such property owner where the address of such owner is unknown and not a matter of public record shall not invalidate any proceedings in connection with the proposed designation.

The Board of Trustees shall review the application for conformance with the established criteria for designation. Within thirty (30) days after the conclusion of the public hearing, but in no event more than sixty (60) days after that date, the Board of Trustees shall either approve, modify and approve or disapprove the proposal. In this instance, approval shall require the affirmative vote of three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

Sec. 16-493. Criteria for designation.

The Board of Trustees shall consider the following criteria in reviewing nominations of properties for designation:

(1) Landmarks. Landmarks must be at least fifty (50) years old and meet one (1) or more of the criteria for architectural, social or geographic/environmental significance hereinafter described. A landmark could be exempt from the age standard if it is found to be exceptionally important in other significant criteria.

a. Historic sites shall meet one (1) or more of the following:

1. Architectural.

- a) Exemplifies specific elements of an architectural style or period.
- b) Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally.
- c) Demonstrates superior craftsmanship or high artistic value.
- d) Represents an innovation in construction, materials or design.
- e) Style is particularly associated with the Williamsburg area.
- f) Represents a built environment of a group of people in an era of history.
- g) Pattern or grouping of elements representing at least one (1) of the above criteria.
- h) Significant historic remodel.

2. Social.

- a) Site of historic event that had an effect upon society.
- b) Exemplifies cultural, political, economic or social heritage of the community.
- c) An association with a notable person or the work of a notable person.

3. Geographic/environmental.

- a) Enhances sense of identity of the community.
- b) An established and familiar natural setting or visual feature of the community.

b. Prehistoric and historic archaeological sites shall meet one (1) or more of the following:

1. Architectural.

- a) Exhibits distinctive characteristics of a type, period or manner of construction.
- b) A unique example of structure.

2. Social.

a) Potential to make an important contribution to the knowledge of the area's history or prehistory.

b) An association with an important event in the area's development.

c) An association with a notable person or work of a notable person.

d) A typical example/association with a particular ethnic group.

e) A unique example of an event in Colorado's history.

3. Geographic/environmental. Geographically or regionally

important.

Buried human remains will be handled in as culturally sensitive and appropriate manner as possible.

c. All properties will be evaluated for their physical integrity using the following criteria (a property need not meet all of the following criteria):

1. Shows character, interest or value as part of the development, heritage or cultural characteristics of the community, region, State or nation.
2. Retains original design features, materials and/or character.
3. Original location or same historic context after having been moved.
4. Has been accurately reconstructed or restored based on documentation.

(2) Districts.

a. For the purposes of this Section, a *district* is a geographically definable area including a concentration, linkage or continuity of subsurface sites, buildings, structures and/or objects. A district is related by a pattern of either physical elements or social activities. Significance is determined by applying criteria to the patterns and unifying elements. Nominations will not be considered unless the application contains written approval of sixty percent (60%) of the property owners within the district boundaries. Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historical development. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location and/or information potential.

b. District boundaries will be defined by visual changes, historical documentation of different associations or patterns of development or evidence of changes in site type or site density as established through testing or survey.

c. In addition to meeting at least one (1) of the criteria outlined in Subsections 1 through 4 below, the district must be at least fifty (50) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

d. Historic districts shall meet one (1) or more of the following criteria:

1. Architectural.

- a) Exemplifies specific elements of an architectural style or period.
- b) Example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally or locally.
- c) Demonstrates superior craftsmanship or high artistic value.
- d) Represents an innovation in construction, materials or design.

- e) Style particularly associated with the Williamsburg/Northern Colorado area.
- f) Represents a built environment of a group of people in an era of history.
- g) Pattern or grouping of elements representing at least one (1) of the above criteria.
- h) Significant historic remodel.

2. Social.

- a) Site of historic event that had an effect upon society.
- b) Exemplifies cultural, political, economic or social heritage of the community.
- c) An association with a notable person or the work of a notable person.

3. Geographic/environmental.

- a) Enhances sense of identity of the community.
- b) An established and familiar natural setting or visual feature of the community.

4. Archaeology/subsurface.

- a) Potential to make an important contribution to the area's history or prehistory.
- b) An association with an important event in the area's development.
- c) An association with a notable person or work of a notable person.
- d) Distinctive characteristics of a type, period or manner of construction.
- e) Geographical importance.
- f) A typical example/association with a particular ethnic group.
- g) A typical example/association with a local cultural or economic activity.
- h) A unique example of an event or structure.

Sec. 16-494. Revocation of designation.

- (a) If a building or special feature on a designated landmark site was lawfully removed or demolished, the owner may apply to the Board of Trustees for a revocation of the designation.
- (b) The Board of Trustees shall revoke a landmark designation upon determination that without the demolished building or feature the site as a whole no longer meets the purposes and standards for designation.

Sec. 16-495. Amendment of designation.

Designation of a landmark or historic district may be amended to add features or property to the site or district. Whenever a designation has been amended, the Town shall promptly notify the owners of the property included therein and shall record a copy of the amending ordinance with the County Clerk and Recorder.

Sec. 16-496. Landmark alteration certificate required.

- (a) No person shall carry out or permit to be carried out on a designated landmark site or in a designated historic district any new construction, alteration, removal or demolition of a building or other designated feature without first obtaining a landmark alteration certificate for the proposed work under this Section as well as any other permits required by this Code or other ordinances of the Town.

- (b) The Town shall maintain a current record of all designated landmark sites and historic districts and pending designations. If the Building Department receives an application for a permit to carry out any new construction, alteration, removal or demolition of a building or other designated feature on a landmark site or in an historic district or in an area for which designation proceedings are pending, the Building

Department shall promptly forward such application to the Town Board and the Board of Trustees.

Sec. 16-497. Construction on proposed landmark sites or in proposed districts.

No person shall receive a permit to construct, alter, remove or demolish any structure or other feature on a proposed landmark site or in a proposed historic district after the date an application has been filed to initiate the designation of such landmark site or district.

Sec. 16-498. Landmark alteration application and review.

- (a) An owner of property designated as a landmark or located in an historic district may apply for a landmark alteration certificate, including all information which the Zoning Committee determines is necessary to consider the application, including without limitation, plans and specifications showing the proposed exterior appearance, with texture, materials and architectural design and detail, and the names and addresses of the abutting property owners.
- (b) Upon receipt of an application for an alteration certificate, the Zoning Committee shall submit that application, together with a recommendation thereon, to the Board of Trustees for final approval.

Sec. 16-499. Unsafe or dangerous conditions exempted.

Nothing in this Section shall be construed to prevent any measures of construction, alteration, removal or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature or parts thereof where such condition is declared unsafe or dangerous by the Town and where the proposed measures have been declared necessary by the Town Board to correct the condition.

Sec. 16-500. Criteria for review of an alteration certificate.

(a) The Board of Trustees shall issue an alteration certificate for any proposed work on a designated historical site or district only if the Board of Trustees determines that the proposed work would not detrimentally alter, destroy or adversely affect any architectural or landscape feature which contributes to the original historical designation. The Board of Trustees must find a proposed development is visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass and height. When the subject site is an historic district, the Board of Trustees must also find that the proposed development is visually compatible with the development on adjacent properties. For purposes of this Section, the term *compatible* shall mean consistent with, harmonious with and/or enhances the mixture of complementary architectural styles, either of the architecture of an individual structure or the character of the surrounding structures.

(b) The Board of Trustees will use the following criteria to determine compatibility:

- (1) The effect upon the general historical and architectural character of the structure and property.

- (2) The architectural style, arrangement, texture and material used on the existing and proposed structures and their relation and compatibility with other structures.
- (3) The size of the structure, its setbacks, its site, location and the appropriateness thereof, when compared to existing structures and the site.
- (4) The compatibility of accessory structures and fences with the main structure on the site, and with other structures.
- (5) The effects of the proposed work in creating, changing, destroying or otherwise impacting the exterior architectural features of the structure upon which such work is done.
- (6) The condition of existing improvements and whether they are a hazard to public health and safety.
- (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the property.
- (8) Compliance with the Secretary of the Interior's Standards for Rehabilitation as listed below:
 - a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - c. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - e. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
 - f. Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
 - g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

h. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

1. New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. To protect the historic integrity of the property and its environment, the new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features.

2. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Sec. 16-501. Relocation criteria.

The Board of Trustees shall use the following criteria in considering alteration certificate applications for relocating a landmark, a structure on an historic site, a building or structure within an historic district, a structure onto a landmark site or a structure to property in an historic district:

(1) For consideration of the original site, the Board of Trustees will review for compliance with all of the following criteria:

- a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
- b. The contribution the structure makes to its present setting;
- c. Whether plans are specifically defined for the site to be vacated, and have been approved by the Town staff;
- d. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
- e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
- f. Whether a structural report submitted by a licensed structural engineer adequately demonstrates the soundness of the structure proposed for relocation.

(2) For consideration of the new location, the Board of Trustees will review for compliance with all of the following criteria:

- a. Whether the building or structure is compatible with its proposed site and adjacent properties, and if the receiving site is compatible in nature with the structure or structures proposed to be moved;
- b. The structure's architectural integrity and its consistency with the character of the neighborhood;

- c. Whether the relocation of the historic structure would diminish the integrity or character of the neighborhood of the receiving site; and
- d. If a relocation plan has been submitted and approved by the Town staff, including posting a bond, to ensure the safe relocation, preservation and repair (if required) of the structure, site preparation and infrastructure connections as described in this Code.

Sec. 16-502. Exemptions from alteration certificate requirements.

An applicant may request an exemption from the alteration certificate requirements set forth herein. The applicant must provide adequate documentation to establish qualification for one (1) of the following exemptions:

(1) Economic hardship exemption. Exemptions are granted only to the specific owner and use and are not transferable.

- a. For investment or income producing properties: the owner's inability to obtain a reasonable rate of return in its present condition or if rehabilitated.
- b. For non-income-producing properties consisting of owner occupied single-family dwellings and/or non-income-producing institutional properties not solely operating for profit: the owner's inability to convert the property to institutional use in its present condition or if rehabilitated.
- c. The consideration for economic hardship shall not include willful or negligent acts by the owner, purchase of the property for substantially more than the market value, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants or failure to provide normal tenant improvements.

(2) Undue hardship. An applicant requesting an exemption based on undue hardship must show that the application of the criteria creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

Sec. 16-503. Enforcement and penalties.

- (a) No person shall violate or permit to be violated any of the requirements of this Article or the terms of a landmark certificate.
- (b) Violations of this Article are punishable as is otherwise provided in this Code and, in addition, are subject to the following penalties:
 - (1) Alterations to a designated landmark or district without an approved landmark alteration certificate will result in a one-year moratorium on all building permits for the subject property; and
 - (2) Moving or demolishing a designated structure without an approved landmark alteration certificate will result in a five-year moratorium on all moving, demolition or building permits for the structure and for the property at the structure's original location.

Secs. 16-504--16-520. Reserved.

ARTICLE XXVIII

Adult Businesses

Sec. 16-521. Definition of Purpose.

The intent is to control the placement and allowed operation of an Adult Business. The City of Florence Colorado planning guidelines are adopted unless specific changes are made by the Williamsburg Board of Trustees

ORDINANCE 1 OF 2021 approved

AN ORDINANCE AMENDING ARTICLE VIII CHAPTER 16 OF THE MUNICIPAL CODE

Where As: Section 16-103 (2) a. sets the height restrictions for fences, walls and other architectural screening devices to four (4) feet in height and:

Where As: Section 16-103 (2) c. set screening devices not exceeding four (4) feet in height may be erected from the front building corners of the principal structure into the front yard and:

Where As: there may be confusion defining what a screening device is and:

Where As: any structure may or may not be considered a screening device:

Therefore: Section 16-103 (2) c. is modified to read:

No man-made structure of any type over four (4) feet in height is allowed between the front building corners of the residence and any road way, with the following conditions:

natural vegetation, and decorative items are allowed. Not allowed include, but not limited to, are structures of any type or material without an approved permit, machinery (except mowers and other normal yard equipment), fencing made of material not normally used, such as, but not limited to, pallets, metal sheeting, plastic or fiberglass panels.

