



## **AGENDA**

### **TOWN OF DOLORES COLORADO**

### **BOARD OF TRUSTEES MEETING/WORKSHOP**

**OCTOBER 24TH, 2022, 5:30 P.M.**

**THE MEETING WILL BE HELD AT TOWN HALL 420 CENTRAL AVENUE.**

**IF YOU WISH TO ATTEND VIRTUALLY, PLEASE VISIT THE TOWN WEBSITE UNDER GOVERNMENT TOWN BOARD MEETING FOR THE ZOOM LINK**

<https://townofdolores.colorado.gov>

#### **WORKSHOP: 5:30 P.M. THROUGH 6:30 P.M: Includes dinner**

- 1. Dolores Community Center**-Presentation by Community Center Board Members Shawna Valdez and Ed Merritt followed by discussion.
- 2. Galloping Goose**-Discussion regarding transfer of ownership of Galloping Goose #5 to the Galloping Goose Historical Society.

#### **BOARD MEETING: 6:30 P.M.**

##### **1. CALL TO ORDER**

##### **2. PLEDGE OF ALLEGIANCE**

##### **3. ROLL CALL:**

##### **4. ACTION/APPROVAL OF THE AGENDA**

##### **5. IDENTIFICATION OF ACTUAL OR PERCEIVED CONFLICTS OF INTEREST.**

**6. CITIZENS TO ADDRESS THE BOARD:** This is an opportunity for Citizens to address the Board at this time or during a Public Hearing. Each Person will have 5 minutes. The Town Board encourages public comment by the following sources: Live at the Town Hall, virtually via ZOOM (see the Town Website for the link), or by submitting your comments, via email, to the Town Clerk at [tammy@townofdolores.com](mailto:tammy@townofdolores.com) any time before the dated Board meeting.

## **7. STAFF REPORTS:**

### **7.1 Manager**

### **7.2 Attorney**

**8. EXECUTIVE SESSION:** To discuss the purchase, acquisition, lease, transfer, or sale of real personal, or other property interest under C.R.S SECTION 24-6-402(4)(A); specifically, discussion on 601 Central Avenue contract.

## **9. PUBLIC HEARINGS:**

## **10. DISCUSSION/ACTION ORDINANCE AND RESOLUTIONS**

**10.1 Discussion for a proposed ordinance only:** Title 8-Health and Safety Chapter 8.04, proposed changes for discussion, as presented.

**10.2 Discussion/Possible Resolution R507 Series 2022:** Authorizing the Town to close a contract to purchase real property located at 601 Central Avenue.

## **11. ADMINISTRATIVE BUSINESS AND PRESENTATIONS**

**11.1 Discussion/Action:** Letter of recommendation Colorado Parks and Wildlife OHV Grant.

**11.2 Discussion/Action:** Parks/Playground Advisory Committee recommendation to move forward with the JRP Park plan from Logan Simpson.

## **12. FUTURE AGENDAS:**

**12.1 Discussion:** November and December meetings

## **13. TRUSTEES REPORTS AND ACTIONS:**

## **14. ADJOURN**

## **ATTACHMENTS:**

- Joe Rowell Park Questionnaire
- Galloping Goose documentation
- Letter of support Dolores Ranger District
- CDOT Southwest Projects



## Manager's Update

### Dolores Colorado

To: MAYOR AND TRUSTEES  
From: Ken Charles, Dolores Town Manager  
Dt: October 24, 2022  
RE: Meeting Information Update

#### **Monday/s Town Board Meeting**

On the agenda for our regular meeting Monday October 24, 2022:

- We will be considering a Resolution authorizing the town to close a contract for real property at 601 Central.
- We will review a proposed ordinance to amend the Municipal Code as it pertains to the CURRENT NUISANCE ORDINANCE WITH PROPOSED CHANGES. This will be for discussion only. Please read the draft prior to the meeting.
- We will discuss November and December town board meeting dates in conjunction with the upcoming holidays.
- We have scheduled an Executive Session regarding the purchase of property at 601 Central Avenue.
- We will hear about the Parks Committee's motion making a recommending to the town board to approve the Logan Simpson Draft plan for JRP and consider the First Phase of projects.
- In the packet is CDOT report about upcoming road improvement projects.
- **Upcoming Events**
- November Board & Workshop meetings: November 14 & 28
- P&Z meeting: November 1
- Parks Committee meeting: November 10
- October 31: Mayors, Commissioners, Managers breakfast meeting 8:00 am Dolores Community Center
- October 21: CDPHE Vaccine Bus was at Flanders Park noon to 6:00 pm
- The last Farmers Market is Wednesday October 26.

# PROJECT PIPELINE

ADOPTED MAY 2020 | UPDATE ADOPTED SEPTEMBER 2022



## SOUTHWEST PROJECTS

	Project Type	Total Est. Project Cost	Total Strategic Funding	Other Funding	Funded FY 19-22	Funded FY 23-26	Planned FY 27+	Project Status	Planning Project ID
<b>Highway &amp; Transit – Region 5</b>									
US 24	US 24 Intersection Improvements in Buena Vista	\$6 M	\$4 M	✓			\$4 M		2002
	Buena Vista Park-n-Ride and Intermodal Facility	\$1.04 M	\$1.04 M		\$1.04 M				2292
US 50	US 50 and US 285 Intersection Reconstruction	\$6.07 M	\$5.37 M	✓	\$3.9 M	\$1.47 M			0071
	US 50 Corridor Improvements in Poncha Springs	\$2 M	\$2 M				\$2 M		2406
	Outrider Improvements at Poncha Springs	\$80 K	\$80 K		\$80 K				2722
	Salida Transit Capital Improvements	\$0.6 M	\$0.48 M	✓	\$0.48 M				2731
	US 50 West of US 285 Junction	\$4.21 M	\$3.5 M	✓		\$3.5 M			0072
UT 14	Outrider Improvements at Placerville, Ridgway, and Telluride	\$0.25 M	\$0.25 M		\$0.25 M				2452
US 160	US 160 Towhee Passing Lanes	\$9 M	\$9 M		\$9 M			✓	0091
	US 160 McCabe Creek Major Structure Replacement	\$7.37 M	\$6.737 M	✓	\$6.737 M			●	0025
	US 160 Multimodal Improvements in Alamosa	\$8.8 M	\$6.8 M				\$8.8 M		2018
	Alamosa Transit Center	\$2.8 M	\$2.8 M				\$2.8 M		1780
	US 160 Intelligent Transportation Systems (ITS) Infrastructure	\$30.56 M	\$10 M	✓			\$10 M	●	1303
	US 160 Elmore's Corner East	\$71.45 M	\$34.53 M	✓		\$27.4 M	\$6.93 M		1324
	US 160 and CR 225 Intersection Improvements	\$4.8 M	\$0	✓	(This project has been funded by other funding sources)				2021
	US 160 and Piedra Road Intersection Improvements	\$0.3 M	\$0	✓	(This project has been funded by other funding sources)			●	2032
	US 160 East of Fort Garland Safety and Wildlife Mitigation	\$13,417 M	\$4,747 M		\$3,419 M	\$3,328 M			1315
	US 160 between New Mexico and Aztec Creek	\$29.9 M	\$19.27 M	✓	\$19.27 M			●	0070
US 160	Pagosa Springs' Main Street Reconstruction and Multimodal Improvements	\$14,455 M	\$13.8 M		\$13.8 M				1339
	Pagosa Springs/Archuleta County Multimodal Facility	\$3,125 M	\$2.68 M	✓	\$1.08 M	\$1.6 M			1326
	Bustang Outrider Service between Pagosa Springs and Durango	\$2.69 M	\$2.69 M			\$2.69 M			2212
	Wildlife Mitigation on US 160 between Cortez and Durango (near CR 30.1)	\$4.5 M	\$2.88 M				\$2.88 M		2083
	Intersection Improvements at US 160 and Pike Avenue	\$3 M	\$3 M	✓			\$3 M		2081
	Intersection Improvements at US 160 and CR 30.1 (Phil's World)	\$1.5 M	\$1.5 M				\$1.5 M		2082
	Outrider Improvements at Johnson Village, Herfetz, and Mamona at Salinas State	\$0.25 M	\$0.25 M		\$0.25 M				2452
US 285	US 285 Safety and Mobility Improvements between Cortez and Saguache	\$39.52 M	\$33.68 M			\$20.8 M	\$13.08 M		0051
	US 285 Improvements in Saguache	\$0.75 M	\$0.75 M	✓			\$0.75 M		2049
US 550	US 550 and US 160 Connection	\$98.6 M	\$68.6 M	✓	\$68.6 M			●	0074
	US 550 Paochupuk South Roadway Mobility, Safety, and Billy Creek Wildlife Improvements	\$13.5 M	\$10.78 M	✓	\$8.29 M	\$2.49 M			0082
	US 550 Billy Creek Safety and Widening	\$37.53 M	\$22.95 M	✓		\$10.53 M	\$12.42 M		1123
	Durango Transit Capital Improvement	\$4.5 M	\$4.5 M	✓	\$2.0 M	\$2.5 M			1385
CO 15	CO 15 West of La Jara	\$6 M	\$6 M				\$6 M		2430
	Northeast San Luis Valley Transit Service	\$0.56 M	\$0.56 M			\$0.56 M			2532
	CO 17 West of Antonito	\$34.6 M	\$7.17 M			\$7.17 M			2434
CO 17	CO 17 Surface Treatment & Widening Hooper to US 285 Junction	\$18 M	\$18 M		\$18 M			✓	0080
CO 112	CO 112 Pedestrian Crossing in Center	\$0.75 M	\$0 M	✓	(This project has been funded by other funding sources)				2050
CO 114	CO 114 US 50 East	\$15.4 M	\$15.4 M		\$12 M	\$3.4 M			0084
CO 136	CO 136 East of La Jara	\$2 M	\$2 M				\$2 M		2430
CO 141	CO 141 Slickrock and CO 145 Redvale	\$10 M	\$10 M		\$10 M			✓	0082
	CO 141 North of Netaurita	\$4.2 M	\$4.2 M		\$4.2 M			✓	0081
CO 145	Multimodal Improvements on CO 145	\$3 M	\$3.38 M	✓		\$0.68 M	\$2.7 M		1402
	Outrider Improvements at Durango, Mancos, Cortez, Dolores, and Rico	\$0.4 M	\$0.4 M		\$0.4 M				2471
	SMART Purchase of Existing Real Property for Admin & Maintenance Facility	\$2.5 M	\$1.86 M	✓	\$1.86 M			✓	1724
	CO 145 Dolores East	\$10.38 M	\$10.38 M				\$10.38 M		2778
CO 149	CO 149 North of Creede	\$16 M	\$16 M		\$16 M			●	0081
CO 151	CO 151 between Ignacio and US 160	\$25.76 M	\$10.57 M	✓		\$10.57 M			2435
CO 172	CO 172 between New Mexico to Ignacio	\$10.38 M	\$10.38 M				\$10.38 M		2432
CO 370	CO 370 between CO 15 and CO 285	\$1.5 M	\$1.5 M	✓	\$1.5 M			●	0579

