

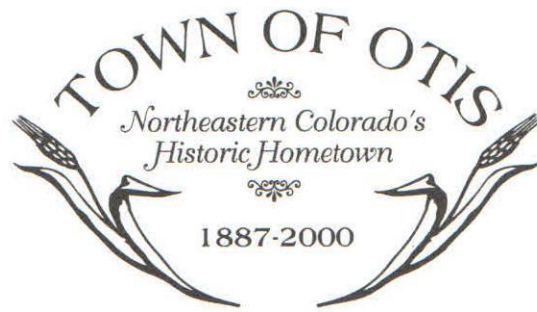
102 South Washington ♦ P.O. Box 95 ♦ Otis, Colorado 80743-0095
(970) 246-3235 ♦ Fax (970) 246-3234

MUNICIPAL ORDINANCES

For the Town of Otis, Colorado

1/1/2013

This document is a current digital format of existing Municipal Ordinances for the Town of Otis, Colorado. Please contact the Town Clerk at 970-246-3235 with any questions or concerns.



102 South Washington ♦ P.O. Box 95 ♦ Otis, Colorado 80743-0095
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January 20, 2013

To Whom It May Concern:

This Ordinance Project was undertaken to preserve the current and historical Ordinances for the Town of Otis, Colorado. The Ordinances have been electronically captured in current word formatting so that they can easily be shared, updated, and searched by the Town Officers, citizens, and others who may so need or want to reference the Municipal Ordinances.

Current forms of hardware and software technology have been used to recreate the documents found within. In addition some minor formatting adjustments have been made to ensure consistency across each of the pages. Great effort has been taken to ensure the accuracy of each Ordinance, however due to the deterioration and omission of some information, these Ordinances may have areas where they are incomplete or have been entered in error.

The Original Ordinances have also been captured digitally to ensure that there is a historical reference to each ordinance. If there is a dispute over an incorrect, unknown, or incomplete ordinance, refer back to the Town Clerk for verification of the information contained herein.

Respectfully,

Lonnie L. Knudsen, Town of Otis Board Trustee

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TOWN ORDINANCES

Ordinance No. 1.

AN ORDINANCE TO DEFINE THE CORPORATE LIMITS OF THE TOWN OF OTIS, COLO. AND PRESCRIBE A CORPORATE SEAL.

Be it ordained by the Board of Trustees of the Town of Otis, State of Colorado.

SECTION 1. The Corporate limits of the Town of Otis, Colorado, shall include such portions of sections No. 9, 10, and 15 in Township 2 North and Range 50 West of 6th P. M. to-wit:

Beginning at the South-east corner of the South-west quarter of section 10 aforesaid, thence North on a straight line 338 feet, thence at right angle 400 feet west, thence North 900 feet, thence West 912 feet, thence North 765t feet, thence west 1353 feet and 10 inches, thence South 786 feet and 3inches to the established one sixteenth corner between the South-east quarter of Section 9 and the South-west quarter of Section 10 aforesaid, thence west 1200 feet, thence South 1333.86 feet, thence east 1200 feet at the corner common to Sections 9, 10, 15, and 16 in said township 2 North and Range 50, thence South 900 feet, thence East 2640 feet, thence North 900 feet to the place of beginning, in Washington County, in the State of Colorado.

SECTION 2. The corporate seal shall consist of a circular plate and disc bearing the following inscription:

"Town of Otis, Washington County, Colorado," in circular form, and the words "Incorporated - Seal - 1917" across the center of the plate and within the circular inscription.

Passed and Approved this 27th day of April, A. D. 1917.

John J. S. Harvey, Mayor.

TOWN ORDINANCES
Ordinance No. 2.

**AN ORDINANCE TO CREATE THE OFFICES OF TOWN CLERK AND TOWN TREASURER TO
PROVIDE FOR THEIR ELECTION AT AND AFTER THE ANNUAL TOWN ELECTION IN 1918.**

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. The offices of Town Treasurer and of Town Clerk of Otis are hereby created, and until the regular town election in A. D. 1918 some suitable persons shall be appointed by the Mayor of Otis to fill these offices. At the regular town election in A. D. 1918, and each year thereafter, there shall be elected by the qualified electors of the Town of Otis, a Town Treasurer and a Town Clerk who shall hold their offices respectively for a term of one year and until their successors shall have been elected and qualified.

SECTION 2. The office of Town Treasurer and Town Clerk shall not be held by one and the same person, and no Town Treasurer or Town Clerk shall either directly or indirectly be or become interested in the purchase of Town Warrants of said town, or any of the obligations of said town.

Passed and Approved this 27th day of April, A. D. 1917.
John J.S. Harvey, Mayor.

TOWN ORDINANCES

Ordinance No. 3.

AN ORDINANCE TO DEFINE THE DUTIES OF TOWN CLERK.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. The Town Clerk shall be the custodian of all books and records and seal of the Town of Otis and shall keep a true and correct record of all proceedings of the Board of Trustees at either regular or special meetings and shall record them in a book to be provided for that purpose. He shall issue all license, notices, or orders authorized by the Mayor or Board of Trustees of the Town of Otis, sign the same, and affix the seal of the Town.

The Town Clerk shall be required to give bond, for the faithful performance of his duty in such sum as the Board may direct, and may be required to give further bond at the discretion of the Board.

SECTION 2. The Clerk shall sign and issue all warrants on the Treasurer for the disbursements of all moneys affixing the Town Seal thereto and keeping a true record of all such warrants issued, Provided: He shall issue no warrant on the Treasurer for the disbursements of money except on the order of the Board of Trustees.

***** Incomplete Ordinance *****

TOWN ORDINANCES

Ordinance No. ??.

******* Incomplete Ordinance *******

SECTION 8. If any person shall be convicted of violating any ordinance of the Town of Otis, and shall refuse or fail to pay the fine imposed upon him or her, together with the costs of suit, the justice or magistrate shall order such person to be imprisoned. until such fine and costs are paid. Provided, no per on shall be imprisoned for failure to pay a fine for a longer period than ninety days.