Structures existing prior to adoption of this ordinance are grandfathered in. Any modification to an existing structure after adoption will require compliance with this ordinance.

BE IT ENACTED this 2nd day of March 2021

Forrest Borre
Mayor

ATTEST:

Lucinda Ricotta
Town Clerk

Posted _____, 2021 on the Public Notice boards located at:
Quincy & Iron Horse Road, Williamsburg, Colorado
Wilmont Road and Smith Gulch Road, Williamsburg, Colorado
1 John Street, Williamsburg, Colorado

Original Text

- a. In residential zoning districts, screening devices not exceeding four (4) feet in height may be erected from the front building corners of the principal structure into the front yard.

TOWN OF WILLIAMSBURG
ORDINANCE 9 OF SERIES 2018
ORDINANCE AMENDING THE MUNICIPAL CODE WITH RESPECT TO ACCESSORY
BUILDINGS

BE IT ORDAINED and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that the following section is hereby amended within the Town of Williamsburg Municipal Code:

The "Williamsburg Municipal Code" is amended by the addition thereto of the following language, which shall replace Chapter 16 Article VIII General Application of Regulations Section 16-103 (d) with:

Accessory buildings which are not any larger than one hundred twenty (120) square feet in area, as measured around the perimeter of the building, and do not exceed eight (8) feet in height, as measured as the vertical distance from the ground level adjacent to the structure to the highest point of the roof surface, shall be permitted without a building permit. Accessory buildings which have dimensions in excess of either or both of these requirements shall conform to the location requirements of the zoning district in which the building is located and shall be required to have a building permit. However, no accessory building, regardless of its size, shall be located any closer to the front property line than the rear corners of the principal building, that is, accessory buildings are only allowed in rear yards. Additionally, all accessory buildings shall also conform to the visibility requirements of Section 16-121 of this Chapter and the open space requirements of the zoning district in which the building is located.

BE IT ENACTED THIS 4th DAY OF DECEMBER 2018.

Image

Forrest Barre. Mayor

Image

ArrE

ucinda Ricotta, Town Clerk

Posted December 5, 2018 on the Public Notice Boards located at:

Quincy & Iron Horse Road, Wilmont Road and Smith Gulch Road.
and 1 John Street, Williamsburg, Colorado

Original Text

All permitted screening devices, of whatever kind or nature, shall conform to the visibility requirements of Section 16-121 of this Chapter.

ORDINANCE of 2020
TOWN OF WILLIAMSBURG
ORDINANCE REMOVING CHAPTER 16 SECTION 163

Whereas, The Town of Williamsburg Municipal Code, chapter 16 "Zoning", Article XI Single Family Residential SF-1 District, Section 163. Density. States "Any Subdivision of property shall consist of lots of no less than one (1) acre;

And, Whereas, The Town of Williamsburg Municipal Code, Chapter 17 "Subdivisions". Article VIII "Design Standards", Section 115 (a) "Lots, design standards" states "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, Whereas both 16-163 and 17-115 address the same subject;

And, Whereas 16-163 and 17-115 create an inconsistency in the Code as they both define different rules for the same subject;

And, Whereas it is desirable to remove inconsistencies from the Code by modifying the Williamsburg Municipal Code to establish conformity between chapters 16-163 and chapter 17-115.

BE IT ORDAINED and enacted by the Board of Trustees of the Town of Williamsburg, Colorado, a statutory municipality, that:

1. Section 16-163 of the Municipal Code is hereby deleted.

BE IT ENACTED this 7th day of July 2020.

Forrest Borre

Mayor

ATTEST

Lucinda Ricotta

Town Clerk

Posted ,2020 on the Public Notice Boards located at:

Quincy & Iron Horse Road, Williamsburg, Colorado

Wilmont Road and Smith Gulch Road, Williamsburg, Colorado,

1 John Street, Williamsburg, Colorado

CHAPTER 17

Subdivisions

ARTICLE I Purpose

Section 17-1	Intent
Section 17-2-10	Reserved

ARTICLE II Definitions

Section 17-11	Words and terms defined
Section 17-12-20	Reserved

ARTICLE III Applicability of Regulations

Section 17-21	Minimum requirements: applicability
Section 17-22	Territorial scope
Section 17-23-30	Reserved

ARTICLE IV Administration and Enforcement

Section 17-31	Major Subdivision Purpose
Section 17-32	Subdivision procedure
Section 17-33-50	Reserved
Section 17-51	Minor Subdivision Purpose
Section 17-52	Subdivision procedure
Section 17-53-60	Reserved

ARTICLE V Lot Line Adjustments

Section 17-61	Applicability
Section 17-62	Purpose
Section 17-63	Procedure
Section 17-64-70	Reserved

ARTICLE VI Site Plans

Section 17-71	Intent
Section 17-72	Purpose
Section 17-73	Responsibilities of applicant
Section 17-74	Preliminary site plan
Section 17-75	Final site plan

[Section 17-76-90](#) Reserved

ARTICLE VII Administrative Site Plan

[Section 17-91](#) Intent
[Section 17-92](#) Purpose
[Section 17-93](#) Administrative site plan review
[Section 17-94](#) Commercial site plan review
[Section 17-95](#) Intent and purpose
[Section 17-96](#) Site plan review - commercial
[Section 17-97-110](#) Reserved

ARTICLE VIII Design Standards

[Section 17-111](#) General Design considerations
[Section 17-112](#) Streets, design standards
[Section 17-113](#) Utility easements
[Section 17-114](#) Blocks, design standards
[Section 17-115](#) Lots, design standards
[Section 17-116-130](#) Reserved

ARTICLE IX Required Improvements

[Section 17-131](#) General regulations for subdivisions
[Section 17-132](#) Street improvements in subdivisions if required
[Section 17-133](#) Utilities improvements in subdivisions
[Section 17-134](#) Reference monuments in subdivisions
[Section 17-135](#) Maintenance of required improvements
[Section 17-136](#) Reservations of land
[Section 17-137-150](#) Reserved

ARTICLE X Variances and Modifications

[Section 17-151](#) Procedure
[Section 17-152](#) Guiding considerations
[Section 17-153](#) Conditions
[Section 17-154-230](#) Reserved

ARTICLE XI Road Impact Fee

[Section 17-231](#) Title, authority and application
[Section 17-232](#) Intent and purpose

Section 17-233	Level of service Standard (LOS)
Section 17-234	Definitions
Section 17-235	Imposition of fee
Section 17-236	Independent fee calculation study
Section 17-237	Credits
Section 17-238	Benefit area
Section 17-239	Refund of fees not spent
Section 17-240	Review every five (5) years
Section 17-241-250	Reserved

ARTICLE I

Purpose

Sec. 17-1.Intent.

The regulations contained in this Chapter shall be held to be minimum requirements enacted to promote the health, safety and general welfare of the Town. 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 arrangement of streets in relation to other existing or planned streets pursuant to the Comprehensive Development Plan; 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.

Secs. 17-2--17-10. Reserved.

ARTICLE II

Definitions

Sec. 17-11. Words and terms defined.

As used in this Chapter, the following terms shall have the meaning indicated:

- (1) *Block* means a parcel of land bounded on all sides by a street or streets.
- (2) *Comprehensive development plan* means 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 plan.
- (3) *Dedication* means 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.
- (4) *Easement* means a dedication of land for a specified use such as providing access for maintenance of utilities.
- (5) *Lot* means a parcel of land having its full frontage on a public street.

(6) *Plat* means a map, drawing or chart upon which the sub divider presents proposals for the physical development of a subdivision, and which he or she submits for approval and intends to record in final form.

(7) *Reservation* means a legal obligation to keep property free from development for a stated period of time not involving any transfer of property rights.

(8) *Right-of-way* means the width between property lines of a street.

(9) *Street* means a way for vehicular traffic, further classified and defined as follows:

- a. *Arterial streets*: Those which permit the relatively rapid and unimpeded movement of large volumes of traffic from one (1) part of the community to another.
- b. *Collector streets*: Those which collect traffic from minor streets and carry it to arterial streets or to local traffic generators, such as neighborhood shopping centers and schools. *Collector streets* include the principal entrance streets to a residential development, those linking such adjacent developments and those streets providing circulation within such developments.
- c. *Minor streets*: Those used primarily for direct access to properties abutting the right-of-way. *Minor streets* carry traffic having an origin or destination within the development and do not carry through traffic.

(10) *Sub divider*: means any person, individual, firm, partnership, association, corporation, estate, trust or any other group or combination acting as a unit, dividing or proposing to provide land so as to constitute a subdivision as herein defined, including the agent of the *sub divider*.

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

Secs. 17-12--17-20. Reserved.

ARTICLE III

Applicability of Regulations

Sec. 17-21. Minimum requirements; applicability.

In their interpretation and application, the provisions of this Chapter shall be regarded as minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare.

Sec. 17-22. Territorial scope.

The territory within which these regulations are applicable shall include all land located within the legal boundaries of the Town and all land located within three (3) miles of the corporate limits of the Town and not located in any other municipality for purposes of control with reference to the plan for major streets only.

Secs. 17-23—17-30. Reserved.

Major Subdivision

Sec. 17-31. Purpose.

The purposes of the major subdivision procedure are:

- (1) To divide or reconfigure a parcel or parcels of land into six (6) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
- (2) To divide a parcel of land which is zoned MF-1, MF-2, CB, NC, GC-PUD, I-H or I-L into two (2) or more parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership or building development.
- (3) To change an existing subdivision when the change involves rights-of-way or major easements.

Sec. 17-32. Subdivision procedure.

- (a) The sub divider is responsible for having a representative at all meetings where the subdivision request is reviewed. Failure to have a representative present will be cause to have the item withdrawn from the agenda of that meeting.
- (b) No major subdivision plat shall become effective until after a public hearing thereon, at which parties in interest and citizens shall have an opportunity to be heard.
- (c) Upon the filing of an application, petition or other document, the designated hearing authority shall set a date for a public hearing, which date shall be not more than sixty (60) days from the date of filing such petition, application or document.
- (d) Not less than fifteen (15) days prior to the date set for the hearing, the hearing authority shall cause a notice stating the time, place and purpose of such hearing to be posted on the property and published once in a newspaper in general circulation in the County.
- (e) Preliminary plat.

(1) Procedure. The sub divider shall submit to the Town Board a minimum of Ten (10) copies of the preliminary plat, along with a review fee set by ordinance of the Board of Trustees and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the preliminary plat by the Planning Committee.

a. Upon the filing of the preliminary plat, the applicant or applicant's representative shall distribute copies of the preliminary plat to the following agencies and offices for review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

1. Atmos of Colorado.

2. Cable Communications.
3. Florence Fire Protection District.
4. Charter Cable Services.
5. Black Hills Energy of Colorado
6. Fremont County RE-2 School District.

The preliminary plat shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final plat. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary plats and respective notices were distributed and received by the referral agencies in a timely manner.

- b. The sub divider shall meet with the Town Board to review the recommendations of the referral agencies.
- c. The preliminary plat and recommendations shall be reviewed by the Planning Committee as provided by planning policy.
- d. The Planning Committee shall either approve or disapprove the preliminary plat. If the preliminary plat is approved, it shall be valid for a period of one (1) year from the date of approval.

(2) Plats and data. All preliminary plats shall be made at a scale of either one (1) inch represents fifty (50) feet, with the exception of subdivisions which propose a minimum lot size of one (1) acre or greater which shall be made at a scale of one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

- a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.
- b. The proposed name of the subdivision.
- c. The legal description (section, township, range).
- d. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.
- e. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.
- f. The location and dimensions of all existing utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and the names of all such streets.