✓ Completed

● Currently under construction/in progress

● Planned for construction in 2022

H: Highway | T: Transit | RP: Rural Paving

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## SOUTHWEST PROJECTS

	Project Type	Total Est. Project Cost	Total Strategic Funding	Other Funding	Funded FY 19-22	Funded FY 23-25	Planned FY 27+	Project Status	Planning Project ID
<b>Highway &amp; Transit – Region 5</b>									
CO 371 between CO 15 and CO 368	RP	\$2.38 M	\$2.38 M				\$2.38 M		2632
Advancing Transportation Safety	H	\$1.965 M	\$1.965 M			\$1.965 M			2783
Intersection and Pedestrian Improvements at CO 291 and US 50	H	\$8 M	\$7 M			\$7 M			2070
Regional Transit Service between Montrose and Telluride	T	\$2.12 M	\$2.12 M		\$2.12 M				1028

✓ Completed    ● Currently under construction/in progress    ● Planned for construction in 2022    H: Highway    T: Transit    RP: Rural Paving



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## **SWTPR- RECENTLY COMPLETED PROJECTS**

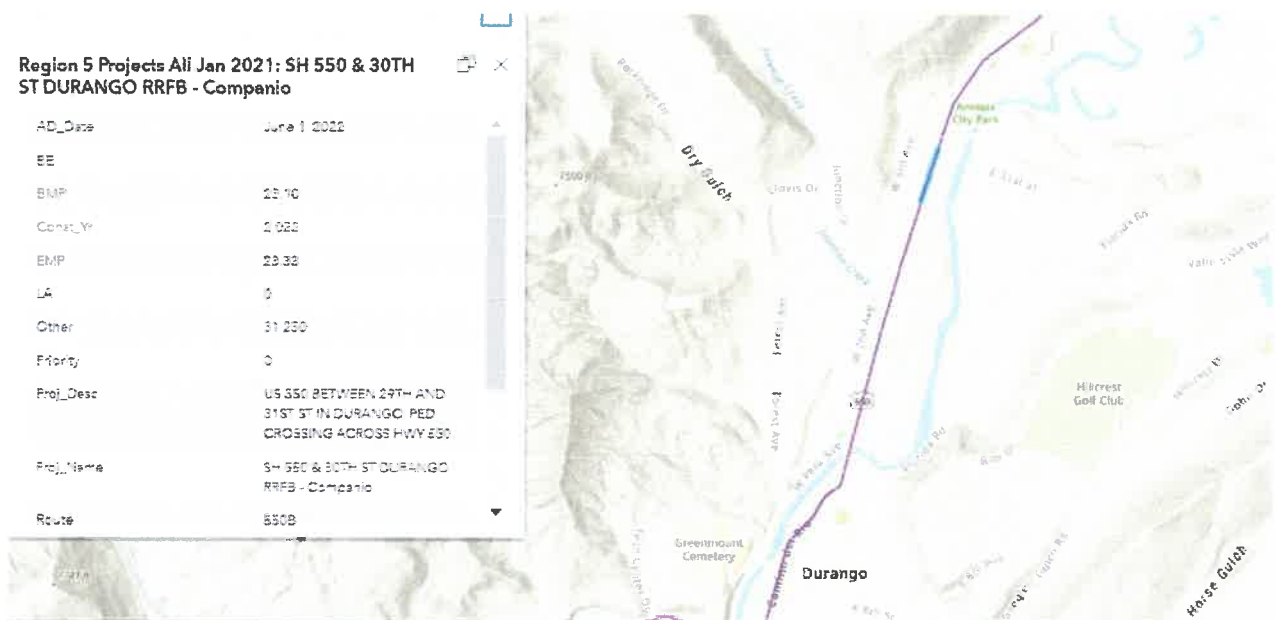
### **US 550 and 30th Street Durango RRFB- 22810**

Budget: \$310k

Funding: MMOF

Awarded: Morton Electric, Inc.

This project was located on US 550, North Main Avenue, in the City of Durango in La Plata County. A pedestrian crossing was constructed between 29<sup>th</sup> and 30<sup>th</sup> Streets. The crossing is outfitted with a crosswalk, ADA curb ramps, a pedestrian refuge island and a Rectangular Rapid Flashing Beacon (RRFB). This project has addressed the lack of safe pedestrian crossings and transit stop accessibility in the North Main corridor. Work at this location began in May 2022 and was completed in September 2022.



### **SH 172 at County Road 318- 21015**

Budget: \$2.2 million

Funding Type: FASTER

Awarded: Oldcastle SW Group, Inc.

This project was located on SH 172, at approximate MP 7.39 to MP 7.67, in the Town of Ignacio in La Plata County. The scope included widening the existing roadway to provide room for a northbound left turn lane, and small concrete median between CR 318 and Shadow Spirit East. Earthwork was included along with electrical work to install intersection lighting. New signage and pavement markings were also installed. This project began on September 20th and resumed in March 2022, following a winter shutdown. Construction was completed on July 20th, 2022.



Region 5 Projects All Jan 2021: SH 172 AT  
COUNTY ROAD 318

AD_Date	June 10, 2021
SB	
SNR	100
Contract	2021
BNR	2021
LN	0
Owner	0
Agency	0
Proj_Desc	SH 172 AT COUNTY ROAD 318 RAILROAD INTERSECTION WARRIOR BRIDGE
Proj_Name	SH 172 AT COUNTY ROAD 318
Route	172
Notes	WARRIOR BRIDGE



### US 160/SH 151 Wildlife Crossing Project-22024

Budget: \$12 million

Funding Type: SUR, CDOT/SUIT/CPW partnership

Awarded: Ralph L. Wadsworth Construction

This project was located on US 160, between approximate MP 126.4 & 128.2, in Archuleta County, roughly centered around the US 160 & SH 151 intersection. Work included extending the existing passing lane for westbound motorists and the installation of two large game crossing structures, made of pre-cast concrete arches, to reduce wildlife-vehicle collisions in the project corridor. The structure west of the US 160/SH 151 intersection was built beneath the highway grade and performs as an underpass for wildlife, while the arch structure east of the intersection was built over US 160 to perform as an overpass for wildlife. Other work included installing 8 ft. exclusion fence along both sides of US 160 throughout the project limits, along with earthen escape ramps and a large deer guard on SH 151 to prevent wildlife entry into the fenced corridor. This project began on March 15th, 2021 and was completed on July 22, 2022.

Region 5 Projects All Jan 2021: US 160 MP 126  
TO 129 W/L Crossings

AD_Date	August 24, 2022
SB	
SNR	126.42
Contract	2021
BNR	126.19
LN	0
Owner	0
Agency	0
Proj_Desc	US 160 MP 126.42 TO 128.2 BYPASS PASSING LANE AND WARRIOR BRIDGE CROSSINGS
Proj_Name	US 160 MP 126.42 TO 128.2 BYPASS PASSING LANE CROSSINGS
Route	160
Notes	WARRIOR BRIDGE



## **SWTPR- CURRENT PROJECTS**

### **US 160 Wolf Creek West Fiber- 22107**

Budget: \$12 million

Funding Type: Traffic

Awarded: Paonia

This project will take place on US 160 Wolf Creek Pass from approximate MP 153- 168, within Archuleta and Mineral Counties. Conduit, fiber optic cables and manholes will be installed on the western side of Wolf Creek Pass, from the summit down to Pagosa Springs. The project will also install ITS devices such as variable speed limits tied to friction sensors, a downhill truck warning system for the west side of the pass, and additional cameras. Due to contractor issues, this project was on hold for a period of time. Work restarted on May 21<sup>st</sup>, 2022 and has an estimated completion date in fall 2023.