Passed and Approved this 30th day of April A. D. 1917
John J.S. Harvey, Mayor

TOWN ORDINANCES

Ordinance No. 12.

AN ORDINANCE TO PROVIDE FOR REGULAR AND SPECIAL MEETINGS AND ORDER OF BUSINESS.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. That the regular meeting of the Board of Trustees shall hereafter be held on the first Tuesday evening of each month. Special Meetings may be called by the Mayor or in his absence, by the Clerk of the Board, in his discretion.

SECTION 2. Whenever the Mayor shall be absent or unable to attend, some member of the Board shall be selected to preside. In the absence of the clerk, a clerk protem shall be appointed by the Mayor or acting Mayor.

SECTION 3. The order of business at a meeting shall be as follows:

- 1st. - Reading the minutes of the preceding meeting.
- 2nd.- The approval or amendment of the minutes of the preceding meeting.
- 3rd. - The report of committees in the order of Finance, Appropriations, Streets, and Alleys, Public Printing, and Special committees in the order of their appointment.
- 4th.- The consideration of new business.

SECTION 4. Every subject coming before the Board for its action shall be submitted by resolution or motion.

SECTION 5. The Clerk shall read the resolution or motion with the name or the Mover, and if a second is obtained, the presiding officer shall ask: "Are you ready for the Question?"

SECTION 6. If the question is demanded the clerk shall call the roll and the vote shall be taken by yeas and nays. A majority of the votes cast shall be necessary to the adoption of any resolution or motion.

SECTION 7. If any member of the Board desires to discuss any resolution or motion, he shall arise to his feet and address the mayor when that officer has inquired if the Board is ready for the question, and on being recognized by the Mayor, shall proceed to briefly state his objections to the pending proposition, after which the matter shall be open to further discussion.

SECTION 8. The mayor shall recognize a member desiring to speak on a pending subject by name, and no member shall be permitted to address the Board unless he has been recognized by the Mayor and after having been so recognized by the Mayor, he shall be privileged from interruption during the course of his remarks.

SECTION 9. A member shall be declared out of order:

- 1st.- When he is endeavoring to address the Board without having first been recognized by the Mayor.
- 2nd.- When he is endeavoring to speak on a subject not under consideration.
- 3rd.- When he is guilty of using indecorous, unseemly, opprobrious or discourteous language

- 4th.- When he shall have spoken beyond the time limited to each member by the Mayor for the discussion of the pending question.
- 5th.- When he shall attempt to speak twice on the same question.

SECTION 10. Upon the conclusion of the discussion the Mayor will announce " The clerk will now proceed to call the roll for the yeas and nays."

SECTION 11. When the vote shall have been taken, the Mayor shall announce the result (if the proposition carried) in the following words substantially: "The Motion (or resolution) has carried". If the measure shall have been defeated, the Mayor shall announce the result substantially as follows: "The motion (or resolution) is lost."

SECTION 12. The vote on any motion or resolution shall not be reconsidered except upon motion made at the same meeting at which the vote was taken. The motion to reconsider shall stand over until the next meeting of the Board.

SECTION 13. The Mayor at the first regular meeting in April in each year shall appoint the following standing committees:

The committee on finance, the committee on appropriations, the committee on streets and alleys, and the committee on public printing. Special committees may be appointed as the needs of the Board may require.

SECTION 14. Upon motion duly seconded any question pending before the Board may be referred to the appropriate committee, or to a special committee for its consideration and report. When a question has been referred to a committee, such committee shall report the result of its investigation with its recommendations at the next meeting. The question shall then be "on the adoption of the recommendation of the committee", and it shall be open to discussion. A matter may be a second time referred only in cases where the committee has failed to report, or where there are weighty reasons for further investigation.

SECTION 15. In all other respects the proceedings of the Board shall be conducted according to parliamentary usages.

SECTION 16. The Mayor shall have no vote except in case of a tie.

SECTION 17. A quorum shall consist of the Mayor and four trustees. No business shall be transacted except when a quorum is present, but a smaller number may adjourn the meeting to another time.

Passed and Approved this 30th day of April A.D. 1917.
John J. S. Harvey. Mayor.

TOWN ORDINANCES

Ordinance No. 13.

AN ORDINANCE TO PREVENT THE OBSTRUCTION OF SIDEWALKS.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. Whoever shall deposit any offal, filth, refuse or other matter on any sidewalk, or make, erect or maintain any obstruction thereon, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not to exceed five dollars.

SECTION 2. It shall be the duty of the marshal to remove all obstructions from the sidewalks, but he may notify the person placing the same thereon to remove it immediately, and if such person shall fail or refuse so to do, the marshal shall at once commence proceedings under the first section of this ordinance.

SECTION 3. It shall also be the duty of the marshal to prevent or disperse any assemblage on the sidewalk, which tends to obstruct the free and convenient use of the same. by the public.

Passed and Approved this 30th day of April A.D. 1917.

John J. S. Harvey, Mayor

TOWN ORDINANCES
Ordinance No. 14.

AN ORDINANCE TO PROVIDE FOR THE PUNISHMENT OF DRUNKENNESS.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. Whoever shall be intoxicated on any street or

***** Incomplete Ordinance *****

TOWN ORDINANCES

Ordinance No. ??.

******* Incomplete Ordinance *******

SECTION 2. "Skip" - Repealed

SECTION 3. Any person who shall construct any building on or adjacent to any street in said town shall remove from the street or streets adjacent to such building all rubbish occasioned there-by and left on such streets, within ten days next after the completion of such building, and on failure to do so, upon conviction thereof, shall be fined not exceeding twenty dollars for each day such rubbish is so unlawfully left on such street or streets.

Passed and Approved this 30th day of May A. D, 1917.

John J.S. Harvey, Mayor

TOWN ORDINANCES

Ordinance No. 18.