- g. The location and dimensions of all proposed utilities, streets, alleys, easements, rights-of-way and watercourses within and adjacent to the subdivision and names of all such streets, alleys, easements, rights-of-way and watercourses.
- h. The lot numbers, approximate dimensions and the total lots devoted to each zone district on the plat.
- i. The total acreage of the parcel with a designation of the specific acreage dedicated to each zone district included in the parcel, the acreage of streets, public areas and other uses.
- j. Designation of any area subject to flooding and adequate easements for flood control. k. Traffic control plan.

l. Vicinity map.

m. Revisions block. An information block entitled "Revisions" shall be included on all preliminary plats, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the preliminary plat.

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

- a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus Ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.
- b. Ten (10) copies of a Town general application overview form provided by the Town Board.
- c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.
- d. All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.
- e. Three (3) complete sets of preliminary utility drawings. Such utility drawings shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.
- f. Three (3) copies of traffic study prepared by a licensed engineer.
- g. Three (3) copies of traffic control plan prepared by a licensed engineer.
- h. One (1) copy of any proposed deed restrictions.

- i. Three (3) copies of soil types and limitations if not submitted when the area was annexed.
- j. Three (3) copies of description and location of any hazardous areas (i.e. floodplain, geological, topographic, etc.) on the subject property and proposed remedial features.
- k. Three (3) copies of preliminary drainage plan and report.
- l. Three (3) copies of topographical map with two-foot contour intervals.
- m. One (1) original and two (2) copies of preferred method of water rights dedication: total acreage, lot-by-lot or by phase.
- n. Five (5) copies of a landscaping plan for any public right-of-way adjacent to any arterial street.
- o. Five (5) copies of a written narrative description of special considerations requested by the developer including but not limited to:
 - 1. Phasing plan (also to include five [5] 24" x 36" phasing plan plats).
 - 2. Landscaping proposal for all areas other than and in addition to the landscaping plan required for arterial streets in Item No. (3)n. above (also to be delineated on all twenty [20] copies of preliminary plat).
 - 3. Infrastructure over sizing requirements.
 - 4. Park land dedication (also to be delineated on all ten [10] copies of preliminary plat).
 - 5. Design variations of required public improvements.
 - 6. Any variations to subdivision regulations proposed in accordance with the Planned Unit Development (PUD) overlay.
- p. At least one (1) copy of the preliminary plat shall be signed by the sub divider and included in the preliminary submittal to the Town Board.

1. Procedure. The sub divider shall submit to the Town Board a minimum of Ten (10) folded copies of the final plat and three (3) copies of the complete construction utility drawings, along with a fee set by resolution of the Board of Trustees and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the final plat by the Planning Committee.

- a. Upon receipt of the final plat, the applicant or the applicant's representative shall distribute copies thereof along with accompanying notices to the agencies and offices set forth in Section [17-32\(e\)](#) in a manner consistent with the requirements of that section.
- b. The sub divider shall meet with the Town Board to review the recommendations of the referral agencies and offices.

- c. The final plat and recommendations shall be reviewed by the Planning Committee as provided by planning policy.
- d. The Planning Committee shall either recommend approval, conditional approval or disapproval of the final plat and shall submit a written recommendation to the Board of Trustees.
- e. The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the applicant.
- f. The final plat, recommendation of the Planning Committee and memorandum of agreement shall be reviewed by the Board of Trustees as provided by planning policy, which shall either approve or disapprove the final plat or refer the same back to the Planning Committee for further study.
- g. Upon final approval of the Board of Trustees, the sub divider shall submit to the Town Board either two (2) translucent original Mylar's of final plats to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylar's of final plats to be recorded in the office of the Fremont County Clerk and Recorder and one (1) translucent original Mylar of complete construction utility drawings. Final plat Mylar's shall include signatures on the appropriate certification blocks as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted.
- h. The Town Clerk shall cause the approved final plat to be recorded in the office of the County Clerk and Recorder.

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

a. The final plat shall contain the following information:

1. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

2. The name of the subdivision.

3. The legal description (section, township, range).

4. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.

5. The names, addresses, phone numbers and fax numbers of the sub divider and the firms or persons responsible for preparing the plat.

6. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

7. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.

8. The location and physical description of all monuments.
9. Identification of each lot or site by a number and designation of the area of each lot in square feet.
10. Vicinity map.
11. Revisions block. An information block entitled "Revisions" shall be included on all final plats, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the final plat.

b. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final plat.

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

a. Three (3) sets of complete improvement plans prepared by a registered professional engineer at a scale no smaller than one (1) inch represents fifty (50) feet to include the following:

1. Complete street plans and profiles.
2. Complete storm drainage plans and profiles.
3. Complete sanitary sewer plans and profiles, and water main plans with grades and sizes indicated.
4. Complete over lot and final grading plans.

b. Three (3) copies of final drainage plan and report.

c. Three (3) copies of design soil test results and the corresponding location map.

d. One (1) copy of the final subdivision plat reduced to no larger than eleven by seventeen (11x17) inches on vellum or white bond paper.

e. One (1) copy of the final boundary closure calculations for the exterior boundary of the subdivision and for each individual lot prepared by a licensed civil engineer or land surveyor.

(4) Three (3) copies of the street lighting plan shall be reviewed and approved by the Town prior to construction of electrical utilities.

Secs. 17-33—17-50. Reserved.

ARTICLE V Minor Subdivision

Sec. 17-51. Purpose.

The purposes of the minor subdivision procedures are:

- (1) To divide a parcel of land which is zoned SF-1, SF-2, E-1, E-2, RMU or other zoning district where single-family dwelling units are a permitted use by right, into two (2) to five (5) parcels, sites or lots for the purpose, whether immediate or future, of transfer of ownership.
- (2) To establish lot lines for an area being site planned in zones other than SF-1, SF-2, E-1, E-2 or RMU when no rights-of-way or easements need to be dedicated.
- (3) To change lot lines in an existing subdivision where no new lots are being created, no utilities are being extended, no new easements or rights-of-way are necessary and all requirements of the Subdivision and Zoning Ordinances are maintained.

Sec. 17-52. Subdivision procedure.

(a) Initial submittal.

(1) Procedure. The sub divider shall consult with the Town Board in regard to the requirements of this Article and any special consideration pertaining to the site.

- a. The sub divider shall submit a review fee set by ordinance of the Board of Trustees, a minimum of ten (10) folded copies of the minor subdivision plat and all required supportive information as set forth in this Section to the Town Board.
- b. Upon the filing of the minor subdivision plat, the applicant or applicant's representative shall distribute copies of the minor subdivision plat to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):
 1. Black Hills Energy of Colorado.
 2. Atmos Energy
 3. Florence Fire Protection District.
 4. Charter Communications.
 5. Fremont County RE-2 School District.

The minor subdivision plat shall be accompanied by written notice to the agencies and the offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later

required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the minor subdivision plat. It shall be the responsibility of the applicant or applicant's representative to provide documentation to the Town Board confirming that the minor subdivision plats and respective notices were distributed and received by the referral agencies in a timely manner.

(2) Plats and data. All minor subdivision plats shall be made at a scale of either one (1) inch represents fifty (50) feet or one (1) inch represents one hundred (100) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

- a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.
- b. The proposed name of the subdivision.
- c. The legal description (section, township, range).
- d. The names, boundaries and zoning of adjacent subdivisions, streets and property owners.
- e. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.
- f. The location and dimensions of all existing utilities, waterways, rights-of-way, easements and streets within and adjacent to the subdivision and the names of all such streets and watercourses.
- g. The location and dimensions of all proposed utilities, watercourses, rights-of-way, easements and streets within and adjacent to the subdivision and names of all such streets and watercourses.
- h. The lot numbers, approximate dimensions and the total lots devoted to each zone district on the plat.
- i. The total acreage of the parcel with a designation of the specific acreage dedicated to each zone district included in the parcel, the acreage of streets, public areas and the other uses.
- j. The location and dimensions of all existing and proposed features on the site, including buildings, easements, rights-of-way and watercourses.
- k. Designation of any area subject to flooding and adequate easements for flood control. l. Traffic control plan. m.

Vicinity map.

- n. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
- o. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.

- p. The location and physical description of all monuments.
- q. Identification of each lot or site by a number and a designation of the area of each lot in square feet.
- r. Appropriate certification blocks, as provided in the Planning Procedures Manual.
- s. Revisions block. An information block entitled "Revisions" shall be included on all minor subdivision plats, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the minor subdivision plat.

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

- a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.
- b. Ten (10) copies of a Town general application overview form provided by the Town Board.
- c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.
- d. All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.
- e. Three (3) complete sets of utility drawings. Such utility drawings shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.
- f. Three (3) copies of topographical map with two-foot contour intervals.
- g. Three (3) sets of complete improvement plans prepared by a registered professional engineer at a scale no smaller than one (1) inch represents fifty (50) feet to include the following:
 - 1. Complete street plans and profiles.
 - 2. Complete storm drainage plans and profiles.
 - 3. Complete sanitary sewer plans and profiles, and water main plans with grades and sizes indicated.

4. Complete over lot and final grading plans.

h. Three (3) copies of the drainage plan and report.

i. Three (3) copies of design soil test results and a corresponding location map.

j. One (1) original and two (2) copies of preferred method of water rights dedication: total acreage, lot-by-lot or phase.

k. Five (5) copies of a landscaping plan for any public right-of-way adjacent to any arterial street.

l. Five (5) copies of a written narrative description of special considerations requested by the developer including but not limited to:

1. Phasing plan (also to include five [5] 24" x 36" phasing plan plats).
2. Landscaping proposal for all areas other than and in addition to the landscaping plan required for arterial streets in Item No. (3) (k)-above (also to be delineated on all ten [10] copies of minor subdivision plat).
3. Infrastructure oversizing requirements.
4. Park land dedication (also to be delineated on all ten [10] copies of minor subdivision plat).
5. Design variations of required public improvements.
6. Any variations to subdivision regulations proposed in accordance with the Planned Unit Development (PUD) overlay.

m. At least six (6) copies of the minor subdivision plat shall be signed by the sub divider and included in the submittal.

(b) Submittal of corrections and plat recording.

(1) The sub divider shall meet with the Town Board to review the recommendations of the referral agencies.

(2) The sub divider shall make any changes and corrections that may be required. Such changes and corrections shall be reviewed by the Town Board.

(3) The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the sub divider.

(4) The sub divider shall submit to the Town Board a minimum of four (4) copies of the corrected minor subdivision plat.

(5) Upon final staff approval the sub divider shall submit to the Town Board either two (2) translucent original Mylar's of minor subdivision plats to be recorded in the office of the Fremont County Clerk and Recorder or three (3) translucent original Mylar's of minor subdivision plats to be recorded in the office of the Fremont County Clerk and Recorder and one (1) translucent original Mylar of the complete construction utility drawings. The plat Mylar's shall include signatures as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted.

(6) The Town Clerk shall cause the approved final plat to be recorded in the office of the County Clerk and Recorder.

(7) Three (3) copies of the street lighting plan shall be reviewed and approved by the Town prior to construction of electrical utilities.

Secs. 17-53--17-60. Reserved.

ARTICLE V-A

Lot Line Adjustments

Sec. 17-61. Applicability.

(a) The lot line adjustment procedure as established herein shall apply only to existing, legally subdivided residential lots located in a zoning district wherein single-family dwelling units are designated as a use by right. The lot line adjustment procedure established hereby shall not be applicable where an adjustment would affect more than two (2) adjoining lots or would create a new lot or where such adjustment would cause either of two (2) adjoining lots or portions thereof to be located in different zoning districts.

(b) In addition to the procedural requirements hereinafter set forth, all lot line adjustments pursuant to this Section shall comply with all requirements of this Code including, but not limited to, building and fire codes and minimum lot size setback and offset requirements.

(c) No lot line adjustments pursuant to this Section shall have the effect of creating or relocating any easements or rights-of-way and shall not affect the extension of utilities.

Sec. 17-62. Purpose.

The purpose of the lot line adjustment procedure established herein shall be as follows:

(1) To allow the removal of a common property line between two (2) lots in order to create a single lot.

(2) To provide for minor adjustments to be made to lot lines, including:

- a. Adjusting a property line to coincide with the correction of a legal description.