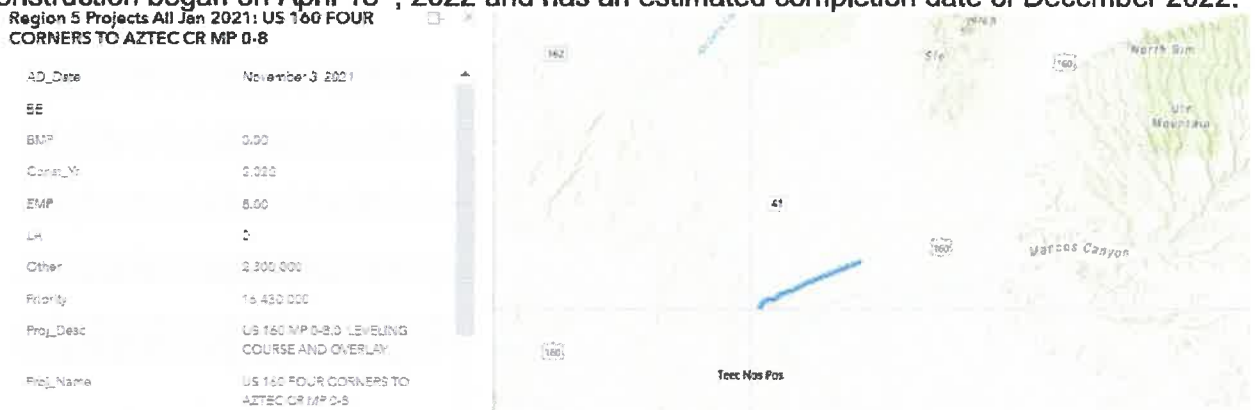
### **US 160 Four Corners to Aztec Creek- 22193**

Budget: \$26 million (plus ~\$3M NMDOT)

Funding Type: \$4M SUR, \$14M Rural Roads SB-267

Awarded: A&S Construction

This surface treatment project is located on US 160 from MP 0- 8, in Montezuma County. Planned work includes a full depth reclamation, widening to accommodate a northbound passing lane from milepost 5.5 – 6.5 and a southbound passing lane from milepost 3.5 – 4.5. It will also include 6-foot shoulders for the length of the project in Colorado. Culvert extensions, bridge repair and guardrail installation are also required. NMDOT has partnered with CDOT to pave their portion of US160. Construction began on April 18<sup>th</sup>, 2022 and has an estimated completion date of December 2022.





### **US 160 McCabe Creek Pagosa - 19263**

Budget: \$7.35 million

Funding Type: SB 267

Awarded: Oldcastle SW Group, Inc.

This project is located on US 160 at approximate MP 143, near downtown Pagosa Springs in Archuleta County. This project will involve replacing aged metal culverts with new precast concrete box culverts. Additionally, riprap lined drainage improvements will establish a new downstream channel, allowing for better drainage along the road. Other work will include updating the guardrail and bridge rail, erosion control, sidewalk work, and fencing along the corridor. Work began on this two-season project on August 2<sup>nd</sup>, 2021, however a wetter than average monsoon season has delayed the completion to early spring of 2023.

Region 5 Projects All Jan 2021: US 160 MCCABE CREEK PAGOSA

AD_Desc	Apr 7 2021
SE	
BMF	142.90
Compl_yr	2021
BMF	143.00
Wk	0
Comp	6737.012
Prjct	201900
Prj_Desc	PAGOSA SPRINGS COLORADO DOWNTOWN REPLACE EXISTING TWIN CMP CULVERTS WITH NEW BOX CULVERT
Prj_Name	US 160 MCCABE CREEK PAGOSA
Route	160A
Series	01



### **US 550/160 Connection South Design- Build- 22420**

Budget: \$99.6 million (estimated total cost)

Funding Type: FASTER/ SB 267/ SUR/ RPP

Awarded: Lawrence Construction Co.

This project is focused on the US 550 connection to US 160 in La Plata County. The connection will realign US 550 directly into the existing US 160 interchange, eliminating the steep and windy grade of the current US 550 Farmington Hill and improving roadway geometry. The project will include wildlife highway mitigation features which will reduce animal-vehicle collisions. Both bridges are now constructed. Current work includes finishing monuments and bridge curbs, paving preparation, the continuation of installing deer fencing and small mammal crossings and Phase 3 of powerline relocation. Construction began in August 2020 and now has an estimated completion date in fall 2023.



## SWTPR- UPCOMING PROJECTS

### US 160 West of Pagosa MP 135- 144 ST- 23505

Budget: \$9 million

Funding: SUR, Safety

Re- Ad: October 2022

This surface treatment project is located on US 160 in the Town of Pagosa Springs, approximate MP 135 to 144. Work will include a 1" surface treatment leveling course and a 1.5" SMA overlay as well as a 2.5" mill and fill at intersection locations with curb and gutter construction. Additional work includes culvert and guardrail replacement and re- striping. This project will be re-advertised in October with construction expected to begin in the spring of 2023.



### US 172 Ignacio to Elmore's Corner- 24092

Budget: \$11.5 million

Funding Type: Surface Treatment, Structures

Ad Date: December 2022

This project will be located on SH 172 at approximate MP 8.3 to 24.5, from Ignacio to the Elmore's Corner intersection of SH 172 and US 160. The work will include a 16.2-mile surface treatment along with ADA ramp improvements in the Town of Ignacio. This project is scheduled for Ad in December 2022 and construction tentative for spring 2023.



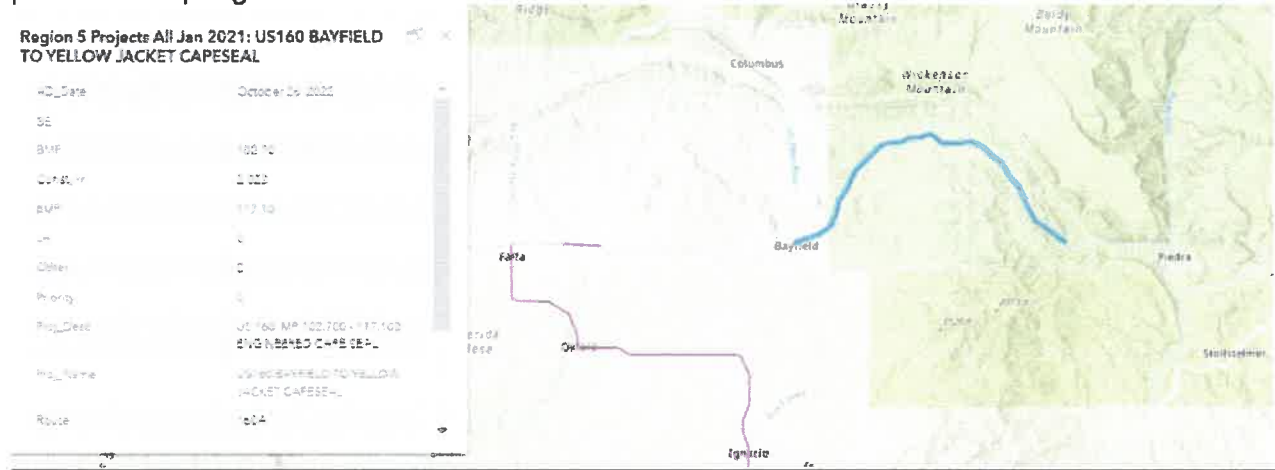
### **US 160 Bayfield to Yellow Jacket Capeseal- 23782**

Budget: \$3.5mill

Funding Type: Surface Treatment

Ad Date: Fall 2023

This project will be located on US 160, at approximate MP 102.7 to 117, in-between Bayfield and Piedra. This section of highway will receive an engineered capeseal surface treatment. Construction planned for spring 2024.



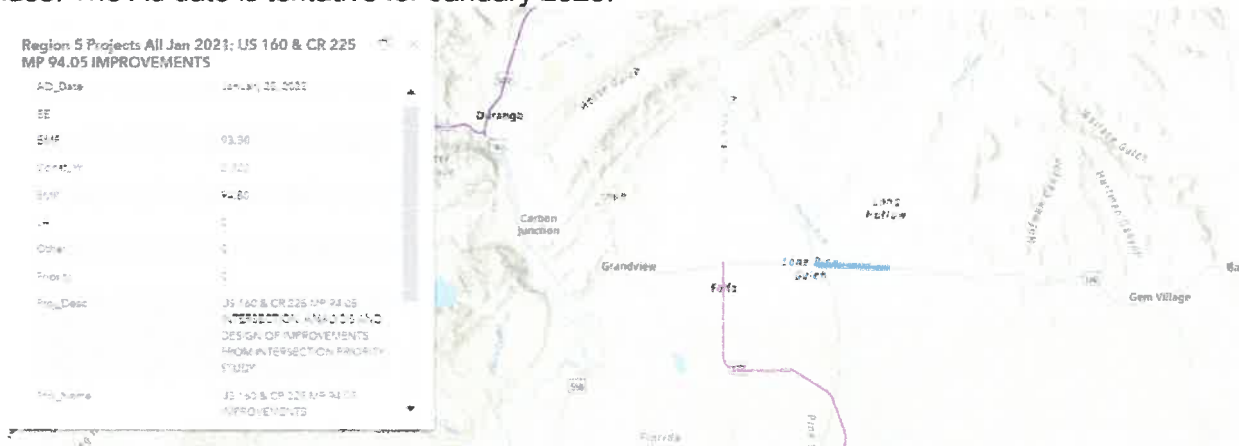
### **US 160 & CR 225 MP 94.04 Improvements- 23001**

Budget: \$6.8mill

Funding Type: Traffic & Safety

Ad Date: January 2023

This project will be located on US 160 at the intersection of CR 225, at approximate MP 94.05, east of Durango. An intersection study was performed here to evaluate safer, alternative options for the design of this intersection. The results of this study are being analyzed and the project is in the Design phase. The Ad date is tentative for January 2023.



### **US 160 Section 3 Priority Culverts- 23191**

Budget: \$1.9mill

Funding Type: Structures

Ad Date: Fall 2022

This project will be located on US 160, starting in Montezuma County, at approximate MP47, and continuing East to several locations up to a culvert on Wolf Creek Pass. A number of Priority culverts will be repaired or replaced. The Ad date is tentative for fall 2022 with construction scheduled for spring 2023.



### **US 160 San Juan River Bridge Scour- 20685**

Budget: \$2 million

Funding Type: BR

Ad Date: Fall 2023

This project is located on US 160 at the Colorado/ New Mexico state line, approximate MP 0. The project will provide scour protection for the bridge which will help contain the increase in runoff. Improvements to a second bridge at Aztec Creek have also been added to the project scope. The Ad date is scheduled for fall 2023 with start of construction tentatively anticipated for January 2024.