AN ORDINANCE REGULATING AND PROVIDING FOR THE BUILDING OR REPAIRING OF SIDEWALKS IN FRONT OF LOTS FRONTING UPON ANY AND ALL STREETS IN THE TOWN OF OTIS, COLORADO.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. That from and after the taking effect of this ordinance it shall be the duty of the street commissioner to examine and report to the Mayor and Board of Trustees the condition of all sidewalks which have heretofore been put down or constructed upon or along any street in the town of Otis. Such report shall be made within ten days after the taking effect of this Ordinance and at least every ninety days thereafter.

SECTION 2. And it shall appear that any sidewalk in the Town of Otis has been destroyed or is out of repair, or has become in any wise dangerous and needs repairing, or that any new sidewalk is required for the public convenience and benefit, the street commissioner shall immediately notify the owner of the lot, or lots (or property), fronting on the same, that such sidewalk has been destroyed, or that the same needs to be repaired, or that a new sidewalk has been ordered built by the Board of Trustees of the Town of Otis, (stating as nearly as he can the probable cost of constructing or repairing such sidewalk) giving such owner thirty days in which to put down, construct, or repair such sidewalk.

Said notice shall be given in writing and mailed, in a properly addressed envelope, in the Post Office at Otis, Colorado, if the party be a resident of the State of Colorado. If the owner shall at the time be a nonresident of the State, or shall have been out of the State of Colorado, and is still out of the State of Colorado, or if his whereabouts are unknown at the time of the giving of notice it shall be sufficient to give such notice by publishing the same in two consecutive issues of any newspaper then being published within the town of Otis and such notice shall date from the first publication thereof.

SECTION 3. If such owner of the property, or lot, or lots, shall fail or neglect to put down, build, construct or repair such sidewalk, of approved material, and of the established width and grade, and in length equal to the entire street frontage of his said property fronting upon the street or streets mentioned in the hereinbefore mentioned written or published notice within the said thirty days from the mailing or publishing thereof, then and in that case it shall be put down constructed or repaired by the street commissioner, and the cost of such sidewalk or repairing the same shall be assessed against the property fronting on the same, and such assessment shall be a lien upon said property until the same is paid; and the same shall be certified by the Town Clerk and Recorder of Otis to the officer then having the custody of the tax list. Provided, that the owner of the property shall have ten days notice by publication in a newspaper then published in the Town of Otis notifying him of the amount of the assessment and when the same will be certified to the tax collector and giving him a chance to be heard as to the correctness of the amount of such assessment, and such assessment shall be collected as provided by law.

SECTION 4. This ordinance shall be in force from and after five days after its publication in the Otis Independent.

Passed and Approved this 1st day of May A.D. 1917/.
John J. S. Harvey, Mayor.

TOWN ORDINANCES

Ordinance No. 25.

AN ORDINANCE TO CREATE THE OFFICE AND DEFINE THE DUTIES OF TOWN ATTORNEY.

Be it ordained by the Board of Trustees of the Town of Otis:

SECTION 1. The Board, at its' first regular meeting in April in each year, shall appoint a town attorney for the ensuing year, and fix his salary. If a vacancy shall occur, the board shall appoint an attorney for the unexpired term.

SECTION 2. It shall be the duty of the town attorney to prosecute or defend all suits brought by or against the town, and render such legal advice to the board and other town officers as they may require.

SECTION 3. In all suits brought for the violation of the ordinances of Otis wherein there is a conviction, five dollars (\$5.00) shall be added to the costs of the suit for attorney fees, and when collected shall be paid to the town attorney.

Passed and approved this first day of May, A. D., 1917
John J. S. Harvey, Mayor

TOWN ORDINANCES

Ordinance No. 28.

AN ORDINANCE TO LICENSE DANCING HALLS AND TO REGULATE THE CONDUCTING OF THEM.

Be it ordained by the Board of Trustees of the Town of Otis, State of Colorado.

SECTION 1. Any person, or persons who shall keep as a means of public amusement, or for their own benefit, any dancing hall, shall be required to pay for the operation of such hall, within the limits of the Town of Otis, a license fee of ten dollars (\$10.00) per annum, semi-annually in advance.

SECTION 2. It shall be the duty of any person, or persons conducting any such dance hall to see that the dancing shall be conducted in a quiet and orderly manner and that no loud, boisterous, or disorderly conduct be permitted in such hall and if any such boisterous or disorderly conduct be permitted by the keeper of such hall or is indulged in beyond his control to the extent that, in the judgment of the Town Board, it becomes a public nuisance, they shall so declare it, and order such hall closed and such license revoked.

SECTION 3. Any person violating the provisions of this ordinance shall be deemed guilty of misdemeanor and upon conviction shall be fined in a sum not to exceed \$25.00 nor less than \$5.00 and costs of suit.

Passed and approved this Second day of June A. D., 1917.
John J. S. Harvey, Mayor.

TOWN ORDINANCES

Ordinance No. 34.

AN ORDINANCE TO PROVIDE FOR THE ISSUING OF LICENSES

Be it ordained by the Board of Trustees of the Town of Otis, Colorado;

Article I

General Provisions.

SECTION 1. That it shall be unlawful for any person to exhibit for gain, within the limits of the Town, any animals; wax or other figures, or paintings, feats of riding, rope or wire dancing, slight of hand, or to pursue the avocation of fortune teller, pawn broker, hawker, peddler, transient merchants, or temporary dealer, within the limits of this Town, without first having obtained a license or permit there for; and if any person so licenses, shall violate any of the provisions of this ordinance, he shall be liable to be proceeded against for any penalty of fine imposed thereby, to be not less than one Dollar (\$1.00), or more than Twenty Five (\$25.00) Dollars, and his license or permit be revoked by the Mayor of the Town.

SECTION 2. It shall be the duty of the Mayor to grant the licenses or permits therein provided for, if in his opinion, the exhibition will not injuriously effect the morals of the people or offend against the rules of decency and good order; and he shall, at his discretion, fix the sum to be paid for the license or permits in all cases not herein provided for.