- b. Adjusting a property line to coincide with the correction of a property survey.
- c. Adjusting a common property line for the purpose of transferring or conveying real property between adjoining landowners.

Sec. 17-63. Procedure.

(a) Initial determination.

- (1) An application shall be submitted to the Director of Planning requesting an initial determination of whether or not the property in question is subject to lot line adjustment pursuant to this Section. This application shall be completed in a form designated by the Director of Planning and shall contain sufficient information to allow the Director of Planning to make an initial determination as aforesaid. The Board of Trustees shall establish a fee for an initial determination, which may from time to time be modified by ordinance of the Board of Trustees.
- (2) A favorable determination of this application shall not vest any rights under this Section in the applicant, and any benefits afforded to the applicant under this Section shall be subject to and conditioned upon the applicant's submission of full and complete additional data as hereinafter required and compliance with all additional procedural requirements hereinafter set forth.
- (3) In the event an initial application is rejected, the applicant shall have a right of appeal to the Planning Committee pursuant to the provisions of the Code.

(b) Procedure upon acceptance. In the event a favorable determination is made by the Director of Planning pursuant to this Section, the applicant shall thereafter submit to the Town Board the following documentation:

(1) Ten (10) folded copies of the lot line adjustment plat. All plats shall be drawn to a minimum scale of one (1) inch representing fifty (50) feet and shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four (24) inches by thirty-six (36) inches and shall contain the following information:

a. The date of preparation, the scale, a notation stating the zoning of the property and a symbol designating true North.

b. The proposed name of the plat, which shall include the name of the subdivision in which the subject lots is located.

c. The legal description.

d. The names, addresses, phone numbers and fax numbers of the sub divider and firms or persons responsible for preparing the plat.

e. The location and dimensions of all existing utilities, watercourses, rights-of-way, easements and streets within and adjacent to the subject lots, and the names of all such streets and watercourses.

- f. Vicinity map.
- g. All bearings, distances, chords, radii, central angles and tangent lengths for all lots, blocks, perimeters, easements and rights-of-way.
- h. A complete description of primary control points to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- i. The location and physical description of all monuments.
- j. Identification of each of the lots by a number and a designation of the area of each of the lots in square feet.
- k. Appropriate certification blocks, as provided for in the Planning Procedures Manual.
- l. An information block entitled, "Revisions" shall be included on all lot line adjustment plats, and all such revisions blocks shall include entry blocks for (a) the date of each revision, (b) the initials of the person who made the revision, and (c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the lot line adjustment plat.

(2) Supportive documentation including:

- a. Ten (10) copies of a completed application on a form provided by the Town Board, together with any attachments that may be required by the Department. Said application shall be signed by the landowner.
- b. Ten (10) copies of a plot plan drawn to a minimum scale of one (1) inch representing thirty (30) feet, which shall be on a legal-size sheet with outer dimensions of fourteen (14) inches by eight and one-half (8½) inches and shall show the location and dimensions of all existing and proposed features on the site including, but not limited to, buildings and other structures, easements, rights-of-way and watercourses.

(c) Final approval.

- (1) Upon final approval, the sub divider shall submit to the Town Board two (2) lot line adjustment plats to be recorded in the office of the Fremont County Clerk of the lot line adjustment plat to be recorded in the office of the Fremont County Clerk and Recorder. The lot line adjustment plat shall include signatures as provided for in the certification block section of the Planning Procedures Manual.
- (2) Upon receipt of the plats as aforesaid, the Town Clerk shall cause the appropriate documents evidencing the approved lot line adjustment plat to be recorded in the office of the Fremont County Clerk and Recorder or the Fremont County Clerk and Recorder.

Secs. 17-64--17-70. Reserved.

ARTICLE VI

Site Plans

Sec. 17-71. Intent.

Each zoning district is primarily intended for a predominant type of land use with specific physical requirements which regulate structure size and placement on the site. A site plan or administrative site plan is used to review the impact of proposed land uses on the adjacent properties, neighborhood, street systems and existing and planned infrastructure, and to determine the need for additional dedication and design criteria. environmental impact upon the surrounding area or would have a major community land use impact.

Sec. 17-72. Purpose.

The purpose of the site plan procedure is to:

- (1) Develop land as a unit development.
- (2) To amend an approved site plan when the change involves additional land use, including but not limited to:
 - a. Additional buildings.
 - b. Outside storage and/or display.
 - c. Landscaping.
 - d. Parking.
 - e. Traffic flows.
 - f. A change from the originally approved use or intensity of such use, as determined by the Director of Planning.

Sec. 17-73. Responsibilities of applicant.

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

(b) The applicant shall consult with the Town Board for general information regarding requirements for site plans and any special considerations pertaining to the site.

Sec. 17-74. Preliminary site plan.

(a) Procedure. The applicant shall submit to the Town Board the review fee set by ordinance of the Board of Trustees, Ten (10) folded copies of the preliminary site plan and all required supportive information as set forth in this Section. Such submission shall allow the Town Board to schedule consideration of the proposal by the Planning Committee.

(1) Upon the filing of the preliminary site plan, the applicant or the applicant's representative shall distribute copies of the preliminary site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Company of Colorado.
- b. Atmos Energy
- c. Florence Fire Protection District.
- d. Charter Communications.
- e. Fremont County RE-2 School District.

The preliminary site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final site plan.

It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(2) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.

(3) The Town Board shall submit the preliminary site plan and recommendations of the referral agencies to the Planning Committee. The preliminary site plan and recommendations shall be reviewed by the Planning Committee as provided by planning policy.

(4) The Planning Committee shall approve, conditionally approve or disapprove the preliminary site plan. If the preliminary site plan is approved, it shall be valid for a period of one (1) year from the date of approval.

(b) Plans and data. All preliminary site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

- (1) The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.
- (2) The proposed name of the project.
- (3) The legal description (lot, block, subdivision, section, township, range).
- (4) The names, addresses, phone numbers and fax numbers of the applicant and the firms or persons responsible for preparing the site plan.
- (5) Adjacent street improvements, including rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use.
- (6) The location and dimensions of all existing and proposed on-site easements, rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use and facilities for water, sewer and storm drainage.

(7) The distances from proposed and existing structures to the property line.

(8) Building height.

(9) Vicinity map.

(10) Revisions block. An information block entitled "Revisions" shall be included on all preliminary site plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the preliminary site plan.

(c) Supportive information. The following supportive information shall be submitted with the preliminary site plan:

(1) A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus Ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Ten (10) copies of a Town general application overview form provided by the Town Board.

(3) One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).

(6) If the use is residential, the type of units and the number of each unit to be built shall be specified.

(7) Five (5) copies of a narrative description of all structures to be built on the site, including size, quantity, use and the number of units per structure.

(8) Three (3) copies of square footage and percentage of land devoted to:

a. Buildings, including amount of floor space for each floor. b. Parking.

c. Private drives.

d. Public streets.

e. Sidewalks and pathways.

f. Open space.

- (9) A block scale model within and adjacent to the site will be required for planned unit developments and for site plans having more than one (1) building of a height of thirty-five (35) feet or more, to show space relationship.
- (10) Three (3) copies of preliminary drainage plan and report.
- (11) Ten (10) copies of architectural elevations and specifications of all four (4) building elevations and all structures, signs and lighting to be included with the site plans.
- (12) Five (5) copies of architectural elevations of the site as it is to be developed.
- (13) Ten (10) copies of landscaping plans to be included with site plans.

Sec. 17-75. Final site plan.

- (a) Procedure. The applicant shall submit to the Town Board Ten (10) folded copies of the final site plan and all required supportive information as set forth in this Section, a minimum of twenty-one (21) days prior to a regularly scheduled meeting of the Planning Committee.

(1) Upon the filing of the final site plan, the applicant or applicant's representative shall distribute copies of the final site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

- a. Black Hills Company of Colorado.
- b. Atmos Energy.
- c. Florence Fire Protection District.
- d. Charter Communications.
- e. Fremont County RE-2 School District.

The final site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the final site plan. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

- (2) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.
- (3) The final site plan and recommendations shall be reviewed by the Planning Committee as provided by planning policy.
- (4) The Planning Committee shall either recommend approval, conditional approval or disapproval of the final site plan and shall submit a written recommendation to the Board of Trustees.
- (5) The Town Board shall prepare a memorandum of agreement for public improvements which shall be signed by the applicant.

- (6) The final site plan and recommendations of the Planning Committee shall be reviewed by the Board of Trustees as provided by planning policy. The Board of Trustees shall either approve the final site plan by resolution, disapprove it or refer the same back to the Planning Committee for further study.
- (7) Upon approval by the Board of Trustees, the applicant shall submit to the Town Board one (1) translucent original plat of the final site plan. The Mylar shall include signatures as provided in the Planning Procedures Manual.
- (8) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.
- (b) Plans and data. All final plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches, and shall conform to the preliminary site plan, as approved.

(1) The final site plan shall contain the following information, in addition to the information on the preliminary site plan:

a. The location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures, electric transformers, a complete submittal of all landscaping materials shown at mature sizes and the maintenance system for landscaping as per Williamsburg Landscaping Guidelines provided by the Town Board.

b. Vicinity map.

c. Revisions block. An information block entitled "Revisions" shall be included on all final site plans, and

all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the final site plan.

(2) Certification blocks. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the final site plan.

(c) Supportive information. The following supportive information shall be submitted with the final site plan:

(1) Two (2) copies of permits from the Colorado Department of Transportation for curb cuts on state highways. Such permits must be cosigned by the Town Engineer or designee.

(2) One (1) copy of a survey of the lot lines if they are not the same as originally platted.

(3) Three (3) complete sets of final utility plans. Such utility plans shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings are acceptable.

- (4) Three (3) copies of grading plan with site elevations and finished floor elevations.

Secs. 17-76--17-90. Reserved.

ARTICLE VII

Administrative Site Plan

Sec. 17-91. Intent

The intent of an administrative site plan is to ensure that the existing neighborhood character is preserved and/or enhanced and to minimize possible detrimental uses.

Sec. 17-92. Purpose.

The administrative site plan is required when any of the following situations exist:

(1) Nonresidential uses:

- a. Develop any nonresidential use for which site plan review by the Board of Trustees is not required.
- b. Redevelop existing nonresidential uses when the redevelopment results in one (1) of the following, but not limited to:
 - 1. Additional floor space
 - 2. Change in parking area.
 - 3. Change in pedestrian or vehicular circulation.
 - 4. Change in size or location of landscaping areas.
- c. Change in an approved administrative site plan when the change involves the conditions listed below or such other conditions which significantly change, modify or alter an approved administrative site plan:
 - 1. Building location or size.
 - 2. Parking area.
 - 3. Pedestrian or vehicular circulation.
 - 4. Size or location of landscaping areas.

(2) Residential uses.

- a. The conversion of a single-family use to a less restrictive use.
- b. The demolition or removal of a single-family use for purposes of constructing a less restrictive use.
- c. The addition of dwelling units to an existing multiple-family structure.

Sec. 17-93. Administrative site plan review.

(a) Procedure. The applicant shall consult with the Town Board for general information regarding requirements for site plans and any special considerations pertaining to the site.

(1) The applicant shall submit to the Town Board the review fee set by ordinance of the Board of Trustees along with a minimum of ten (10) folded copies of the site plan.

(2) Upon the filing of the administrative site plan, the applicant or the applicant's representative shall distribute copies of the administrative site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board):

a. Black Hills Energy of Colorado.

b. Charter Communications.

c. Florence Fire Protection District.

d. Atmos Energy Company

e. Fremont County RE-2 School District.

The administrative site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of the notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the site plan.

It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(3) The applicant shall meet with the Town Board to review the comments of the referral agencies.

(4) The applicant shall make all changes required by the referral agencies.

(5) Upon final staff approval, the applicant shall submit to the Town Board one (1) translucent original plat of the site plan. The plat shall include signatures on the certification blocks as provided in the Planning Procedures Manual.

(b) Plans and data.