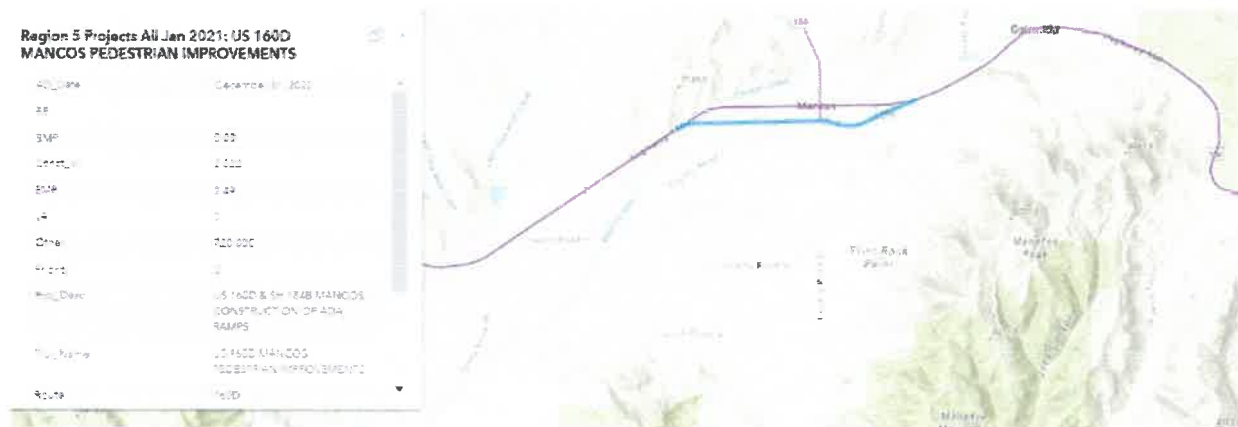
### **US 160D Mancos Pedestrian Improvements- 24618**

Budget: \$720k

Funding Type: Local Agency

Ad Date: Shelf 2023

CDOT is planning on the construction of ADA ramp improvements along US 160D in the Town of Mancos. The design is expected to be complete and shelved in 2023, awaiting construction funding.



### **US 160 Signals at SH 145 & Chestnut Street- 24772**

Budget: \$200k Design

Funding Type: Traffic & Safety, Signals

Ad Date: January 2023

This project is located on US 160 in the City of Cortez, in Montezuma County. The project will consist of signal improvements at the intersection of US 160 and SH 145, as well as the intersection of US 160 and Chestnut Street. Work will include the replacement of old existing traffic signals, poles and electronics. This project is scheduled for Ad in January 2023 with construction anticipated for spring 2023.





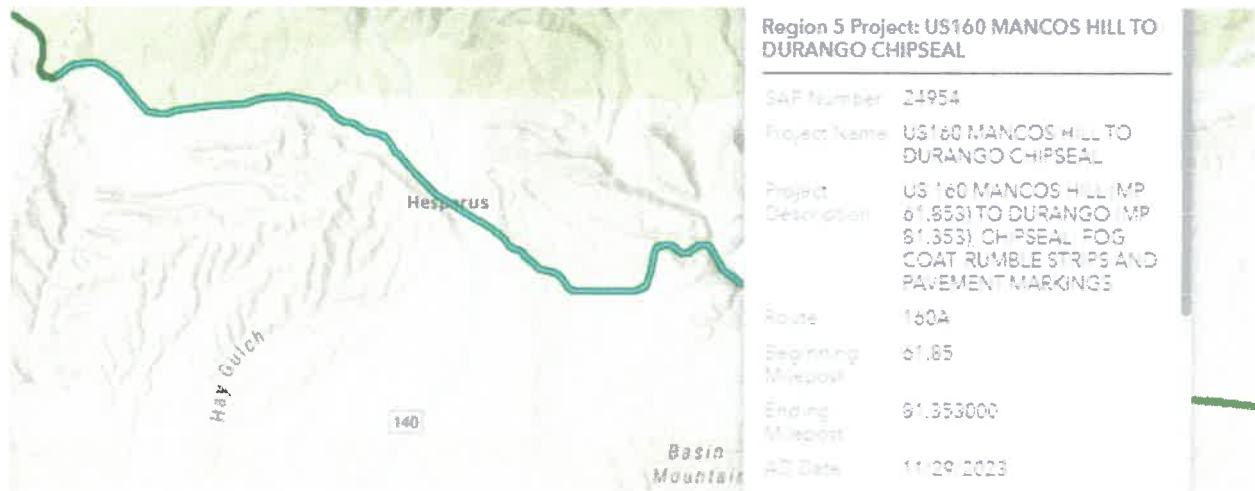
### **US 160 Mancos Hill to Durango Chipseal- 24954**

Budget: \$3mill

Funding Type: Surface Treatment

Ad Date: December 2023

This project is located on US 160 from the Town of Mancos, Eastbound to Durango in Montezuma and La Plata Counties, approximate MP 61- 81. Work will include a chipseal, fog coat, the addition of rumble strips and new pavement markings. This project is scheduled for Ad in December 2023 with construction tentatively anticipated for spring 2024.



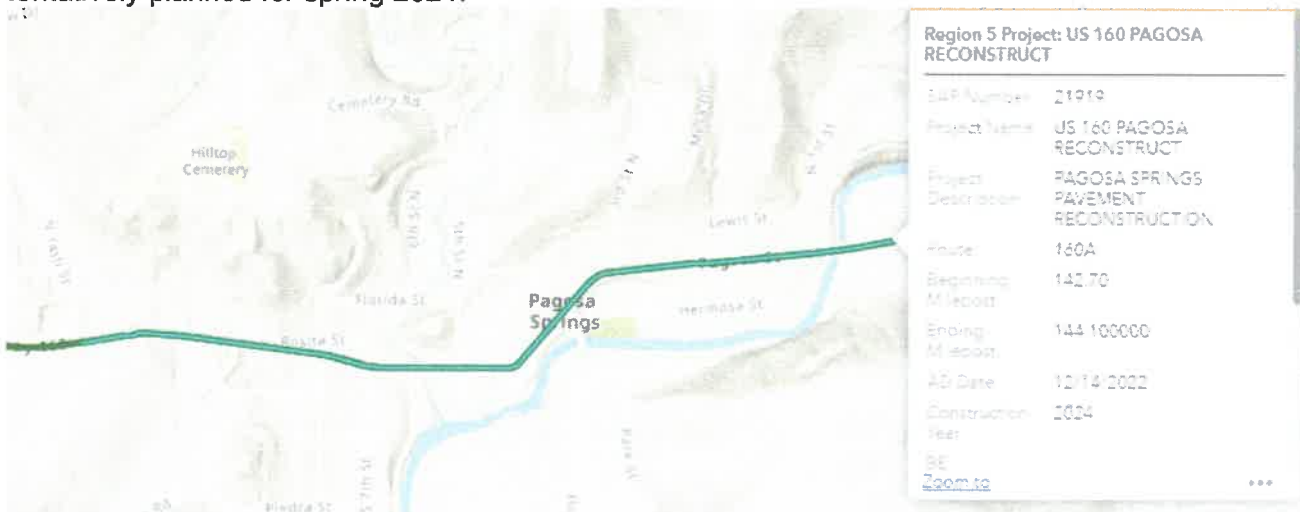
### **US 160 Pagosa Reconstruct- 21919**

Budget: \$15mill

Funding Type: Priority

Ad Date: Fall 2023

This project is located on US 160 through the Town of Pagosa Springs, approximate MP 142- 144, in Archuleta County. The current scope includes improvements to US 160 Between 10th and 1st Streets. An overlay and restriping is planned from 10th Street to the west side of 8th Street with concrete reconstruction continuing from west of 8th Street to the east side of 3rd Street. Additional work will include ADA upgrades to curb ramps and sidewalks at select intersections throughout the project limits and drainage improvements. This project is scheduled for Ad in fall 2023 with construction tentatively planned for spring 2024.



## CURRENT NUISANCE ORDINANCE WITH PROPOSED CHANGES FOR DISCUSSION

- **Title 8 - HEALTH AND SAFETY**

Chapters:

- **Chapter 8.04 - NUISANCES**

Sections:

- **8.04.010 - Definitions.**

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

"Action to abate a public nuisance" means any action authorized by this Chapter to restrain, remove, terminate, prevent, abate or perpetually enjoin a public nuisance.

"Author of nuisance". Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the owner or his or her agent, the tenant or his or her agent and all other persons having control of the property on which such nuisance exists shall be deemed to be authors thereof and shall be jointly and equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

"Building" means any dwelling, office building, commercial or industrial structure or any other structure of any kind, whether or not such building is permanently affixed to the ground upon which it is situated and includes any shipping container, shed, trailer, semi-trailer, trailer coach, mobile home, modular home, manufactured home or other vehicle designed or used for occupancy by persons for any purposes.

"Inoperable vehicle" means any automobile, truck or self-propelled vehicle, or any trailer, recreational vehicle, -incapable of moving under its own power and which lacks a valid current license plate and registration as required by the state of Colorado, or does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.

"Nuisance" means any substance, act, occupation, condition or use of property declared a nuisance by this chapter or declared a nuisance by the state or by any court or agency thereof, or known as a nuisance at common law, or which is of such nature and duration as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;

2. In any way render the public insecure in life or in the use of property;
3. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway or other public way.

(Ord. 353 § 1, 1989)

- **8.04.020 -- Public nuisances: policy. ~~Prohibited generally.~~**

A. No person being the owner, agent tenant, or occupant or having under his control any building, lot or premises or unimproved real estate within the town limits shall maintain or allow any nuisance to be or remain therein.

B. It is the policy of the Town pursuant to Section 31-15-401(c), C.R.S., that every public nuisance shall be restrained, prevented, abated and perpetually enjoined. It is the duty of the Town Attorney or his or her designee to bring and maintain an action, pursuant to the provisions of this Article, to restrain, prevent, abate and perpetually enjoin any such public nuisance. Nothing contained in this Article shall be construed as an amendment or repeal of any of the criminal laws of this Town or this State, but the provisions of this Article, insofar as they relate to those laws, shall be considered a cumulative right of the people in the enforcement of such laws.