SECTION 3. All licenses and permits shall be issued and signed by the Town Clerk, pursuant to the order of the Mayor, upon payment to him of the sum assessed there for; and no person shall have authority to act, exhibit, perform, sell or solicit, under any of the vocations as named or designated in Section 1, of this article without first obtaining a permit or license as above mentioned.

SECTION 4. No license or permit granted under this Ordinance shall be assignable or transferrable without the written permission of the Mayor, and shall not be granted for a longer period than one year.

SECTION 5. The Town Clerk shall keep a license register, in which shall be entered the name of each and every person licensed, pursuant to this ordinance, the date of the license, the purpose for which granted, the amount paid there for, and the time, the same will expire or continue in force; and all permits issued under this Ordinance shall be recorded in like manner.

Article II

Shows and Exhibitions

SECTION 1. Any person or persons, who shall exhibit, conduct or manage for gain, within this Town any circus, caravan or other exhibition, show or amusement, of who shall exhibit any natural or artificial curiosity or panoramic or other show or device of any kind, or shall give any concert, or musical entertainment of any kind, without first having obtained a license or permit there for, as hereinafter provided, shall forfeit any pay to the Town for each offense a sum of not less than Twenty-Five (\$25.00) Dollars and not more than Fifty Dollars (\$50.00), and cost of suit; provided that, for dramatic or musical entertainments and all exhibitions given or made by the citizens of this Town, no license shall be required.

SECTION 2. The Mayor is hereby authorized to his discretion to order the issuing of a license or permit to any person or persons for any of the objects and purposes contemplated in the foregoing section, upon the payment of a sum not less than Three Dollars (\$3.00) nor more than One Hundred Dollars (\$100.00).

SECTION 3. The Town Clerk, in issuing any license or permit granted under the provisions of this article, shall specify therein the objects and length of time for which the same is granted, and the place where the exhibition or performance is to be.

Article III

Pawn-Brokers or Fortune Tellers.

SECTION 1. Any person or persons who shall engage in the business of pawn-broker or fortune-teller within this Town, without first obtaining a license or permit there-for, as hereinafter provided, shall forfeit and pay to the Town for each offense, a sum of not less than Five Dollars (\$5.00) nor more than Twenty-Five Dollars (\$25.00) and costs of the suit.

SECTION 2. The Mayor in his discretion, may issue a permit to any pawn-broker or fortune-teller, for a sum not less than Five Dollars (\$5.00), or more than Twenty-Five Dollars (\$25.00), and to be in each case for a specified time of less than (3) months.

Article IV

Hawkers, Peddlers, Temporary Dealers and Transient Merchants

SECTION 1. No traveling or transient merchants or person or persons acting in the interests of transient merchants or non-residents, or other temporary dealers in goods, wares and Merchandise shall sell or offer for sale any goods, wares or merchandise of any description within the limits of said Town, except such as shall be grown by him, without first having procured a license from said Town, which shall be from the sum of One Dollar (\$1.00), to Twenty-Five Dollars (\$25.00) a day, depending as to amount, upon the discretion of the Mayor of said Town.

SECTION 2. Any person or persons, who temporarily and without the actual intent to establish in this Town a permanent and lawful business, or any person acting in the interests of transient merchants or non-residents, who engages, prepares for engaging, or attempts to engage in selling or offering for sale, any goods, wares, confections, drinks, ice merchandise, medicines, notions, or any other thing or things of value, in or from any store, shop, building, stand, vehicle, box, booth, stall or any place within the Town, or who conducts or attempts to conduct any, in whole or part of, by public auction or cry-out, within less than one year after engaging in business, or who does not remain in business sufficient length of time for the Town to have his business regularly assessed and taxed, and the taxes paid thereon, or who engages in soliciting or taking orders for the future delivery of goods, wares or merchandise about the Town, except orders for daily delivery of goods from retail stores, and orders taken by traveling salesmen for the benefit of local merchants of the town shall be considered a transient merchant or an agent there for, whichever the case may be, under this Ordinance, excepting only officers of the court or law, duly appointed and qualified according to law to do so.

SECTION 3. The fact of residence or non-residence shall not be considered a test as to whom shall not be considered a test as to whom shall be considered a temporary dealer or a transient merchant.

SECTION 4. Any person or persons failing to procure a license as designated in Section I of this Article, or found guilty in any way of violating this ordinance shall be deemed guilty of a misdemeanor and shall forfeit and pay to the Town for such offense, a sum not less than Five Dollars (\$5.00) , nor more than Thirty Dollars (\$30. 00) and costs of the suit.

Article V.

SECTION 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Frank Vanderhoof, Mayor.

TOWN ORDINANCES

Ordinance No. 36.

ESTABLISHING RULES AND REGULATIONS COVERING WATER RATES AND PRIVILAGES IN RELATION TO THE WATER WORKS SYSTEM.

AN ORDINANCE TO REGULATE THE USE OF WATER FROM THE WATER WORKS OF THE TOWN OF OTIS, COLORADO. AND ESTABLISHING RULES AND REGULATIONS COVERING WATER RATES AND PRIVILAGES AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID RULES AND REGULATIONS.

Be it Ordained by the Town Council of the Town of Otis, Colorado:

SECTION 1. The Town Water Commissioner shall have the immediate control and management of all things pertaining to the Town Water Works, and he 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 Town Council,

BOOKS & PAPERS.

The Town Clerk shall have the care and safe keeping of all books and papers belonging to the water department and shall deliver the same to his successor in office.

RECEIPTS & DEPOSITS.

The Town Clerk shall keep a correct account of all receipts, and out make all bills for the water rents and materials furnished to consumers, collect the same and deposit the proceeds so collected with the Town Treasurer to the credit of the water works fund of said Town, and in accordance with the direction of the Town Council.

TAPS & SERVICE PIPES

The Town Water Commissioner shall make all taps for service and see that they are properly installed, and report the same to the Town Clerk.