(1) All site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twenty-four by thirty-six (24 x 36) inches and shall contain the following information:

a. The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

b. The name of the project.

c. The legal description (lot, block, subdivision, section, township, range).

d. The names, addresses, phone numbers and fax numbers of the owner and the firms or persons responsible for preparing the site plan.

e. Land uses adjacent to the site.

f. The location and dimensions of all existing and proposed on-site easements, rights-of-way, curb cuts, paved areas, sidewalks, landscape materials, including common name, scientific name, planting size and mature size, two-foot contours, structures and their uses, parking areas, trash disposal areas and enclosures, signs and lighting, and water and sewer service connections.

g. Number of residential units.

h. Vicinity map.

i. Revisions block. An information block entitled "Revisions" shall be included on all site plans, and all such blocks for revisions shall include entry blocks for 1) the date of each revision, 2) the initials of the person who made the revision, and 3) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the site plan.

(2) Appropriate certification blocks as provided in the Planning Procedures Manual shall appear on the site plan.

(3) The following supportive information shall be submitted with the site plan:

- a. A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus ten (10) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.
- b. Ten (10) copies of a Town general application overview form provided by the Town Board.
- c. One (1) copy of a deed or legal instrument identifying the applicant's interest in the property.
- d. All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.
- e. Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).
- f. Three (3) copies of preliminary drainage plan and report.
- g. If the use is residential, the type of units and the number of each unit to be built shall be specified.
- h. Ten (10) copies of architectural elevations and specifications of all four (4) building elevations of all proposed structures, signs and lighting to be included with the site plans.

(4) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.

Sec. 17-94. Commercial site plan.

Sec. 17-95. Intent and purpose.

Commercial and industrial site plans proposed to be developed on lots that have either previously been subdivided or are presently being subdivided as part of a minor subdivision shall qualify for administrative site plan review in accordance with the requirements of this Section. The provisions of this Section, as well as the administrative site plan review procedures set forth in Section 17-93, shall not apply to multifamily residential projects or site plans, which shall remain subject to the subdivision and site plan review procedures otherwise, set forth in this Chapter.

Sec. 17-96. Site plan review - commercial.

(b) Procedure. The applicant shall submit twenty (10) folded copies of the site plan and all required supportive information as set forth in this Section.

(1) Upon the filing of the site plan, the applicant or the applicant's representative shall distribute copies of the site plan to the following agencies and offices for their review and comments (additional agencies or offices may be added to this list of referrals at the sole discretion of the Town Board): a. Black Hills Energy of Colorado.

b. Charter Communications.

c. Florence Fire Protection District.

d. Atmos Energy Company

e. Fremont County RE-2 School District.

The site plan shall be accompanied by written notice to the agencies and offices, and this written notice shall state that any comments or objections must be received by the Town Board within ten (10) days of the receipt of this notice. Unless otherwise indicated on the "Developer's Referral Checklist" or later required by the Town Board, the referral agency or office will not be contacted for comments or objections concerning the site plan. It shall be the responsibility of the applicant or the applicant's representative to provide documentation to the Town Board confirming that the preliminary site plans and respective notices were distributed and received by the referral agencies in a timely manner.

(3) The applicant shall meet with the Town Board to review the recommendations of the referral agencies or offices.

(4) The applicant shall make all changes required by the referral agencies.

(5) The Town Board shall distribute all commercial and industrial site plans qualified under this Section to the Planning Committee and Board of Trustees for preliminary review. Thereafter, the Town Board shall make formal presentation of the site plans to the Planning Committee and Board of Trustees at regularly scheduled meetings of those bodies. The Town Board shall receive comments from the Planning Committee and the Board of Trustees on such plans.

(6) Following its receipt of comments from the Planning Committee and Board of Trustees, the Town Board shall review the site plans in accordance with the procedures set forth in Section 17-93 of this Chapter, in addition to all requirements as set forth in this Section.

(7) In the event irreconcilable differences arise between the applicant and the Town Board with regard to the administrative site plan review, the applicant may apply to the Town for further review of the site plan by the Planning Committee and Board of Trustees. In the event such application is timely made, the site plan, together with the disputes giving rise to the application, shall be reviewed by the Planning Committee and, thereafter, the Planning Committee shall either recommend approval, conditional approval or disapproval of the final site plan to the Board of Trustees. Upon its receipt of the proposed site plan, the Board of Trustees shall review the site plan and shall make a final determination regarding the approval thereof.

(8) Upon final staff approval, the applicant shall submit to the Town Board one (1) translucent original Mylar of the site plan. The Mylar shall include signatures as provided in the Planning Procedures Manual. Reproduction Mylar's, dark colored or tinted Mylar's and sepias will not be accepted,

(c) Plans and data. All site plans shall be made with an engineer's scale, minimum scale to be one (1) inch represents forty (40) feet, shall be on a reproducible medium of one (1) or more sheets with outer dimensions of twentyfour by thirty-six (24 x 36) inches and shall contain the following information:

(1) The date of preparation, the scale, a symbol designating the zoning and a symbol designating true North.

(2) The proposed name of the project.

(3) The legal description (lot, block, subdivision, section, township, range).

(4) The names, addresses, phone numbers and fax numbers of the applicant and the firms or persons responsible for preparing the site plan.

(5) Adjacent street improvements, including rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use.

(6) The location and dimensions of all existing on-site easements, rights-of-way, curb cuts, paved areas, landscape areas, two-foot contours, structures and their use and facilities for water, sewer and storm drainage.

(7) The distances from proposed and existing structures to the property line.

(8) The location and dimensions of all existing and proposed traffic controls, trash disposal areas and enclosures, electric transformers, a complete submittal of all landscaping materials shown at mature

sizes and the maintenance system for landscaping as per Williamsburg Landscaping Guidelines provided by the Town Board.

(9) Building height.

(10) Vicinity map.

(11) Revisions block. An information block entitled "Revisions" shall be included on all site plans, and all such blocks for revisions shall include entry blocks for a) the date of each revision, b) the initials of the person who made the revision, and c) a brief description of the revision. The applicant or applicant's representative shall be responsible for making entries in each of these respective blocks each time a revision has been made to the site plan.

(12) Certification blocks. Appropriate certification blocks, as provided in the Planning Procedures Manual, shall appear on the site plan.

(c) Supportive information. The following supportive information shall be submitted with the site plan:

(1) A Town application form, provided by the Town Board, with original signature of the property owner or the owner's authorized representative plus twenty (20) copies. If signed by the authorized representative, written evidence of such authorization signed by the property owner shall be submitted as well.

(2) Ten (10) copies of a Town general application overview form provided by the Town Board.

(3) Six (6) copy of a deed or legal instrument identifying the applicant's interest in the property.

(4) All copies shall be collated into complete application packets. With the exception of utility drawings which contain more than ten (10) sheets per set, all maps, plats and plans are to be folded and included with each individual packet.

(5) Five (5) copies of a detailed narrative description of the proposed use including number of employees, type of activity, phases of development, etc. (if applicable).

(6) If the use is residential, the type of units and the number of each unit to be built shall be specified.

(7) Five (5) copies of a narrative description of all structures to be built on the site, including size, quantity, use and the number of units per structure.

(8) Three (3) copies of square footage and percentage of land devoted to:

a. Buildings, including amount of floor space for each floor.

b. Parking.

c. Private drives.

d. Public streets.

e. Sidewalks and pathways.

f. Open space.

(9) A block scale model within and adjacent to the site will be required for planned unit developments and for site plans having more than one (1) building of a height of thirty-five (35) feet or more, to show space relationship.

(10) Three (3) copies of drainage plan and report.

(11) Ten (10) copies of architectural elevations and specifications of all four (4) building elevations and all structures, signs and lighting to be included with the site plans.

(12) Five (5) copies of architectural elevations of the site as it is to be developed.

(13) Ten (10) copies of landscaping plans to be included with site plans.

(14) Two (2) copies of permits from the Colorado Department of Transportation for curb cuts on state highways. Such permits must be cosigned by the Town Board or designee.

(15) One (1) copy of a survey of the lot lines if they are not the same as originally platted.

(16) Three (3) copies of a complete set of final utility plans. Such utility plans shall include, but shall not be limited to, existing and proposed facilities and utility lines, sizes and appurtenances, storm drainage facilities, etc. Appurtenances shall include valves, fire hydrants, manholes, etc. If each set contains ten (10) or fewer sheets, these shall be folded; if each set contains more than ten (10) sheets, rolled utility drawings of the final utility plans are acceptable.

(17) Three (3) copies of grading plan with site elevations and finished floor elevations.

(d) If construction has not commenced within one (1) year after approval, the approved site plan shall become void.

(e) With the exception of the commercial and industrial site plans as described herein and excluding plans which may otherwise qualify for administrative site plan review pursuant to Section 17-93 of this Chapter, such plans remain subject to the subdivision and site plan review procedures otherwise set forth in this Chapter.

Secs. 17-97--17-110. Reserved.

ARTICLE VIII

Design Standards

Sec. 17-111. General design considerations.

(a) A proposed subdivision shall be in general compliance with the Comprehensive Development Plan for the Town, particularly with respect to adequate reservation of major street rights-of-way, major utility easements and open spaces for schools and recreation areas.

(b) 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 are necessary, the sub divider shall make provision to offset higher net public cost or earlier incursion of public cost necessitated by the subdivision. Due consideration shall be given to the difference between prior public revenue and anticipated public revenue to be derived from the fully developed subdivision in determining added net public cost.

(c) No land shall be subdivided in areas where soil, subsoil or flooding conditions are potential dangers to health or safety.

(d) Subdivision design shall give consideration to the preservation of 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 private covenants or other means acceptable to the Planning Committee.

(e) A proposed subdivision shall be designed in such manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.

Sec. 17-112. Streets, design standards.

(a) Arrangement of streets.

(1) The arrangement, extent, width, type and location of all streets shall conform to the Comprehensive Development Plan and shall be considered in their relation to existing or planned streets, to topographic conditions, to public convenience and safety and in their appropriate relation to the proposed use of land to be served.

(2) Local streets shall be arranged so that their use by through traffic will be discouraged.

(3) Major arterial streets shall not be intersected by local streets, and collector streets shall not intersect major arterial streets at intervals of less than approximately one-fourth (¼) mile.

(4) 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.

(5) Where future extension of a street is anticipated, a temporary turnaround having a minimum outside diameter of eighty (80) feet shall be provided.

(b) Closed-end streets.

(1) Closed-end streets shall be provided with circular turnarounds having a minimum outside right-of-way diameter of one hundred four (104) feet and a minimum flowline diameter of ninety (90) feet.

(c) Intersections.

(1) Streets shall intersect as nearly as possible at right angles. Intersecting street center lines shall be within twenty degrees (20°) of the perpendicular for a distance extending at least one hundred (100) feet in each direction from the street intersection.

(2) Right-angle street intersections shall be rounded with a minimum flowline radius of twelve (12) feet at the intersection of local streets with collector streets and a minimum flowline radius of thirty (30) feet at the intersection of collector streets with arterials.

(d) Right-of-way, pavement and sidewalk widths.

Minimum Widths by Street Type

Urban Standards

<u>Type</u>	Right-of-Way	Pavement	Sidewalk
	(Feet)	(Feet)	(Feet)
Major Arterial	135	104	5
Minor Arterial	110	80	5
Local & Collector	40	24	

(7 lanes)

(e) Horizontal alignment.

(1) Where street center lines deflect from each other at any point by more than fifteen degrees (15°), they shall be connected by horizontal curves having minimum radii as follows:

- a. Local streets, one hundred (100) feet.
- b. Collector streets, two hundred (200) feet.
- c. Arterial streets, four hundred (400) feet.

(2) A tangent not less than one hundred (100) feet long shall be provided between reverse curves on collector and arterial streets.

(3) Cross streets which cannot be directly aligned at intersections shall be separated by horizontal offset of not less than one hundred twenty-five (125) feet between center lines, provided that this requirement shall not apply to the alignment of short, opposing closed-end streets.

(f) Vertical Alignment.