(Ord. 353 § 2, 1989)

- **8.04.030 - Authority to declare nuisances.**

Nothing in this Chapter is intended to diminish the authority of the Board of Trustees to declare that aAny act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in Section 8.04.010 of this chapter may be so declared by the board of trustees, and nothing in Section 8.04.040 of this chapter shall be construed to limit the power of the town to make such declaration.

(Ord. 353 § 3, 1989)

- **8.04.040 - Nuisances designated.**

A. Unwholesome Business. Offensive or unwholesomeness businesses or establishments are prohibited. From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person of any kind to allow or suffer upon his premises or any premises which he is entitled to possess any offensive or unwholesome business or establishment within the town, or within one mile beyond the outer limits of the town as such outer limits are now, or may be hereafter, constituted. Any slaughterhouse or other place for slaughtering animals within this town is therefore declared to be a nuisance.

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

C. Discharge of Noxious Liquids. The discharge out of or from any house or place of foul or noxious liquid or substance of any kind whatsoever into or upon any adjacent ground or lot or into any street, alley or public place in the town is declared a nuisance.

D. Stale Matter. The accumulation of any stale, putrid or stinking fat or grease or other matter is declared to be a nuisance.

E. Sewer Inlet. Any article or materials accumulated in any sewer, sewer inlet or privy vault that shall have a sewer connection, which cause or might cause such sewer, sewer inlet or privy vault to become noxious or offensive to others or injurious to public health, are declared to be nuisances.

F. Dead Animal Removal. The body of any animal which has died and which is undisposed of after twenty-four hours after death is declared to be a nuisance.

G. Stagnant Ponds. Any cellar, vault, drain, sewer, pond of water or other place in this town that shall be noxious or offensive to others, or injurious to public health, through an accumulation or deposit of noxious, offensive or foul water or other substances shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any other ordinances of the town.

H. Open Wells, Cisterns or Excavations. It is declared that permanent excavations exceeding five feet in depth, cisterns and wells or any excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty pounds or are securely fenced with a solid fence to a height of at least five feet, and it is unlawful for any person to permit such nuisance to remain on premises owned or occupied by him. Any wall or cistern on any property within the limits of the town, whenever a chemical analysis or other proper test or the locations of the same shows that the water of the well or cistern is probably contaminated, impure or unwholesome, shall be deemed a nuisance. Any abandoned or unused well or cistern shall be filled with dirt and covered.

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

J. Handbills, Posters and Placards. Any handbill, poster, placard or painted or printed matter which shall be struck, posted or pasted upon any public or private house, store or other building or upon any fence, power pole, telephone pole or other structure without the permission of the owner, agent or occupant of the house shall be deemed a nuisance.

K. Unused Appliances. Any unused refrigerator, washer, dryer, freezer or other appliance within any accessible yard or lot or carport or residential garage within the limits of the town without the door of the same being removed is declared a nuisance.

L. Vacant Buildings. It is declared a nuisance for the owner of any vacant building to fail to replace any broken window or fail to secure any other means of entry into such building within seventy-two hours after notice is given by the town.

M. Transporting of Garbage or Manure. The transport of manure, garbage, swill or offal upon any street in this town in a vehicle so as to allow such filth to be scattered or thrown into such street is declared a nuisance.

N. Removal of Inoperable or Abandoned Vehicle. Any inoperable and abandoned vehicle, or any abandoned vehicle, parked out-of-doors on any lot or piece of ground in the town not removed from the town within thirty days after the expiration of its registration, as determined by examining the license plate on the exterior of the vehicle, is a nuisance. Except that nothing herein shall prohibit a property owner from keeping no more than three inoperable motor vehicles on their private property provided the same are screened from public view.

O. Barking, Yelping, Howling or Mewing by Dogs or Cats. Any dog or cat which, by loud or frequent or habitual barking, yelping, howling or mewing, causes a serious annoyance to the neighborhood or to persons passing to and fro upon the streets or sidewalks is declared a nuisance.

P. Accumulation of Garbage, Refuse, Etc. Any accumulation of refuse, trash or other waste or discarded material outside of a designated landfill, including discarded building and construction materials, that endangers the public health and safety is declared to be a nuisance.

Q. Smoke and Odor from Burning. Any smoke and odor resulting from the burning of refuse, trash or other materials outside of a solid fuel-burning device, including but not limited to those materials outlined in subsection P of this section, is declared to be a nuisance.

R. Accumulation of Manure. The accumulation of manure or other animal waste in quantities which endanger or tend to endanger the public health and safety is declared a nuisance. This subsection does not apply to a light spread of manure upon lawns or gardens or which is plowed under the surface of the ground.

S. Any place where people congregate which encourages the disturbance of the peace or where the conduct of persons in or about that place is such as to annoy or disturb the



peace of the occupants of or persons attending such place, or the residents in the vicinity or the passersby on the public streets or highways.

T. Any public or private place or premises which encourages professional gambling, unlawful use of drugs, unlawful sale or distribution of drugs, furnishing or selling intoxicating liquor or fermented malt beverages to persons under the legal drinking age, solicitation for prostitution or trafficking in stolen property.

U. Any building, fence, structure, tree or other vegetation or land within the Town, the condition of which presents a substantial danger or hazard to public health or safety, including any "dangerous building," as defined in the building codes, as adopted by reference by the Town.

V. Any dilapidated building of whatever kind which is unused by the owner or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm, soil erosion or rodent infestation or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter;

W. Discharging, placing or tracking any offensive water, liquid waste, dirt, mud, construction debris or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot, or which as the result of continued discharge will render the place of discharge offensive or likely to become so;(13)Keeping any drinking vessel for public use without providing a method of decontamination between uses.

X. Corrupting or rendering unwholesome or impure any spring, stream, pond or lake.

Y. Any toilet or sanitary wastewater facilities not constructed and maintained in accordance with the ordinances of the Town or the laws and regulations of the State.

Z. Keeping any animal or human fecal material, dead animal or other filthy or offensive substance upon any lot, street, alley, highway, park or other place.

AA. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults, septic tanks and cesspools or other individual wastewater disposal systems within twenty (20) days after notice from any enforcement officer or official of the Town.

BB. Obstructing or tending to obstruct or interfere with, excavating into the grade of, or render dangerous for passage any street or sidewalk, lake, stream, drainage canal or basin or any public park without first obtaining the written permission of the Town, specifically including the placement of portable toilets, construction Dumpsters, construction materials, construction debris, topsoil and/or landscaping material on Town streets or sidewalks.

CC. The obstruction or maintenance of any drainage system, drainage easement, canal, ditch, conduit or other watercourse of any kind or nature, natural or artificial, in a manner

which will become obstructed and/or cause the water to back up and overflow therefrom or to become unsanitary;(20)Cross-connecting with the Town's water supply system by introducing into such system any foreign water not a part of the treated water supply system.

DD. Any use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly, which includes, but is not limited to, keeping or depositing on, or scattering over the premises, lumber, junk, trash, debris or abandoned, discarded or unused objects or equipment such as motor vehicles, machine parts, furniture, stoves, refrigerators, freezers, cans or containers. Except that nothing herein shall prohibit a property owner from keeping no more than three inoperable motor vehicles on their private property provided the same are screened from public view.

EE. Continuous or repeatedly conducting or maintaining of any business, occupation, operation, activity, building, land or premises in violation of provisions of this Code or a statute of this State, after receiving reasonable notice of such violation.

FF. Unsheltered storage of old, unused, stripped and junked machinery, implements or personal property of any kind which is no longer safely usable for the purposes for which it was manufactured, for a period of ten (10) days or more (except in licensed junkyards) within the Town.

GG. Outside storage or accumulation of: (a) Any new or marketable used tires that are not neatly stacked or displayed in a marketable manner and allowed in the applicable zone district; (b) Nonmarketable tires in any manner for a period of greater than one (1) month. Nonmarketable tires are defined as those tires which are incapable of holding air or which have less than 2 /32 of tread, or both. Any person charged with a violation of this Subparagraph may produce a receipt evidencing the removal and quartering of nonmarketable tires during the thirty-one (31) days prior to the notice of violation, which receipt shall create a rebuttable presumption that no such violation has occurred; (c) Any tires on property located in a residential district, except that up to two (2) tires per dwelling unit may be kept outside for up to one (1) week on any property within a residential zone district; or (d) Indoor personal items for more than seventy-two (72) hours, including but not limited to clothing, bedding, indoor toys, cooking and eating utensils, newspapers and magazines, furniture and appliances intended for indoor use. For the purposes of this Subparagraph, storage on decks, in carports and in open garages shall be considered outside storage.

HH. Outside storage or accumulation of building, construction, plumbing, electrical and mechanical materials and supplies for use on the premises for a period longer than six (6) months. Permitted materials shall be neatly stacked on the premises.

II. Any building, lot, land, premises or business, occupation or activity, operation or condition which, after being ordered abated, corrected or discontinued by lawful order of the Town or any officer thereof, continues to be conducted or continues to exist in violation of: (a) Any ordinance of this Town; o (b) Any regulation enacted pursuant to the authority of an ordinance of this Town.

JJ. Those offenses which are known to the common law of the land or the statutes of the State of Colorado as nuisances when the same exist within the Town limits or within any unincorporated areas of land entirely contained within the outer boundaries of the Town, such areas known as "enclaves".

KK. Any graffiti or graffiti and/or related vandalism which shall mean any unauthorized inscription, symbol, design or configuration of letters, numbers or symbols or any combination thereof written, drawn, scribed, etched, marked, painted, stained, stuck on or adhered to any surface (public or private), including but not limited to trees, signs, poles, fixtures, utility boxes, walls, windows, roofs, paths, walks, streets, underpasses, overpasses, bridges, trestles, buildings and any other surface or surfaces, regardless of the material of the component, remaining on the subject property for a period greater than ten (10) days.