INSPECTION

Whenever in the judgment of the Town Water Commissioner he deems it necessary, he may inspect the premises of any consumer for the purpose of examining the condition of all pipes, meters and water fixtures. He shall be vigilant to detect and eliminate all abuses, whether from water waste or other improper use of water.

SECTION 2. RULES & REGULATIONS

The following rules and regulations are hereby established for the management, control and protection of the water works. Said rules shall be considered a part of the contract with every person who takes water supplied by the Town of Otis from the Town water works, and every person taking water shall be considered as having expressed consent to be bound thereby.

RULE 1

Applications for the use of water shall be made to the town clerk at his office.

RULE 2

At the time of making the application, the Town Clerk shall collect the sum of \$25.00 twenty five dollars, to

cover the cost of laying the service pipe to the curb, and covering the cost of making the tap from that water main, the corporation cock, lead connections, necessary pipe, curb cock and curb box, and work of installing the same, and including the necessary trenching and back filling.

RULE 3

Should it be desired to discontinue the use of water, written notice thereof shall be filed with the Town Clerk and all arrangements paid, and rates will be charged until such notice is given.

RULE 4

Water rates must be paid monthly in advance, without notice, at the office of the Town Clerk on the first day of each and every month. If not paid on or before the 20th of the month they become delinquent and a penalty of 10% must be added and collected as part of the water rate, and if not paid on or before the 20th of the month, the water will be turned off.

Should the occupant of the premises turn on the water or cause it to be turned on after it has been shut off at the curb cock, it will be turned off at the curb cock, it will be turned off at the main and a charge of \$10.00 made for the expense of turning it off and on.

RULE 5

No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises.

RULE 6

Two or more premises cannot be supplied from one and the same connection unless provided with separate shutoff cocks located in the street.

RULE 7

The Town of Otis shall not be responsible for service pipes and fixtures. All owners at their own expense must keep service pipes from the Town curb cock and all their apparatus in good working order, including meter protected from frost and other disturbances. No claim shall be made against the Town of Otis on account of the breaking of any service pipe or apparatus for failure in the supply of water. No reduction from the regular rates will be made for any time that service pipes or fixtures may be frozen.

RULE 8

Consumers shall not use hose larger than 0.75 inch diameter and sprinkling with nozzle larger than 0.25 inch opening is strictly forbidden. Water for lawn sprinkling may be used from 7:00 A. M. to 8:00 A.M. and from 6:00 P.M. to 7:00 P.M. and at no other times.

RULE 9

During all alarms of fire the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

RULE 10

Any Service may be metered when in the judgment of the Town Council the same is necessary o beneficial.

RULE 11

No occupant or owner of any building into which water is introduced will be allowed to supply water to other persons or families without each paying the minimum water charge and the city reserves the right to shut off the supply for abuse of water privileges.

RULE 12

The Town of Otis reserves the right upon reasonable notice to shut off its mains for making repairs, or extensions, or any other purpose, and no claim shall be made against the city by reason of the breakage of any service pipes or service cock or from any other damage that may result from shutting off the water for repairing and laying or relaying mains, storage systems, hydrants, or other connections.

RULE 13

Whoever shall by himself or by any other person acting under his authority use or take water from any part of the water works or tampering with in any way without a license or a permit or without authority from said water department shall be deemed guilty of a misdemeanor and on conviction there for, fined not less than \$5.00 nor over \$50.00.

RULE 14

In each and every violation of the rules and regulations established by this ordinance, the offending party shall be subject to a fine of not less than \$5.00 nor more than \$50.00.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Thomas P. Rehder, Mayor

TOWN ORDINANCES
Ordinance No. 37.

Removed - Water works Coupon Bond

TOWN ORDINANCES

Ordinance No. 38.

AN ORDINANCE TO PROVIDE FOR THE VACATION OF PORTION OF THIRD STREET, LYING BETWEEN DUNGAN AVENUE AND WORK AVENUE, AND FOR THE VACATION OF THE ALLEYS IN BLOCK 6 AND 7, ALL IN THE ORIGINAL TOWN OF OTIS, COLORADO, AND APPROPRIATING THE VACATED PORTION OF THIRD STREET TO THE USE AND BENEFIT OF SCHOOL DISTRICT NUMBER THREE IN WASHINGTON COUNTY, STATE OF COLORADO.

Be it ordained by the Board of Trustees of Otis, Colorado:

SECTION 1. The portion of Third Street in the Original Town of Otis, Colorado, lying between Dungan Avenue and Work Avenue and more particularly described as follows, to-wit: Beginning at the North-east corner of Lot 12, Block 6 of the Original Town of Otis, thence due North for a distance of 80 feet, thence due west for a distance of 300 feet, thence due South for a distance of 80 feet, thence due East for a distance of 300 feet, back to the place of beginning, -be and the same is hereby declared vacated and abolished.

SECTION 2. The alleys in Blocks 6 and 7 in the Original Town of Otis, Colorado according to the recorded plat thereof are hereby vacated and abolished and the platting thereof extinguished.

SECTION 3. That portion of Third Street in the Original Town of Otis, Colorado, lying between Dungan Avenue and Work Avenue and more particularly described as follows ,to-wit: Beginning at the North-east corner of Lot 12, Block 6 of the original Town of Otis, thence due North for a distance of 80 feet, thence due West for a distance of 300 feet, thence due South for a distance of 80 feet, thence due East for a distance of 300 feet, back to the place of beginning, is appropriated to School District Number Three in Washington County, State of Colorado, its successors and Assigns for the sole use, occupancy and benefit so long as it shall use the same for the purpose of erecting and constructing a school house, to be held, used and occupied by said District Number three, its successors and assigns for the uses and purposes of erecting and constructing a school house.

Passed and approved June 25, 1923

A.F.H, Mayor

W.C.E., Clerk

TOWN ORDINANCES

Ordinance No. 40.