- (1) No vertical grade shall be less than four-tenths percent (0.4%) in order to facilitate adequate drainage.
- (2) Maximum percent of street grade:
 - a. Local streets, eight percent (8%).
 - b. Collector streets, seven percent (7%).
 - c. Arterial streets, five percent (5%).

(g) Visibility requirements.

- (1) Minimum forward sight distance to be maintained throughout the vertical and horizontal alignment, measured from a point four (4) feet above the center line to a point eighteen (18) inches above the center line:
 - a. Minor streets, one hundred fifty (150) feet.
 - b. Collector streets, two hundred (200) feet.
 - c. Arterial streets, three hundred (300) feet.

(2) No substantial impediment to visibility between the heights of three (3) and eight (8) feet shall be created or maintained 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 forty (40) feet along both intersecting edges and then along a transverse line connecting these points.

(h) Street names. Names of new streets shall not duplicate names of existing streets, provided that new streets which are extensions of or which are in alignment with existing streets shall bear the names of such streets.

Sec. 17-113. Utility easements.

(a) Subdivisions shall be platted with utility easements of a minimum width of sixteen (16) feet, eight (8) feet of which shall be one each side of common rear lot lines where said lines abut. On perimeter rear lots, easement width shall be a minimum of ten (10) feet. Side lot easements where necessary shall be a minimum of five (5) feet in width. Said easements shall be graded to within six (6) inches of final grade before utility facilities are installed.

(b) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be provided a perpetual drainage easement conforming substantially with the lines of such watercourse and of such width as necessary and adequate to carry off the predictable volume of storm water drainage from a one hundred (100) year frequency storm.

(c) In general, utility systems shall be arranged and located in such manner as to avoid cross connections, minimize trenching and adequately separate incompatible systems.

Sec. 17-114. Blocks, design standards.

- (a) The lengths, widths and shapes of blocks shall be determined with due regard to the following:
 - (1) Provision of adequate building sites suitable to the special needs of the type of use contemplated.
 - (2) Requirements of the Zoning Ordinance as to lot sizes and dimensions.
 - (3) Needs for convenient access and control and safety of vehicular and pedestrian traffic circulation.
 - (4) Limitations and opportunities of topography.
- (b) Maximum block length between intersecting streets shall be one thousand five hundred (1,500) feet.

Sec. 17-115. Lots, design standards.

- (a) 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 buildings with sufficient access, outdoor space, privacy and view.
- (b) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and loading areas required by the type of use and development contemplated.
- (c) Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.
- (d) Each lot shall be provided with satisfactory access to an existing public street.
- (e) 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.
- (f) There shall be no right of access from individual lots to an arterial street.
- (g) Insofar as is practical, side lot lines shall be at right angles to straight streets and radial to curved streets.
- (h) Sites to be dedicated for public use shall be allocated with consideration for suitable location and adequate size as indicated on the Comprehensive Development Plan.

Secs. 17-116--17-130. Reserved.

ARTICLE IX Required

Improvements

Sec. 17-131. General regulations for subdivisions.

(a) The sub divider or developer shall enter into an agreement with the Town to guarantee construction of all required improvements, including streets, curbs and gutters, driveways, sidewalks, storm drainage system, sanitary sewerage and potable water system.

(b) Under such agreement, the sub divider shall post a performance bond, certified check, letter of credit or cash escrow drawn in favor of the Town in an amount equal to twenty-five percent (25%) of the estimated cost of the construction of improvements.

(c) Sixty percent (60%) of the performance bond, certified check, letter of credit or cash escrow posted by the sub divider shall be released upon complete construction acceptance of all public improvements by the Town. The balance of the performance bond, certified check, letter of credit or cash escrow shall not be released until final construction of improvements has been completed and the Town has given its final acceptance of maintenance and repair of the improvements.

(d) Dedication of land within a subdivision shall be required where easements for storm drainage, sanitary sewerage or other public utilities are necessary to permit agencies and utility companies to maintain utilities and render services to the subdivision.

(e) The improvements required by the following sections shall be provided in each subdivision or development as appropriate to the particular type of development proposed and to the extent determined by the Planning Committee. Required improvements shall be constructed in accordance with the detailed design standards and specifications of the Town Engineer and shall be constructed in accordance with approved plans and profiles and the construction requirements and specifications of the Town Engineer.

Sec. 17-132. Street improvements in subdivisions if required.

(a) Grading. Street rights-of-way shall be graded as necessary to provide adequate surface drainage and convenient access to lots or sites.

(b) Pavement base. The pavement base shall be properly drained and constructed of suitable materials so as to support the contemplated traffic load.

(c) 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 Section 17-112(d).

(d) 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.

(e) Driveways and access ways. Where appropriate to the type of development proposed, driveways or access ways shall be provided for vehicular access to each structure or parking or loading area. Driveways and access ways provided shall be of adequate width and constructed with suitable sub-grade, base, drainage and surfacing to be durable under the use contemplated.

(f) Sidewalks and walkways. Sidewalks and walkways shall be provided where necessary or appropriate for the safety and convenience of pedestrians. Width of sidewalks shall be as specified in Section 17-112(d). Sidewalks and walkways shall be durably constructed with all-weather surfacing and shall be adequately lighted and maintained for the use contemplated.

(g) Street name signs. Easily legible street name signs shall be installed at street intersections or as necessary for convenient identification of streets.

Sec. 17-133. Utilities improvements in subdivisions.

(a) Storm drainage system.

- (1) The storm drainage system shall consist of surface drainage structures and, where appropriate to the type of development proposed, 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.
- (2) Where deemed necessary by the Planning Committee, 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 Committee.
- (3) Storm drainage shall not be permitted to empty into any sanitary sewerage system.

(b) 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.

(c) 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 five hundred (500) feet from the nearest fire hydrant.

(d) Underground electric power and telephone distribution system. Telephone lines and electric lines and other like utility services shall be placed underground unless not feasible. The subdivider shall be responsible for complying with the requirements of this subsection, and he or she shall make the necessary arrangements, including any construction or installation of such facilities, and shall be subject to all applicable laws and regulations for the construction of the same. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground utilities may be placed aboveground; electric transmission and distribution feeder lines and communication long-distance trunk and feeder lines and necessary appurtenances thereto may be placed aboveground. Such facilities shall be placed within easements or public rights-of-way provided for particular facilities. Every effort shall be made to place pedestals as close to corner lot lines as possible. The provisions of the subsection shall not apply to existing facilities or subdivisions platted prior to the adoption of this Chapter.

(e) Street lighting.

- (1) Ornamental street lighting and associated underground street supply circuits shall be installed. A street lighting plan specifying the number, kind and location of street lights must be submitted with the final plat.

(2) The provisions of this subsection shall not apply to existing facilities or subdivisions platted heretofore upon which building permits have been issued.

(f) Location of water lines. All water service lines shall be extended by the developer from the main onto each lot and through the front utility easement to the rear boundary thereof. Curb stops for all water lines for each residence will be installed.

Sec. 17-134. Reference monuments in subdivisions.

Permanent reference monuments shall be located and placed within the subdivision or development as required by state law. Iron pin monuments at least twenty-four (24) inches long and flush with the surface shall be placed at all points on boundary lines where there is a change in direction, at all block and lot corners and at other points as required by the Town :

Sec. 17-135. Maintenance of required improvements.

Adequate provision for the satisfactory maintenance of streets and utilities improvements, including easements, shall be made by dedication of such improvements to the Town. Prior to acceptance by the Town, the improvements to be dedicated shall be inspected and approved by the Town Engineer.

Sec. 17-136. Reservations of land.

(a) Reservation by covenant, in lieu of dedication, may be permitted in some cases, such as planned unit developments, where land is to be used for recreational or amenity purposes by the property owners.

(b) 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 sub divider and the public agency regarding the timing and method of acquisition.

Secs. 17-137—17-150. Reserved.

ARTICLE X

Variances and Modifications

Sec. 17-151. Procedure.

Application for variances or modifications of these regulations shall be submitted to the Planning Committee. Such application shall include a statement setting forth the nature and extent of the requested variance or modification, together with evidence supporting the need for such variance.

Sec. 17-152. Guiding considerations.

(a) Hardship. Where the Planning Committee finds that extraordinary hardships may result from strict compliance with these regulations, it may carry the regulations so that individual and public interests are secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the sub divider made such variance necessary and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

(b) Planned unit development. The requirements and standards of these regulations may be modified by the Planning Committee in the case of the plan and program for a planned unit development which, in the judgment of the Planning Committee, provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated and which also provides such covenants or other legal provisions as will assure conformity to and achievement of the plan.

Sec. 17-153. Conditions.

The Planning Committee may require such conditions, upon the granting of variances and modifications, as will, in its judgment, secure substantial compliance with the objectives of the requirements and standards so varied or modified.

Secs. 17-154--17-230. Reserved.

ARTICLE XI

Road Impact Fee

Sec. 17-231. Title, authority and application.

- (a) Title. This Article shall be known and may be cited as the "Road Impact Fee Ordinance."
- (b) Authority. The Town has the authority to adopt this Article pursuant to the relevant state laws.
- (c) Application. This Article shall apply to all lands within the incorporated limits of the Town.

Sec. 17-232. Intent and purpose.

- (a) Intent. This Article is intended to implement and be consistent with Road Impact Fee Studies.
- (b) Purpose. This purpose is accomplished in this Article by the establishment of a system for the imposition of road impact fees within the Town to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, road capital improvements within the benefit area.

Sec. 17-233. Level of service standard (LOS).

The Town shall endeavor to ensure that the major road system operates at Level of Service "C" (LOS C) or better.

Sec. 17-234. Definitions.

Certain words or phrases unique to this Article shall be construed as herein set out unless it is apparent from the context that they have a different meaning.

(1) *Building permit* means that building permit issued in accordance with this Code before any building or construction activity can be initiated on a parcel of land.

(2) *Capacity* means the maximum number of vehicles that have a reasonable expectation of passing over a given section of a road during an average weekday at the desired Level of Service, expressed in terms of vehicles per day.

(3) *Existing traffic-generating development* means the most intense use of land within the twelve (12) months prior to the time of commencement of traffic-generating development.

(4) *Expansion* of the capacity of a road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing road's capacity to carry vehicles.

(5) *Fee payer* means a person commencing traffic-generating development who is obligated to pay a road impact fee in accordance with the terms of this Article.

(6) *Level of Service (LOS)* means a qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream.

(7) *Major road system* means all major roads, including state highways, shown in Exhibit A, which is attached hereto as Appendix 17-A and incorporated herein by this reference, and located in the road impact fee benefit area established in Section 17-238 below.

(8) *Non-site related improvements* mean road capital improvements for roads that are not site related improvements.

(9) *Person* means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two (2) or more persons having a joint or common interest or any other entity.

(10) *Road capital improvement* includes the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, engineering, permitting and construction of all necessary features for any road on the major road system, undertaken to accommodate additional traffic resulting from new traffic-generating development, including but not limited to: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new road construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new road construction, (g) the construction and reconstruction of intersections, (h) the widening of existing roads, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges and (l) traffic control devices.

(11) *Road Impact Fee Administrator* shall be the Town Board or a person or persons designated by the Town Board to be responsible for administering this Article.

(12) *Road Impact Fee Study* refers to a required study that describes the data, assumptions and methodology used to calculate the net cost to accommodate the additional traffic generated by new development on the major road system.

(13) *Site-related improvements* mean those road capital improvements and right-of-way dedications that provide direct access to the development. Direct access improvements include but are not limited to the following: (a) driveways and streets leading to and from the development; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; and (d) internal local streets. Credit is not provided for site-related improvements under the terms of this Article.

(14) *Traffic-generating development* is land development designed or intended to permit a use of the land that will contain or convert to more dwelling units or floor space than the most intensive use of the land within the twelve (12) months prior to the commencement of traffic-generating development in a manner that increases the generation of vehicular traffic.