LL. No person shall bring into the Town or keep therein for sale or otherwise, either for food or for any other purpose whatever, any animal, dead or alive, matter, substance or thing which shall be or which shall occasion a nuisance in the Town or which shall be dangerous or detrimental to health.

(Ord. 353 § 4, 1989)

- **8.04.050 - Complaint filing.**

Complaints of nuisances may be made to the attention of the town clerk, ~~mayor~~, marshal or any other town official and should. ~~Any complaint shall~~ state the nature of such nuisance, the location, including street address, name of the owner, agent or occupant of the building or lot, if known, and the name and address of the complainant. Nothing herein shall prohibit the Town Manager or Building Official from initiating action under this Chapter without a complaint.

(Ord. 353 § 5, 1989)

- **8.04.060 - Inspection—Right of entry—Emergencies.**

A. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or whenever an authorized representative of the town shall have reasonable cause to believe that there exists in any building or upon any premises any conditions which constitutes a nuisance hereunder, the town clerk, mayor, marshal or police officer may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on any of them. If such building or premises is occupied, such person shall first present proper credentials, state the nature of the complaint, and request entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises and, upon locating said owner, occupant or other person or persons, shall present proper credentials, state the nature of the complaint, and request entry. If entry is refused, such person shall give the owner or



occupant, or, if said owner or occupant cannot be located after a reasonable effort, he shall leave at the building or premises, a twenty-four-hour written notice of intention to inspect. The notice given to the owner or occupant or left on the premises as aforesaid shall state that the property owner has the right to refuse entry and that in the event that such entry is refused, inspection may be made only upon issuance of a search warrant by the municipal judge of the town or a judge of any other court having jurisdiction.

B. After the expiration of said twenty-four-hour period from the giving or leaving of notice, the town clerk, mayor, marshal or police officer, or any of them, or their authorized representative, may appear before the municipal judge of the municipal court of the town and, upon a showing of probable cause, shall obtain a search warrant entitling him to enter the building or go upon such premises. Upon presentation of the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, said person may enter into the building or go upon the premises using such reasonable force as may be necessary to gain entry.

C. For the purpose of subsection B of this section, a determination of probable cause will be based upon reasonableness, and if a valid public interest justified the intrusion contemplated, then there is probable cause to issue a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue on order to obtain a search warrant. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by any authorized agent acting pursuant to this section.

D. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this chapter, the town clerk, mayor, marshal or police officer, or the authorized representative of any of them, upon a presentation of proper credentials or identification and upon stating the nature of the complaint in the case of an occupied building or premises, or possession of said credentials in the case of an unoccupied building or premises, may enter into any building or go upon any premises within the jurisdiction of the town. In said emergency situation, such person or his authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.

E. For purpose of subsection D of this section, an "emergency situation" includes, but is not limited to, any situation where there is imminent danger of loss of life, limb and/or property. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by the authorized official acting pursuant to this subsection.

(Ord. 353 § 6, 1989)

- **8.04.070 - Abatement—Failure to comply.**

A. Each and every nuisance declared or defined by any ordinance of the town or otherwise is prohibited, and the town manager, town mayor and building official and town marshal are authorized, in their discretion, to cause the same to be abated in accordance with the

procedures set forth in this Chapter. summarily abated in such manner as they may direct, subject to the limitations herein provided. If any nuisance is found to exist upon public property, it shall be the duty of the town to abate such nuisance immediately.

B. Upon authorization of the town manager ~~mayor, town clerk~~ or marshal, if any nuisance found to exist shall cause imminent danger to the life, limb, property or health as to require immediate abatement, any such nuisance may be summarily abated without notice of abatement as set forth herein. ~~by action of the mayor, town clerk, marshal, police officer or fire marshal or their designated representative.~~

(Ord. 353 § 7(A, B), 1989)

- **8.04.080 - Notice to abate.**

In the case of any nuisance not requiring summary abatement, it shall be the duty of the town manager, building official, ~~town clerk~~ or marshal to cause notice to be served upon the person responsible for or author of any nuisance which may be found, requiring said person to abate the same in a reasonable time and in such reasonable manner as prescribed, and such notice may be given or served by any officer directed or deputized to give or make the same. In causing notice to be served, the town manager ~~mayor~~, town clerk or marshal may authorize town officials, inspectors or any other appropriate town employee to issue notice of abatement. The notice of abatement shall give the author of the nuisance or responsible party fourteen days to comply. The reasonable time for abatement shall not exceed fourteen days unless it appears to town staff from the facts and circumstances that compliance could not reasonably be made within fourteen days. Town staff may grant an extension to comply when it appears ~~or~~ that a good-faith attempt at compliance is being made. Such notice shall be in writing, signed by the official issuing the same and shall be personally served upon the author of the nuisance and the owner or occupant of the premises upon which said nuisance exists or, if not occupied, then by the posting of the same prominently at some place on the premises upon which said nuisance exists. If service is by posting as aforesaid, then a copy of said notice shall also be mailed by certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of Montezuma County, Colorado, at the address of such owner as therein shown.

(Ord. 353 § 7(C), 1989)

- **8.04.090 - Abatement by cityTown—Procedure.**

If, after notification, a nuisance is not voluntarily abated, or in the event of a summary abatement as defined by 8.04.070, the following procedures shall apply:

A. An action to abate a public nuisance under this Article may be brought in Municipal Court or District Court in the discretion of the Town Attorney



B. Except as otherwise may be provided in this Chapter, the practice and procedure in an action to abate a public nuisance shall be governed by the Colorado Rules of Civil Procedure.

C. An action to abate a public nuisance shall be brought by the Town Attorney or his or her designee in the name of the State and the Town.

D. An action to abate a public nuisance, and any action in which a temporary restraining order, temporary writ of injunction or preliminary injunction is requested, shall be commenced by the filing of a complaint, which shall be verified or supported by affidavit. A summons shall be issued and served as in civil cases.

E. If the existence of a public nuisance is shown in such action to the satisfaction of the Municipal Court or District Court, either by verified complaint or affidavit, the Court may issue a temporary restraining order to abate and prevent the continuance or reoccurrence of the nuisance. Such temporary restraining order may direct the Town Manager or his or her designee to seize and close the public nuisance and to keep the same effectually closed against its use for any purpose, until further order of the Court.

F. Within ten (10) days, or such greater or shorter time as may be allowed by the Court, following the filing of a motion of any person adversely affected by a temporary restraining order, the Court shall conduct a hearing and determine whether the temporary restraining order shall be continued pending final determination of the action.

G. The Court may, as part of a preliminary injunction, direct the town marshal or town manager to seize and close such public nuisance and to keep the same closed against its use for any purpose, until further order of the Court. While the preliminary injunction remains in effect, the building or place seized and closed shall be subject to the orders of the Municipal Court. Preliminary injunctions may issue as provided by the Colorado Rules of Civil Procedure. No bond or security shall be required of the Town Attorney or the

H. The judgment in an action to abate a public nuisance may include a permanent injunction to restrain, abate and prevent the continuance or reoccurrence of the nuisance. The Court may grant declaratory relief, mandatory orders or any other relief deemed necessary to accomplish the purposes of the injunction and enforce the same, and the Court may retain jurisdiction of the case for the purpose of enforcing its orders.

I. The judgment in an action to abate a public nuisance may include an order directing the Town Manager or his or her designee to seize and close the public nuisance and to keep the same effectually closed until further order of the Court, not to exceed one (1) year.

J. The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to other injunctive relief, an order requiring the removal, correction or other abatement of a public nuisance, in whole or in part by the author of the public nuisance. The judgment may include an order directing the town marshal or town manager to remove, correct or abate the public nuisance if the author of the nuisance fails or refuses

to do so within a reasonable time as determined by the Court, at the cost of the author of the public nuisance.

K. If the owner or operator of a building or place seized and closed as a public nuisance has not been guilty of any contempt of court in the proceedings, and demonstrates by evidence satisfactory to the Court that the public nuisance has been abated and will not recur, the Court may require the posting of bond, in an amount fixed by order of the Court, for the faithful performance of the obligation of the owner or operator thereunder to prevent recurrence of or continuance of the public nuisance.

L. Any violation or disobedience of any injunction or order issued by the Court in an action to abate a public nuisance shall be punishable by a fine of up to four hundred ninety nine dollars (\$499.00) and each day on which the violation or disobedience of an injunction or order continues or recurs may be considered as a separate action of contempt of Court.

M. For seizing and closing any building or premises as provided in this Article, or for performing other duties pursuant to the direction of the Court in accordance with the provisions of this Article, the Town shall be entitled to a reasonable sum fixed by the Court, in addition to the actual costs incurred or expended to abate the nuisance.

N. All fees and costs allowed by the provisions of this Section, the costs of a Court action to abate any public nuisance and all fines levied by the Court in contempt proceedings incident to any action to abate a public nuisance shall be a first and prior lien upon any real property where the nuisance was located, and the same shall be enforceable and collectible by execution issued by order of the Court, from the property of any person liable therefor.

O. Nothing contained in this Article shall be construed in such a manner as to destroy the validity of a bona fide lien upon real or personal property appearing of record prior to the recording of Court orders involving real estate as authorized under this Chapter.