AN ORDINANCE AMENDING ORDINANCE NO. 36, PASSED AND APPROVED 1918, AND RELATING TO THE USE OF WATER FROM THE WATER WORKS OF OTIS, COLORADO.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. That Ordinance No. 36, Section No. 3 of the Town of Otis, Colorado be Amended to read as follows, to wit:

That the Board of Trustees reserve the right to change the minimum monthly rates from Three Dollars (\$3.00) to Two Dollars (\$2.00).

SECTION 2. This Ordinance shall be published in one issue of The Otis Independent and shall be in force and effect five days from and after the first publication thereof.

Passed and approved this 6th Day of May A.D. 1925.

Lon Felkey, Mayor.

TOWN ORDINANCES

Ordinance No. 43.

AN ORDINANCE CONCERNING THE NOXIOUS WEEDS AND VEGETABLE GROWTH AND PROVIDING FOR THE REMOVAL OF THE SAME.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. That all premises, alleys, areas, vacant lots, or parts of lots, within the corporate limits of the Town of Otis, Colorado shall be kept free and clear of noxious weeds, unsightly vegetable growth, refuse and filth.

All land owners through or along whose land or lot, any public sidewalk is established and traveled shall between the first and the fifteenth day of August of each year cause all weeds, briars, brush, tall grass, or other destructive noxious vegetable growth growing along the front of their lots or abutting on, either side of public sidewalk to be cut, burned and destroyed.

If the owner fails to comply with this section, the Street Commissioner shall remove said weeds or cause the same to be removed.

SECTION 2. The Street Commissioner shall order the owner of any lot or area within the Town of Otis, Colorado whereon there is growing any noxious vegetable growth or weeds to remove, cut, and burn said weeds and growth and said notice may be delivered personally or mailed to the owner by registered mail to his last known Post Office address.

If said Owner fails to comply with said notice within five days after the order is given by the Street Commissioner, the Commissioner shall remove and burn said weeds or cause the same to be done.

SECTION 3. The expense of destroying, burning and removing the weeds as provided under this sections one and two shall be paid by the owner of the vacant lot, space or premise from which the same are removed and the said expense, together with the charge for collection of the same shall be a lien upon the lot or premises aforesaid. If said lot owner shall fail to pay or cause to be paid, the expense and charge authorized by this Ordinance, the said Town of Otis may reimburse itself therefore as follows.

Its Town Clerk shall cause to be served upon any such defaulting owner, personally or by mail, a written statement of such expense or charge, together with a designation of a time when and a place where the said Board of Trustees will hear any objections s to the justness and correctness of such expense or charge; and if the same, together with not to exceed fifty (50) per centum thereof in addition, or such part thereof as such Board of Trustees shall find to be just, and due and payable from such owner, shall not be paid within ten days after the time fixed for such hearing of objections, the Town Clerk shall certify the expense or charge so found to be due and payable as an assessment, to the Clerk and Recorder of Washington County or the officer then having charge and custody of the tax lists at the time such certification is made, to be by him placed on such tax lists for the current year, to be collected in the same manner as other taxes are collected, with ten (10) per centum penalty thereon, to defray cost of collection as provided

***** Incomplete Ordinance *****

TOWN ORDINANCES

Ordinance No. 49.

AN ORDINANCE REGULATING AND PROVIDING FOR BUILDING REPAIRING ALL CURBING ON LOTS IN THE TOWN OF OTIS, COLORADO.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. That no curbing shall be set or constructed in front of any lot in the Town of Otis until a permit shall have first been obtained from the Town Manager, with the approval of the Board of Trustees.

SECTION 2. No curbing shall be placed except in the following manner to-wit:

- a. On ***First street*** the distance from the inside of sidewalk to the outside of curbing shall be as determined and agreed upon by the Board of Trustees at the time the permit is granted.
- b. On ***Second street*** the distance from the inside of sidewalk to outside of curbing to be eleven feet.
- c. On ***Third street*** the distance from the inside of sidewalk to the outside of curbing to be eleven feet.
- d. On ***Fourth street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- e. On ***Fifth street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- f. On ***Logan Street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- g. On ***Gilpin street*** the distance from the inside of sidewalk to the outside of curbing to be twelve feet.
- h. On ***Elm street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- i. On ***South street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- j. On ***Weld Avenue*** the distance from the inside of sidewalk to the outside of curbing to be twelve feet.
- k. On ***Arapahoe Avenue*** the distance from the inside of sidewalk to the outside of curbing to be twelve feet.
- l. On ***Work Avenue*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- m. On ***Dade Avenue*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.
- n. On ***West Street*** the distance from the inside of sidewalk to the outside of curbing to be ten feet.

- o. On *Washington Avenue* no curbing shall be set or placed except as particularly specified and at the point designated at the time the permit is granted.

SECTION 3. Any and all curbing hereafter set in the Town must be placed on such grade as is now established or shall hereafter established in the Town.

SECTION 4. Any person who violates any provision of this Ordinance shall be guilty of misdemeanor and shall be fined in a sum of not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00) and any curbing placed contrary to the terms of this Ordinance shall and is hereby now declared a nuisance and may be removed on order of the Board of Trustees.

SECTION 5. This ordinance shall be published in one issue of The Otis Independent and an emergency is hereby now declared to exist and said ordinance shall be in full force and effect five days after the publication thereof.

Ralph E. Vincent, Mayor.

Attest:

Effie M. Pleasants, Town Clerk.

Published:

January 8, 1931

TOWN ORDINANCES

Ordinance No. 58.

AN ORDINANCE TO PROVIDE RULES AND REGULATIONS, GOVERNING ALL VEHICLES, FOR THE STREETS AND ALLEYS WITHIN THE TOWN OF OTIS.

Be it Ordained by the Board of Trustees of the Town of Otis, County of Washington , State of Colorado, as follows:

SECTION 1. The term vehicle as used in this Ordinance, shall include automobiles, bicycles, motorcycles, motor busses, tricycles, auto trucks , trailers, and any kind of a motor driven vehicle; also horse drawn vehicles.