(15) *Traffic-generating development, commencement of*, occurs upon the issuance of a building permit, or, if a building permit is not required for the development, upon the approval for any development application that is the last application required prior to development or use of land.

(16) *Trip* means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

(17) *Trip generation* means the attraction or production of trips caused by a certain type of land development.

(18) *Vehicle-miles of travel (VMT)* means the combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

Sec. 17-235. Imposition of fee.

(a) Time of fee obligation and payment.

- (1) After the effective date of the ordinance codified herein, any person or government body who causes the commencement of traffic-generating development within the incorporated area of the Town shall be obligated to pay a road impact fee, pursuant to the terms of this Article. The fee shall be determined and paid to the Road Impact Fee Administrator at the time of issuance of a building permit for the development. If any credits are due pursuant to Section 17-237 below, they shall also be determined at that time. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for a traffic-generating development that increases traffic impact because of a change in use, the fee shall be determined by computing the difference in the fee schedule between the new traffic generating development and the existing traffic-generating development. The obligation to pay the impact fee shall run with the land.
- (2) Any person who prior to the effective date of the ordinance codified herein agreed as a condition of development approval to pay a road impact fee, shall be responsible for the payment of the fee under the terms of any such agreement, and the payment of such fee by the developer will be offset against any impact fees due pursuant to the terms of this Article.

(b) Exemptions. The following shall be exempt from the terms of this Article. An exemption must be claimed by the fee payer at the time of application for a building permit.

- (1) Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed, and where no additional vehicular trips will be produced over and above that produced by the existing use.
- (2) The construction of accessory buildings or structures which will not produce additional vehicular trips over and above that produced by the principal building or use of the land.
- (3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that no additional trips will be produced over and above that produced by the original use of the land.

(c) Establishment of fee schedule.

(1) Any person who causes the commencement of traffic-generating development, except those persons exempted or preparing an independent fee calculation study pursuant to Section 17-236 below, shall pay a road impact fee in accordance with the following fee schedule. The descriptions of the land use codes in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE) shall be used to determine the appropriate land use type.

(2) If the type of traffic-generating development for which a building permit is requested is not specified on the fee schedule, the Road Impact Fee Administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The Road Impact Fee Administrator shall be guided in the selection of a comparable type of land use by:

a. Using trip generation rates contained in the most current edition of the report titled *Trip Generation* prepared by the Institute of Transportation Engineers (ITE), articles or reports appearing in the ITE Journal or studies or reports done by the U.S. Department of Transportation or Colorado Department of Transportation, and applying the formula set forth in Section 17-236 below; or

b. Computing the fee by use of an independent fee calculation study as provided in Section 17236 below.

(d) Pre-development review impact fee calculation. Any person contemplating establishing a traffic-generating development may request a preliminary determination of the impact fees due from such development. A person requesting a pre-development review impact fee calculation shall complete and submit to the Road Impact Fee Administrator the proper application form and an application fee. Using the information regarding the proposed traffic-generating land development activity as submitted on the application, the Road Impact Fee Administrator will provide, within fifteen (15) days of the date of submittal of the completed application, a preliminary calculation of the road impact fees due for the proposed traffic-generating development.

Sec. 17-236. Independent fee calculation study.

(a) General.

(1) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, or, upon the request of the Road Impact Fee Administrator for any proposed land development activity interpreted as not one (1) of those types listed on the fee schedule or as one (1) that is not comparable to any land use on the fee schedule, and for any proposed land development activity for which the Road Impact Fee Administrator concludes the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(2) The cost of preparation of an independent fee calculation study that is performed at the election of the fee payer shall be the sole responsibility of the fee payer.

(3) Any person who requests an independent fee calculation study shall pay an application fee to the Town to cover all costs incurred by the Town and associated with the review and decision on such independent fee calculation study.

(b) Formula.

(1) The independent fee calculation study for the road impact fee shall be calculated by the use of the following formula:

VMC/VMT The system-wide ratio of capacity to demand in the major roadway system, which shall be 1.00

REVENUE Revenue credit per VMT, based on percent of cost anticipated to be paid with other revenues

EXCESS VMT The sum of existing VMT on individual segments of major road system that is in excess of existing capacity

TOTAL VMT Total existing VMT on the major road system

(2) The fee calculation shall be based on data, information or assumptions contained in this Article or independent sources, provided that:

- a. The independent source is an accepted standard source of transportation engineering or planning data or information; or
- b. The independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; or
- c. The percent new trips factor used in the independent fee calculation study is based on actual surveys prepared in the Town or a comparable jurisdiction.

(c) Procedure.

(1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. A potential fee payer may submit such an application. The Road Impact Fee Administrator shall submit such an application for any proposed land development activity interpreted as not one (1) of those types listed on the fee schedule or as one (1) that is not comparable to any land use on the fee schedule, and for any proposed land development activity for which it is concluded the nature, timing or location of the proposed development make it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(2) Within ten (10) days of receipt of an application for independent fee calculation study, the Road Impact Fee Administrator shall determine if the application is complete. If the Road Impact Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The Road Impact Fee Administrator shall take no further action on the application until it is deemed complete.

(3) When the Road Impact Fee Administrator determines the application is complete, the application shall be reviewed and the Road Impact Fee Administrator shall render a written decision in thirty (30) days on whether the fee should be modified, and if so, what the amount should be, based on the standards set forth in Subsection 17-236(d).

(d) Standards. If on the basis of generally recognized principles of impact analysis it is determined the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfy the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed traffic-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established for the traffic-generating development in Subsection 17-235(c).

(e) Appeal of independent fee calculation study decision.

(1) A fee payer affected by the administrative decision of the Road Impact Fee Administrator on an independent fee calculation study may appeal such decision to the Board of Trustees, by filing with the Road Impact Fee Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place the appeal on the Board of Trustees' agenda for the next regularly scheduled meeting.

(2) In making its decision, the Board of Trustees shall make written findings of fact and conclusions of law, and apply the standards set forth in Subsection 17-236(d). If the Board of Trustees reverses the decision of the Road Impact Fee Administrator, it shall direct the Administrator to recalculate the fee in accordance with its findings. In no case shall the Board of Trustees have the authority to negotiate the amount of the fee or waive the fee. The decision of the Board of Trustees shall be final.

Sec. 17-237. Credits.

(a) General standards.

(1) Any person initiating traffic-generating development may apply for credit against road impact fees otherwise due, up to but not exceeding the full obligation for impact fees proposed to be paid pursuant to the provisions of this Article, for construction of non-site related road capital improvements that are on the major road system.

(2) Credits for construction of non-site related road capital improvements on the major road system shall be transferable within the same development, but shall not be paid for other public facilities. The credit shall not exceed the amount of the impact fees due and payable for the proposed traffic-generating development.

(3) The Town may enter into a capital contribution front-ending agreement with any person initiating traffic-generating development who proposes to construct non-site related road capital improvements that are on the major road system. To the extent that the fair market value of the construction of these road capital improvements exceeds the obligation to pay impact fees for which a credit is provided pursuant to this Section, the capital contribution front-ending agreement shall provide proportionate and fair share reimbursement linked to new growth and development's use of the road capital improvement constructed.

(b) Credit against fees. Credit shall be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made for construction of a non-siterelated road capital improvement on the major road system.

(c) Procedure for credit review.

(1) The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the Road Impact Fee Administrator.

(2) The application for a credit agreement shall include the following information:

a. If the proposed application involves a credit for any contribution, the following documentation must be provided:

1. A certified copy of the development approval in which the contribution was agreed;
2. If payment has been made, proof of payment; or
3. If payment has not been made, the proposed method of payment.

b. If the proposed application for credit agreement involves construction:

1. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Colorado engineer or contractor;

2. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and

of revenues, costs of professional services and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

(3) Within ten (10) days of receipt of the proposed application for credit agreement, the Road Impact Fee Administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the Road Impact Fee Administrator shall send a written statement to the applicant outlining the deficiencies. The Road Impact Fee Administrator shall take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

(4) Once the Road Impact Fee Administrator determines the proposed application for credit agreement is complete, it shall be reviewed within thirty (30) days. The application for credit agreement shall be approved if it complies with the standards set forth in Subsections (a) and (b) above.

(5) If the application for credit agreement is approved by the Road Impact Fee Administrator, a credit agreement shall be prepared and signed by the applicant and the Town. The credit agreement shall specifically outline the basis for the credit, the time by which any construction shall be completed and the dollar credit the applicant shall receive.

(d) Appeal of credit decision. A fee payer affected by the decision of the Road Impact Fee Administrator regarding credits may appeal such decision to the Board of Trustees by filing with the Road Impact Fee Administrator, within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place such appeal on the Board of Trustees' agenda for the next regularly scheduled meeting. The Board of Trustees, after a hearing, shall affirm or reverse the decision of the Road Impact Fee Administrator based on the standards set forth in Subsections (a) and (b) above. If the Board of Trustees reverses the decision, it shall direct the Road Impact Fee Administrator to readjust the credit in accordance with its findings. The decision of the Board of Trustees shall be final.

Sec. 17-238. Benefit area.

- (a) Establishment. The entire incorporated area of the Town, as well as areas outside the jurisdictional limits that are within the Town's Growth Management Area Boundary, is established as a single road impact fee benefit area. The current location of the Growth Management Area Boundary is shown in Appendix 17-B.
- (b) Expenditure. Impact fee funds shall be spent within the benefit area within which the traffic generating development paying the fee is located. The expenditure of impact fee funds shall be limited to those road capital improvement projects in the benefit area.
- (c) Establishment of trust fund. The Town hereby establishes the road impact fee trust fund for the purpose of ensuring that fee payers receive sufficient benefit for road impact fees paid.
- (d) Deposit in trust fund. All road impact fees collected by the Town shall be immediately deposited into the trust fund. All proceeds shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the trust fund until transferred or spent, whichever is appropriate. Record of the trust fund account shall be available for public inspection.
- (e) First in, first out accounting. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.

- (f) Annual recommendation for expenditure of fees. Each year, at the time the annual budget is reviewed, the Road Impact Fee Administrator shall recommend appropriations to be spent from the trust fund to the Board of Trustees. After review of the recommendation, the Board of Trustees shall approve or modify the recommended expenditures of the trust fund monies. Expenditures shall be made from the trust fund only for road capital improvement projects in the benefit area. Each year a minimum of twenty-five percent (25%) of the funds collected shall be designated for reimbursement of amounts owing on the capital contribution front-ending agreements more fully described in Subsection 17-237(a)(3) above. Any amounts not appropriated from the trust fund together with any interest earnings shall be carried over to the following fiscal period.
- (g) Annual report on expenditures. Each year, after the decision of the Board of Trustees about the expenditure of impact fee appropriations, the Road Impact Fee Administrator shall prepare an annual report identifying the projects for which the Board of Trustees has approved funds.

Sec. 17-239. Refund of fees not spent.

- (a) General. Any fees collected shall be returned to the fee payer or the fee payer's successor in interest if the fees have not been spent within ten (10) years from the date the building permit for the development was issued, along with interest of five percent (5%) a year. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent.
- (b) Refund procedure. The refund shall be administered by the Road Impact Fee Administrator, and shall be undertaken through the following process:
- (1) A refund application shall be submitted within one (1) year following the end of the tenth (10th) year from the date on which the building permit was issued on the proposed development. The refund application shall include the following information:
- a. A copy of the dated receipt issued for payment of the fee;
 - b. A copy of the building permit; and
 - c. Evidence that the applicant is the successor in interest to the fee payer.
- (2) Within ten (10) days of receipt of the refund application, the Road Impact Fee Administrator shall determine if it is complete. If the Road Impact Fee Administrator determines the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the Road Impact Fee Administrator shall take no further action on the refund application.
- (3) When the Road Impact Fee Administrator determines the refund application is complete, it shall be reviewed within thirty (30) days, and shall be approved if it is determined the fee payer or a successor in interest has paid a fee which has not been spent within the period of time permitted under this Section.
- (c) Appeal of refund decision. A fee payer affected by a decision of the Road Impact Fee Administrator may appeal such decision to the Board of Trustees by filing with the Road Impact Fee Administrator within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The Road Impact Fee Administrator shall place such appeal on the Board of Trustees' agenda. The Board of Trustees, after a hearing, shall affirm or reverse the decision of the Road Impact Fee Administrator based on the

standards set forth in this Section. If the Board of Trustees reverses the decision of the Road Impact Fee Administrator, it shall direct the Administrator to readjust the refund in accordance with its findings. In no event shall the Board of Trustees have the authority to negotiate the amount of the refund. The decision of the Board of Trustees shall be final.