P. In addition to the remedies set forth herein, the assessment, together with up to fifteen percent (15%) of said assessment for inspection and other incidental costs in connection therewith, shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments. In accordance with Section 31-20-105, C.R.S., such assessment may be certified by the Town Manager or Town Clerk to the County Treasurer, to be placed on the tax list for the current year and collected and paid over in the same manner as provided by law for the collection of property taxes. Any amount charged on the tax roll of the succeeding year and any unpaid balance so carried over shall bear interest at the rate of eight percent (8%) per annum, until paid

A. If the person notified in accordance with Section 8.04.080 of this chapter, shall neglect or refuse to comply with the requirements of the notice to abate the nuisance within the time specified, such person shall be guilty of a violation of this chapter, and the mayor, town clerk, marshal and town attorney, or their authorized agent, may proceed at once, upon the expiration of the time specified in such notice, to commence appropriate legal

~~action to cause such nuisance to be abated; provided, that if the owner is unknown or cannot be found, the town clerk may proceed to abate such nuisance after notice has been posted for the period equal to the time specified to abate said nuisance. In either case, the expense of such abatement shall be collected from the owner of the property upon which the nuisance existed.~~

~~B. When any owner has responsibility for a nuisance and such nuisance exists and the owner fails to abate the same after the giving of such notice as provided for in this chapter, within the time limited therein, or as extended, then the town attorney is authorized to institute proceedings in a court of competent jurisdiction to obtain a judicial determination that such nuisance exists, to abate such nuisance, to enjoin the same and for such other and further relief as may seem necessary and proper, including but not limited to the costs, attorney fees and expenses of abatement.~~

~~C. Upon a judicial determination that a nuisance exists, the mayor or town marshal may be authorized to abate the nuisance or cause the same to be abated, employing such force and persons as may be necessary to abate the nuisance or cause the same to be abated, including the employees of the town or by contract or otherwise. All other town officials and employees are authorized and directed to render such assistance to the mayor or town marshal as may be required for the abatement of such nuisance and in connection with the enforcement thereof.~~

~~D. Any office or employees of the town who shall be authorized herein to abate any nuisance specified in this chapter shall have authority to engage the necessary assistance and incur the necessary expenses thereof. In any case where a nuisance is to be abated by the town, it shall be the duty of said authorized person to employ such assistance and adopt such means as may be necessary to effect abatement of the nuisance. It shall also be the duty of the town or any of its representatives to proceed in all abatement cases with due care and without any unnecessary destruction of property.~~

(Ord. 353 § 7(D), 1989)

- **8.04.100 - Abatement by ~~city~~Town—Cost recovery.**

A. The person or persons responsible for any nuisance within the town shall be liable for and pay and bear all costs and expenses of the abatement of the nuisance, which costs and expenses may be collected by the town in any action at law, referred for collection in connection with an action to abate a nuisance or assessed against the property as hereinafter provided.

~~B. The notice required by this chapter shall, in addition to other requirements herein, state that, if the nuisance is not abated within the time stated in the notice, the cost of such abatement may be assessed as a lien against the property (describing the same) pursuant to the terms of this chapter, referring to this chapter, together with an additional five percent assessment for inspection and incidental costs and an additional ten percent assessment for costs of collection, and collected in the same manner as real estate taxes~~



against the property. If the owner of the property is not personally served with a copy of such notice, then a true copy of such notice shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of Montezuma County, Colorado, at the address of such owner as therein shown.

C. If after the expiration of the period of time provided for in the notice, or as extended, costs or expenses are incurred by or on behalf of the town in the abatement or in connection with the abatement of the nuisance, and the costs are not otherwise collected, then the town treasurer may thereafter certify to the town clerk the legal description of the property upon which such work was done, together with the name and the owner thereof as shown by the tax rolls of Montezuma County, Colorado, together with a statement of the work performed, the date of performance and costs thereof.

D. Upon receipt of such statement from the town treasurer, the town clerk shall mail a notice to the owner of said premises as shown by the tax roll, at the address shown upon the tax rolls, by first-class mail, postage prepaid, notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof (as certified by the board of trustees), together with five percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that if the amount is not paid within thirty days after mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment for costs of collection, including a reasonable attorney fee, and the above mentioned assessments will be collected in the same manner as a real estate tax upon the property.

E. If the clerk shall not receive payments within the period of thirty days following the mailing of such notice, the clerk shall inform the board of trustees of such fact, and the board shall thereupon enact an ordinance assessing the whole cost of such work, including a charge of five percent of the whole cost for inspection and other incidental costs in connection therewith upon the lots and tracts of land upon which the nuisance was abated, together with a charge of ten percent of the whole costs for costs of collection.

F. Following the passage of such ordinance, the clerk shall certify the same to the county treasurer, who shall collect the assessment, including the ten percent charge for costs of collection, in the same manner as other taxes are collected.

G. Each such assessment shall be lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.

(Ord. 353 § 8, 1989)

- **8.04.110 - Remedies cumulative and nonexclusive.**

A. No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge or conviction of violation of this

chapter in the municipal court of the town, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

B. Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and, when applicable, the abatement provisions of this chapter shall serve and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this chapter that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under the municipal ordinances or any other provision of law.

(Ord. 353 § 9, 1989)

- **8.04.120 - Violation—Penalty.**

Any person found guilty of authoring a nuisance in violation of this chapter or disobedience of any injunction or order issued by the Court in an action to abate a public nuisance shall be punishable by a fine of up to four hundred ninety nine dollars (\$499.00) and each day on which the violation or disobedience of an injunction or order continues or recurs may be considered as a separate action of contempt of Court. As set out in Chapter 1.12 of this code, or the town may, in its discretion, also proceed against any violation or violations of this chapter by any person, partnership, corporation or other entity, in a civil action for abatement, injunction, damages, specific performance or by a lien foreclosure or through other equitable remedies, and these remedies shall be in addition to the criminal penalties provided in this section.

(Ord. 353 § 10, 1989)

- **Chapter 8.08 - WEEDS AND RUBBISH**

Sections:

- **8.08.010 - Abatement—Generally.**

A. No owner of any lot, block or parcel of ground within the town, nor any tenant or agent in charge thereof, shall allow or permit weeds or brush to grow or remain when grown, on such lot, block or parcel of ground, or along any sidewalk adjoining the same and to the middle of the alley behind same, but such weeds or brush shall be cut close to the ground and kept so cut. All lots, blocks or parcels of land, and sidewalks adjoining same shall also be kept free from brush, weeds, rubbish, trash, junk and garbage.

B. After cutting, all such weeds and brush shall immediately be removed by the owner of such lot, tract or parcel of land from the town.



C. A violation of this section shall be punished as set forth in [Section 1.12.010](#) General Penalty.

(Ord. 465 (part), 2005; Ord. 365 (part), 1989; Ord. 274 § 1, 1968)

(Ord. 523, 9-21-2015)

- **8.08.020 - Definitions.**

As used in this chapter:

"Brush" means construed to be volunteer growth of bushes, shrubs and trees such as are growing wild and without care and shall include all cuttings from trees, shrubs and bushes and high and rank shrubbery growth which may conceal filthy deposits.

"Garbage" means all offal, waste matter or vegetable matter from a kitchen, market, or store, and other worthless, offensive or filthy material and every refuse accumulation of animal, fruit or vegetable matter; liquid or otherwise that attends to the preparation, use, cooking, dealing in storing meat, fish, fowl, fruit or vegetables.

"Junk" means abandoned, or inoperative vehicles and/or parts thereof, abandoned tires, and/or farm machinery and all parts thereof, junk refrigerators, junk appliances, generally and all other forms or discarded property.

"Rubbish" means house dirt, ashes, rags, abandoned articles of clothing or similar substances.

"Trash" means all bottles, tin cans, refuse, paper, fallen tree limbs, and all other forms of discarded refuse.

"Weed" means construed to be any unsightly, useless, troublesome or injurious herbaceous plant, and shall include rank vegetable growth which exhales unpleasant or noxious odors, and also high and rank vegetable growth that may conceal filthy deposits and any plant designated by the state of Colorado or Montezuma County as a noxious weed.

(Ord. 465 (part), 2005; Ord. 274 §§ 3, 4, 1968)

- **8.08.021 - Declared nuisance.**

The growth of brush, weeds, and the accumulation of garbage, junk rubbish, or trash upon the lots, tracts, or parcels of ground, sidewalks adjoining same and to the middle of alley behind same within the town is found and declared to be a nuisance and a threat and danger to the health, safety and welfare of the town inhabitants.

(Ord. 465 (part), 2005)

- **8.08.030 - Failure to abate—Notice—Work by town clerk or town**

**administratormanager.**

In case of the failure of any owner of such lot, tract or parcel of land to cut or remove the brush, weeds, garbage, junk, rubbish, or trash as set forth in this chapter after having had ten days' notice in writing from the town clerk/town **administratormanager**, the town clerk/town **administratormanager** shall order town crews to cut all weeds and brush and remove same, and/or to remove any brush, weeds, garbage, junk, rubbish, or trash from such lot tract, parcel alley, and sidewalk area. This written notice shall be sent certified mail, return receipt requested. If the notice is returned as refused, it shall be deemed delivered.

(Ord. 365 (part), 1989; Ord. 274 § 6, 1968)

(Ord. No. 475, 4-9-2007)

- **8.08.040 - Abatement by town—Statement of costs.**

Upon the completion of the work as set forth in [Section 8.08.0930](#) of this chapter, the town clerk/town **manager administratormanager** shall assess the amount properly chargeable against the owner of said property or parcel of land on whose account the cutting and/or removing of brush, weeks, garbage, junk, rubbish or trash occurred. Said amount shall include all actual expenses incurred in said work together with any necessary costs of administration, expenses and costs of an inspection.

(Ord. 365 (part), 1989: Ord. 274 § 8, 1968)

(Ord. No. 475, 4-9-2007)

- **8.08.060 - Assessment notice.**

A. The town clerk/town **administratormanager**, as soon as an assessment of costs is made, shall send by certified mail, with return receipt requested, and regular first class mail, addressed to the owner or owners of such lot, tract or parcel of land, at the last known address of each owner as may appear on the assessment roll of the Montezuma County Assessor, Colorado, a notice of such assessment. Such notice shall contain a description of the lot, tract or parcel of land, the name of the owner or owners and the amount of the assessment.

B. All notice to property owners, as herein provided, shall be at such property owner's address as set forth on the assessment roll in the office of the county assessor of Montezuma County, Colorado.