SECTION 2. A traffic (business district) is hereby created, and shall include the following:

Washington Avenue from the Railroad to Third Street, from the east side of Logan Street to the west side of Arapahoe Street. The remaining territory of the Town shall be the residence district.

SECTION 3. SPEED. No vehicle shall be driven in a reckless manner nor at a greater speed than is reasonable or safe, having regard to the traffic location and the safety of the public. In no case shall the rate of speed: in the Business District exceed twenty-five miles per hour ,or when turning any corner or pass through any intersection therein, fifteen miles per hour, and in the residence District , exceed thirty miles per hour, or when turning any corner or passing through any intersection therein, fifteen miles per hour.

No vehicle shall cross any sidewalk when entering or coming out of an alley , driveway, filling station or garage or other building or place at a greater speed than four miles per hour, (or in case of a horse faster than a walk) and before so doing, the driver of such vehicle shall give audible warning.

No person shall drive any vehicle in the Business District at a rate of speed less than ten miles per hour, except when starting or stopping after having given the proper warnings and taken the proper precautions thereof, nor drive in such a manner as to interfere or impede .the reasonable and safe progress of other traffic preceding in the same direction.

SECTION 4. It shall be unlawful for any person to drive any vehicle upon any street or alley carelessly or negligently or in wanton disregard of the rights or safety of others, or without due caution and care under the conditions existing.

SECTION 5. All vehicles on any of the streets within the Town of Otis shall keep to the right of the road or street except when passing a vehicle ahead. Heavy loaded or slow moving vehicles shall keep to the extreme right of the road.

SECTION 6. Vehicles meeting each other going in opposite directions shall pass to the right.

SECTION 7. A vehicle overtaking or passing another shall pass on the left of the overtaken vehicle. The vehicle overtaken shall turn to the right so as to allow the overtaking vehicle ample room to pass on the left. A vehicle overtaking and passing another must not interfere with traffic from the opposite direction.

SECTION 8. At the intersection of all streets and crossings, the vehicle to the right shall have the right of way, except on through streets.

SECTION 9. All vehicles shall be parked on the sides of the streets at an angle of approximately forty-five degrees, with the right front wheel touching the curb, except on Highway 54, where cars shall be parked parallel with the curb.

SECTION 10. No vehicle shall be parked within five feet of a fire hydrant

SECTION 11. Within the business district all vehicles must be parked on the right, or on the same side of the

street the vehicle is traveling; turning to the left or crossing the street to park is prohibited.

SECTION 12. Within The business district any vehicle leaving after parking must proceed in the same direction it was proceeding before being parked; backing around and proceeding in the opposite direction after parking is prohibited.

SECTION 13. Within the Town limits, vehicles must not be turned around in the center of the street, but shall proceed to the intersection before turning; provided, however, vehicles may enter garages or filling stations from either direction; provided further, that vehicles taking gas from tanks located on the curb, must be on the right hand side of the street.

SECTION 14. The Town Manager be and he is hereby authorized to create additional intersections prohibiting "U" turns or to withdraw those created herein likewise to create additional through streets, or to withdraw those created herein, and the same shall become effective upon the placing of proper signs or the withdrawal of same as the case may be.

SECTION 15. All vehicles traveling on through streets shall have the right of way at all intersections thus designated, over vehicles approaching from either the left or the right. All vehicles approaching an intersection of a through street shall bring said vehicle to a stop before entering upon said through street, and not proceed until the way is clear of traffic.

SECTION 16. Vehicle traveling on all streets, desiring to make a left turn , must signal by extending the hand to the left, and in all such cases, vehicles approaching from the right shall have the right of way, unless the car making the left hand turn has ample time to pass in front of said car approaching from the right.

SECTION 17. Any person willfully or needlessly injuring, defacing or destroying any traffic sign shall be guilty of an offense and punished as provided herein.

SECTION 18. The Town Manager or Mayor and officer or officers working under them be and is hereby authorized to take charge of traffic under any extraordinary or unusual circumstances and to direct, regulate and control the same, and any person willfully refusing or failing to comply with the orders or direction of any such officer shall be guilty of an offense and punished as provided herein.

SECTION 19. In case of an accident those involved must report the same to an officer at once. Any person so involved not so doing shall be deemed guilty of an offense and punished as provided herein.

SECTION 20. Any person violating any of the provisions of this Ordinance shall be deemed guilty of an offense and shall be liable to a fine of not less than five dollars or more than fifty dollars for each and every offense.

SECTION 21. Ordinance Number 27 and any other Ordinance, or part thereof, in conflict herewith , be add the same is hereby repealed.

Passed on first reading November 10th, 1936.

Passed on second reading December 1, 1936.

T.P. Rehder, Mayor.

ATTEST

Effie M. Pleasants, Town Clerk

Published in Otis Independent November 19, 1936

TOWN ORDINANCES

Ordinance No. 59.

AN ORDINANCE RELATING TO BUILDINGS, ENCLOSURES AND EXCAVATIONS IN A DANGEROUS CONDITION.

Be it Ordained by the Board of Trustees of the Town of Otis:

SECTION 1. Whoever shall make or cause to be made a cellar, basement or other excavation, hereinafter for convenience referred to as "excavation", of a depth of three feet or more, or remove or caused to be removed from such an excavation the building or structure covering the same, and fail or refuse immediately thereafter to fill, cover or enclose the same and otherwise put in a safe condition as to children and all other persons at any and all hours of day and night, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not to exceed \$25.00 for each day during which such condition is allowed to continue; and, for this purpose, each such day may be considered to be a separate offense.

SECTION 2. It shall be the duty of the Marshall to prevent the removals of buildings, structures or enclosures from such excavations until and unless the person so removing shall deposit with the Town Clerk, in cash or legal tender, such amount as may be estimated by the Town Marshall to be the probable and reasonable cost of filling, covering or enclosing such excavation and putting the same in safe condition; such deposit to be returned to such person in the event that he complies with the requirements of this ordinance within one week after such removal; otherwise such deposit, or so much thereof as may be required, to be used and expended by the Town Clerk at his or her discretion for the covering, filling or enclosing of such excavation and putting the same in safe condition.