Sec. 17-240. Review every five (5) years.

At least once every five (5) years, the Board of Trustees whether any changes should be made to the Road Impact Fee Study and this Article. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses and to ensure that the road impact fees will not exceed a proportionate share.

Secs. 17-241--17-250. Reserved.

CHAPTER 18

Building Regulations

ARTICLE I Park Fees, Dedications, Reservations

Section 18-1	Definitions
Section 18-2-10	Reserved

ARTICLE II Uniform Building Code

Section 18-11	Adoption of Uniform Building Code
Section 18-12	Purpose and scope
Section 18-13	Modifications and amendments
Section 18-14	Copy on file
Section 18-15-20	Reserved

ARTICLE III Housing Standards

Section 18-21	Adoption of code by reference
Section 18-22	Purpose and scope
Section 18-23	Copy of code on file
Section 18-24-30	Reserved

ARTICLE IV Dangerous Buildings

Section 18-31	Adoption of code by reference
Section 18-32	Purpose and Scope
Section 18-33	Modifications and amendments
Section 18-34	Copy of code on file
Section 18-35-60	Reserved

ARTICLE V Air Conditioning and Heating

Section 18-71	Adoption of code by reference
Section 18-72	Purpose and scope
Section 18-73	Copy of code on file
Section 18-74-80	Reserved

ARTICLE VI Electrical Installations

Section 18-81	Adoption of code by reference
Section 18-82	Purpose and scope

[Section 18-83](#)
[Section 18-84-90](#)

Copy of code on file
Reserved

ARTICLE VII Plumbing Code

Section 18-91 and scope	Adoption of code by reference	Section 18-92	Purpose
Section 18-93	Copy of code on file		
Section 18-94-110	Reserved		

ARTICLE VIII Reserved

ARTICLE I

Park Fees, Dedications, Reservations

Sec. 18-1. Definitions.

As used in this Article, unless the context otherwise requires:

- (1) *Community park* shall refer to Scutti Park and Angeline Park
- (2) *Dwelling unit* shall refer to a housing unit designed for occupancy by a single individual or family.
- (3) *Residential dwellings* shall refer to all housing facilities in the Town, but shall not include commercial enterprises such as hotels, motels, inns and nursing homes designed for lease as transient residences.
- (4) *Single-family dwelling unit* shall refer to a detached residential structure designed to house a singlefamily unit, each with a private outside entrance, but without common walls between dwelling units.

Secs. 18-2--18-10. Reserved.

ARTICLE II

Uniform Building Code

Sec. 18-11. Adoption of Uniform Building Code.

Pursuant to state law, the current edition of the International Residential Code and the Uniform Building Codes are hereby adopted. The Building Codes are published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

Sec. 18-12. Purpose and scope.

The purpose of the Building Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within this jurisdiction and certain equipment specifically regulated in this code.

Sec. 18-13. Modifications and amendments.

The Building Code, together with the aforementioned appendices thereto, is adopted by reference with the following specific exclusions, additions, deletions and modifications:

- (1) Section 105 is deleted in its entirety and replaced with the following:

"The members of the Board of Appeals shall be comprised of the members of the Town Board."

- (2) Section 105.2 is amended by adding a second paragraph to read as follows:

"The Town Board shall require that sufficient evidence of proof be submitted to substantiate any claims made regarding the design and the use of alternate materials or methods."

- (3) Section 109.1 is amended by the deletion of the exception contained therein for Group R, Division 3 Occupancies.

- (4) Table 1-A, Building permit fees, is amended as per contract.

- (5) Section 219 is amended by adding a new definition to read as follows:

"Room, Sleeping (Bedroom) is a habitable room within a dwelling unit designed for or used by the occupants primarily for the purpose of sleeping."

- (6) Section 310.4 is amended to add the following provisions concerning window wells:

"(a) For all building permits issued after the effective date of the Town of Williamsburg's Ordinance No. 1-2004, all escape and rescue windows requiring a window well pursuant to the Building Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.

"(b) With regard to building permits issued prior to the effective date of the Town of Williamsburg's Ordinance No. 1-2004, for additions to or alteration of existing buildings or structures, any window well with a finished sill height below the adjacent ground level shall be deemed in compliance with Town regulations if said window well meets the dimensions set forth in the 2012 Edition of the Building Codes.

- (7) Section 310.6.1 is amended by the addition thereto of an exception following the first paragraph thereof to read as follows:

"EXCEPTION: A habitable basement room which is accessory to a dwelling unit located above may have a ceiling height of seven (7) feet as measured from the floor to finished ceiling. Projections such as beams, piping and ducts shall not reduce the ceiling height to less than six feet eight inches (6'8")."

- (8) Section 310.9.1.2 is deleted in its entirety and replaced with the following:

"When one (1) or more sleeping rooms are added or created in the existing Group R Occupancies, the entire dwelling unit shall be provided with smoke detectors located and installed as required for new Group R Occupancies described herein."

- (9) Table No. 3-B - Required Separation in Buildings of Mixed Occupancy (Hours) - is amended to add a footnote #6 to the entry in the "B" row under the "R-3" column and to the entry in the "R-3" row under the "S2" column of the table to read as follows:

"6. For licensed home occupations, as defined in the zoning regulations of the Town, that are located in a Group R Occupancy, no separation is required."

- (10) Section 509.1 is amended by adding a second paragraph to read as follows:

"All area wells, stair wells and light wells attached to any building that are located less than thirty-six (36) inches from the nearest intended walking surface and deeper than forty-eight (48) inches below the surrounding ground level, creating an opening greater than twenty-four (24) inches measured perpendicular from the building, and with the side walls of such well having a slope steeper than 2 horizontal to 1 vertical, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.

"EXCEPTIONS:

"1. The access side of stairways need not be barricaded.

"2. Area wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with Section 310.4 of this code.

"3. Covers and grates may be used over stairways and other openings used exclusively for the service access or for admitting light or ventilation."

- (11) Section 1614 is amended by entirely deleting the provisions there under and replacing them with the following:

"Buildings and other structures and all portions thereof that are subject to snow loading shall be designed to resist such snow loads in accordance with Appendix Chapter 16, Division 1, wherein the ground snow load P_g shall be 30 psf."

- (12) Section 1618 is amended by entirely deleting the provisions there under and replacing them with the following:

"Basic wind speed. The minimum basic wind speed for determining design wind pressure shall be one hundred (100) miles per hour."

- (13) Table 23-IV-J-1 and Section 2320.8.1 are amended by adding a second paragraph to read:

"Pre-manufactured I-Joist floor systems must be installed a maximum of 19.2 inches on center, unless a minimum 1¼-inch floor deck is installed, or an engineered drawing with a State of Colorado stamp is provided for each property."

- (14) Table 23-IV-B is amended by the deletion of all references to studs on 24-inch centers, and is further amended with an added paragraph to read:

"All studs in walls either interior or exterior, bearing or nonbearing in Group R Occupancies, shall be a maximum of sixteen (16) inches on center."

- (15) Section 2406.4 is amended by entirely deleting the provisions under item "5" replacing them with the following:

"5. Glazing in walls and doors of shower, bathtub, sauna, steam room, and spa enclosures when either one (1) of the following conditions exists: 1) any portion of such glazing is less than sixty (60) inches above the drain inlet and standing surface; or 2) any portion of such glazing is within forty-eight (48) inches of the nearest interior surface of a tub."

- (16) Section 2603.7.1 item "6" is amended by the addition thereto of the following exception #3 to read as follows:

"3. In Group R, Division 1, apartment houses and Division 3 Occupancies the minimum separation may be eighteen (18) inches."

(17) Appendix - Chapter 4, Division 1, is amended to apply only to swimming pools exceeding the requirements of Section 106.2 #11.

(18) Appendix - Chapter 15, Section 1516.2, is amended by adding a paragraph #8 to read as follows:

"After the application of three (2) overlays, all existing overlays shall be removed to the roof decking. The decking shall be inspected for damage prior to the installation of new overlay, and inspected again upon completion."

(19) Appendix Chapter 18 is amended by entirely deleting Section 1832, Section 1834, Section 1835 and Section 1836.

(20) All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the Building Codes shall be deleted.

Sec. 18-14. Copy on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the Uniform Building Code or have the public library address, internet address of access to the code.

Secs. 18-15--18-20. Reserved.

ARTICLE III

Housing Standards

Sec. 18-21. Adoption of code by reference.

Pursuant to state law, the current editions of the International Residential Code and the Uniform Building Code

(Volumes I, II and III, also to include any Appendix) is hereby adopted. The Codes was published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

Sec. 18-22. Purpose and scope.

The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this jurisdiction.

Sec. 18-23. Copy of code on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the Building Codes or have the public library address, internet address of access to the code.

Secs. 18-24--18-30. Reserved.

ARTICLE IV

Dangerous Buildings

Sec. 18-31. Adoption of code by reference.

Pursuant to state law, the current edition of the Uniform Building Code for the Abatement of Dangerous Buildings (Volumes I, II and III, also to include any Appendix) is hereby adopted. The Uniform Building Code for the Abatement of Dangerous Buildings was published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

Sec. 18-32. Purpose and scope.

The purpose of the Uniform Code for the Abatement of Dangerous Buildings is to provide a just, equitable and practicable method, to be cumulative with and in addition to any other remedy provided by the Uniform Building Code, International 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 may be required to be repaired, vacated or demolished.

Sec. 18-33. Modifications and amendments.

The Uniform Code for the Abatement of Dangerous Buildings, together with any appendices thereto, is adopted by reference with the following specific deletion:

All sections purporting to provide indemnification by the Town for inspections conducted pursuant to the provisions of the Uniform Code for the Abatement of Dangerous Buildings shall be deleted.

Sec. 18-34. Copy of code on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the Uniform Code for the Abatement of Dangerous Buildings or have the public library address, internet address of access to the code.

Secs. 18-35--18-60. Reserved.

ARTICLE V

Air Conditioning and Heating Sec.

Sec. 18-71. Adoption of code by reference.

The current Uniform Mechanical Code was published by the International Conference of Building Officials and is adopted by reference.

Sec. 18-72. Purpose and scope.

The purpose of the Uniform Mechanical Code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within this jurisdiction.

Sec. 18-73. Copy of code on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the Uniform Mechanical Code or have the public library address, internet address of access to the code.

Secs. 18 74--18-80. Reserved.

ARTICLE VI

Electrical Installations

Sec. 18-81. Adoption of code by reference.

The current National Electrical Code was published by the National Fire Protection Association and is adopted by reference.

Sec. 18-82. Purpose and scope.

The purpose of this code is the practical safeguarding of persons and property from hazards arising from the use of electricity. This Article shall apply to all electrical installation uses in the Town from the effective date hereof.

Sec. 18-83. Copy of code on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the National Electrical Code or have the public library address, internet address of access to the code.

Secs. 18-84--18-90. Reserved.

ARTICLE VII

Plumbing Code

Sec. 18-91. Adoption of code by reference.

The current Uniform Plumbing Code published by the International Association of Plumbing and Mechanical Officials is adopted by reference.

Sec. 18-92. Purpose and scope.

The purpose of the Uniform Plumbing Code is to provide standards for the inspection of plumbing systems.

Sec. 18-93. Copy of code on file.

Pursuant to Section 31-16-206, C.R.S., the Town Clerk shall at all times maintain a certified copy of the Uniform Plumbing Code or have the public library address, internet address of access to the code.

Secs. 18-94--18-110. Reserved.

**ARTICLE VIII
RESERVED**