(Ord. 465 (part), 2005: Ord. 274 §§ 7, 10, 1968)

(Ord. No. 475, 4-9-2007)

- **8.08.070 - Assessment—Failure to pay.**

It shall be the duty of the owner or owners to pay such assessment or to object thereto in writing as herein provided within thirty days after receipt of such notice of assessment. If said owner or owners fail to object in writing within thirty days, they shall be deemed to have waived hearing on such assessment and shall be personally liable for the amount of the assessment and the same shall also be a lien upon the respective lot, tract or parcel of land upon which said work was done from the time of the assessment, and the town shall have all the remedies for collection provided by the statutes of the state, including the right to certify the assessment to the proper officers of the County of Montezuma, Colorado, for the purposes of having the same placed upon the tax roll and collected in the same manner as property taxes are now collected.

(Ord. 465 (part), 2005: Ord. 274 § 11, 1968)

(Ord. No. 475, 4-9-2007)

- **8.08.080 - Assessment—Payment.**

The amount of such assessment may be paid to the town clerk at any time before the tax list is placed in the hands of the county treasurer or other property county officer, but after the tax list has been placed in the hands of the county treasurer or other proper county officer, payment be made only to the county treasurer.

(Ord. 465 (part), 2005: Ord. 274 § 12, 1968)

- **8.08.090 - Assessment—Objection.**

In the event any owner or owners, desire to object to the assessment they shall, within thirty days after receipt of the notice, file a written objection with the town clerk who shall thereupon designate the next regular meeting of the board of trustees as the date when this objection may be heard by the board of trustees.

(Ord. 465 (part), 2005: Ord. 274 § 13, 1968)

- **8.08.100 - Assessment—Certification.**

In case the owner or owners fail to pay the assessment or to object thereto within the required time as provided in this chapter, then it shall be the duty of the town clerk to certify the amount of the assessment to the proper county officers, that they may collect the assessment as provided for by the statutes of the state for the collection of delinquent general taxes.

(Ord. 274 § 14, 1968)

- **8.08.110 - Violation—Penalty.**

In addition to the above-stated costs which may be assessed against the owner as general taxes and/or a lien upon the real estate, it shall be unlawful for any person to violate this chapter, and any person who violates the provisions of this chapter, shall upon conviction, be fined in a sum of not more than four hundred ninety nine five hundred dollars and/or one hundred eighty days in jail.

(Ord. 473 (part), 2007; Ord. 465 (part), 2005; Ord. 274 § 15, 1968)

(Ord. No. 475, 4-9-2007)

**TOWN OF DOLORES**

**RESOLUTION NO.507**

**SERIES 2022**

**A RESOLUTION AUTHORIZING THE TOWN TO CLOSE A CONTRACT TO PURCHASE REAL PROPERTY  
LOCATED AT 601 CENTRAL AVE.**

WHEREAS, the Town of Dolores, Colorado is a statutory town incorporated under the laws of the state of Colorado;

WHEREAS the Board of Trustees is authorized pursuant to Colorado law to enter into agreements in order to acquire real property and land as may be necessary, or suitable for the public interest.

WHEREAS, the Town of Dolores has entered into a contract dated September 27, 2022 for the purchase of real property located at 601 Central Ave, Dolores Colorado, as amended, which is scheduled to close October 31, 2022, and which is legally described as Lots 1, 2, 3 and 4, Block 13, TOWN OF DOLORES, according to the plat thereof filed for record February 8, 1892 in Book 1 at Page 25.

WHEREAS, the Board of Trustees wishes to designate responsible persons to execute closing documents and authorize the expenditure of funds to purchase said real property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES as follows:

1. The Board of Trustees ratifies the contract as amended to purchase the above described real property in the original amount of \$379,900.
2. An inspection objection has been made by the Town of Dolores pursuant to Section 10 of the Contract which the Town accepts to resolve as follows: <<TBD>>.
3. The Board of Trustees delegates to the Town Manager, Kenneth Charles and the Mayor, Leigh Reeves, the following authority on behalf of the Town of Dolores to execute documents pursuant to the terms of the purchase contract dated September 27, 2022:
  - a. To approve the deed, settlement statement, closing instructions, and other closing document reasonably necessary to accomplish the purchase pursuant to the terms of the Contract identified herein; and,
  - b. To execute on behalf of the Town of Dolores any other documents reasonably necessary to close the above-described purchase of real property, including approval of the deed, settlement statements, and customary closing documents.
4. The Board of Trustees appropriate and/or allocates the funds necessary to close the above referenced purchase contract of the within described real property, including the remaining balance of the purchase price, title insurance, and closing costs up to but not exceeding \$384,900 to pay the remaining balance of the purchase price less the earnest money paid and the customary costs of closing as set forth in the contract.



5. The Board of Trustees authorizes the Town Treasurer and staff to issue payment to Colorado Title and Closing Services, LLC per the closing instructions and buyer's settlement statement approved by the Town Attorney.
6. The Town Manager and Mayor are authorized to execute any other documents reasonably necessary to accomplish the purchase of the subject property at 601 Central Ave., Dolores Colorado consistent with the intent of this resolution.
7. If any section, clause, phrase, word other provisions of this resolution shall for any reason be held invalid, such holding shall not affect the validity of the remaining sections, sentences, clauses, phrases words or other provisions and the validity of this resolution shall stand notwithstanding.

INTRODUCED, READ AND PASSED AS A RESOLUTION AT THE REGUALR MEETING OF THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES HELD ON OCTOBER 24, 2022, AT WHICH A QUORUM WAS PRESENT.

ADOPTEED by the Board of Trustees of the Town of Dolores, Colorado, October 24, 2022.

THE BOARD OF TRUSTEES OF THE TOWN OF DOLORES:

By: \_\_\_\_\_, Mayor Leigh Reeves

Attest: \_\_\_\_\_, Town Clerk Tammy Neely



October 17, 2022

Tom Metsa, OHV Program Manager  
COLORADO PARKS AND WILDLIFE  
13787 South Hwy 85  
Littleton, Colorado 80125

RE: Colorado State Parks and Wildlife OHV Grant

Dear Mr. Metsa:

The Town of Dolores Supports the efforts of the Dolores Ranger District to pursue grant funding from the Colorado State Parks and Wildlife OHV Program to fund projects for the maintenance of motorized trails on the San Juan National Forest. The Town of Dolores supports the grant requests for the following three grant proposals:

**The Calico Trail Project-** The District proposes to hire a Southwest Conservation Corp crew for up to 8 weeks of work on the Calico Trail located north of Rico, Colorado near the Lizard Head Wilderness area. The trail is a popular motorized route that ties into a number of other motorized trails such as the Eagle Peak, Stoner Mesa, and Priest Gulch trails as well as a number of Forest Service roads and other single-track routes. This section of trail was rerouted over 3 years ago and now requires some focused maintenance. Work includes stabilization of drainage crossings, signage, tread, and drainage repair.

**Dozer 24 Project-** This year our Dozer crew completed heavy maintenance on a variety of trails near the communities of Mancos, Dolores, and Rico. The district is requesting funds that will pay the salaries of a returning dozer operator and a swamper. This crew will focus on heavy maintenance of our motorized trail system using the district's trail dozer.

**Good Management Trail Crew 20-** Beginning in 2003, the district has staffed a trail crew who works on the San Juan Forest's motorized trails using funds from the motorized trail program.

The Dolores Ranger District has successfully partnered with the Good Management Program trail crew and the Southwest Conservation Corp on trail maintenance projects for the last decade. This relationship and much needed support have helped to maintain popular trails such as the Calico, Aspen Loop, Boggy Draw ATV loop and Stoner Mesa trails. The accomplishments of these crews could not have been done without the assistance from the State OHV Program.

We appreciate your consideration and ongoing support of our great regional motorized trail system and the Dolores Ranger District's trail program.

Respectfully,

Leigh Reeves, Mayor

420 Central Ave, P O Box 630 Dolores, CO. 81323  
Ph. 970-882-7720 fax. 970-882-7466  
<https://townofdolores.colorado.gov>



Kenneth Charles &lt;manager@townofdolores.com&gt;

**Joe Rowell Park Master Plan Questionnaire #2 results**

10 messages

Jana McKenzie &lt;JMckenzie@logansimpson.com&gt;

Thu, Oct 6, 2022 at 4:35 PM

To: Kenneth Charles &lt;manager@townofdolores.com&gt;, Kalin Grigg &lt;kalingrigg@gmail.com&gt;

Hello Ken and Kalin,

Attached are the results of the survey. There were not nearly as many respondents and not as many in-town residents as I would have liked. What do you think?

Although the sample size is small, I think the results support all of the other comments we have received. There continues to be the same controversy over a skate park – those who love it and those who do not, as well as a bridge over the river. There seems to be less debate over the bike park and no negative sentiments about the dog park, which should be higher priority than the skate park in my opinion. Paved versus unpaved paths is a detail, and in a lot of ways, I agree with the person who said don't pave everything. The challenge is maintaining those surfaces year-round and especially to meet the requirements of the ADA. I can advise you on special natural surface mixes that hold up better (e.g. national park service uses them), but they are almost completely impervious too, just like concrete.

BTW, Alex has decided to work part-time for another firm (she would not tell us which one) and will only be with us for a few more days. I am not including her on further correspondence at this point because I have other staff who are very capable and experienced. I am sad to see her go, have developed a good friendship with her, and hope she can happily figure out what her career path is going to be along with other life challenges.

Jana

**Jana D. McKenzie, Principal**

**FASLA, LEED-AP**

she/her/hers

*You may reach me quickest by email, or by calling my cell phone (970-227-3699).*

**LOGANSIMPSON**

GUIDING RESPONSIBLE CHANGE

P 970.449.4100, ext. 4803 | C 970-227-3699

213 Linden Street, Suite 300 | Fort Collins, CO, 80524

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# MASTER PLAN DRAFT

## JOE ROWELL PARK