SECTION 3. Each such excavation as may now exist within the boundaries of the Town of Otis, without firm and adequate covering or enclosure which make it safe as to children and others at any and all hours of day and night, is hereby declared to be unlawful and a menace to the health and welfare of the residents and citizens of the Town of Otis, and it shall be the duty of the Town Marshall to order the owner or owners, or reputed owner or owners of such premises, to fill cover or enclose such excavation immediately, such notice to be given to such person or mailed to his last known address appearing on the records of the treasurer of "Washington County, Colorado; and, in the event such person or persons neglects to do so within ten days after delivery or mailing of such notice in writing, the Town Marshall shall do or cause the same to be done, and notify the Town Clerk thereof, whereupon the Board of Trustees shall cause the cost thereof to be assessed against the lot or lots or tract of land in which such excavation is situated.

SECTION 4. The owner or owners of the premises in which such excavation is situated shall be held responsible to the Town of Otis for any and all damages to persons or property in consequence of any unsafe condition or of any defect in the covering or enclosure thereof, and such owner shall be required to keep such excavation properly and adequately covered or enclosed at all times.

SECTION 5. The entire construction of coverings and enclosures of such excavations shall be subject to the directions and supervision of the Town Marshall.

SECTION 6. The Board of Trustees do hereby find that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and the same shall therefore be in full force and effect after publication in accordance with the ordinance of the Town of Otis in such case made and provided.

SECTION 7. This Ordinance shall be published in the Otis Independent and shall be in full force and effect five days after publication thereof.

Passed and approved this 11th day of January A.D. 1938

T.P. Rehder, Mayor.

Effie M. Pleasants, Town Clerk.

TOWN ORDINANCES

Ordinance No. 60.

AN ORDINANCE CONCERNING THE TOWN OF OTIS MUNICIPALLY OWNED WATER WORKS SYSTEM, PROCURING FUNDS FOR THE PAYMENT OF EXTENSIONS AND IMPROVEMENTS THEREOF; AUTHORIZING THE ISSUANCE OF A WATER WORKS EXTENSION ANTICIPATION WARRANT AND CREATING A FUND FOR THE SAME; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES AND ALL OTHER PROCEEDINGS AND RESOLUTIONS IN CONFLICT WITH THIS ORDINANCE AND DECLARING AN EMERGENCY.

WHEREAS, Under the authority of the Constitution, and Laws of the State of Colorado now in force and the requisite approving vote of the properly qualified electors of the Town of Otis, in the County of Washington and State of Colorado, The Town of Otis, has installed a system of water works and the distribution thereof for the said Town and the inhabitants thereof, and

WHEREAS, The Board of Trustees of said Town had determined that the said Water Works and the distribution system thereof owned by the Town of Otis for such purposes were insufficient and inadequate for the said Town and its inhabitants and found it necessary that the same should be improved and extended, and the cost thereof has exceeded the sum of Two Thousand Dollars; and

WHEREAS, There are not sufficient funds in the Treasury of the said Town, taking into consideration the other claims, and demands lawfully incurred upon the said funds including interest now due and accrued upon outstanding bonds, to provide and pay for the said necessary improvements and extensions, and

WHEREAS, The Board of Trustees of the Town has declared and does declare that it will not issue general obligation bonds of the said Town or pledge its faith, or credit to pay for the said improvements and extensions, but will pay for said improvements and extensions by means of a Water Works Extension Anticipation Warrant, payable solely out of the revenue derived by the Town from the operation of the said system, which Warrant it is hereby declared is not a debt of The Town of Otis, and

NOW THEREFORE, BE IT ORDAINED by The Board of Trustees of The Town of Otis, Colorado:

1. That solely for the purpose of providing funds to pay for extension and improvement of the Water Works and distribution system thereof, now owned by the Town of Otis, Colorado, the Town shall issue its obligation to be known as THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT, in the amount of \$2,000.00 which shall be payable solely and only out of the revenue derived by the Town from the operation of the said system, and not otherwise.

2. That the said THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT shall bear date May 1st, 1940; shall be due and payable at the rate of \$100.00 per month beginning with the 1st day of June A.D. 1940, and thereafter on the 1st day of each and every succeeding month until and including the 1st day of January A.D. 1942; that the said Town shall have the privilege of paying on any installment date as herein before set forth, any additional sum in multiples of \$100.00; that the said Certificate shall bear interest at the rate of 6% per annum, payable monthly on the 1st day of each month; that both principal and interest shall be payable at the office of the Town Treasurer; said The Town of Otis Water Works Extension Anticipation Warrant shall be signed by the Mayor and the Treasurer of the Town, and shall bear the corporate seal of the Town, attested by the Clerk thereof; and that the said THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT shall be payable only out of the revenue derived from the water system owned and operated by the Town, which shall be placed in a fund to be created as in this Ordinance provided, to be known as THE TOWN OF OTIS WATER WORKS EXTENSION FUND.

3. The form of said THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT shall be substantially as follows:

TOWN OF OTIS
UNITED STATES OF AMERICA
STATE OF COLORADO
COUNTY OF WASHINGTON
TOWN OF OTIS
THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT
(\$2,000.00)

The Town of Otis, in the County of Washington and State of Colorado, for value received hereby promises to pay the bearer hereof, out of the Special Fund hereinafter designated, the sum of TWO THOUSAND (\$2,000.00) DOLLARS in lawful money of the United States of America at the rate of \$100.00 per month beginning with the 1st day of June A. D. 1940, and thereafter at the rate of \$100.00 per month on the 1st day of each and every succeeding month until and including the 1st day of January A.D. 1942, with interest thereon from date until payment, payable monthly at the rate of 6% per annum, both installments of principal and interest being payable at the office of the Town Treasurer, upon presentation of this, THE TOWN OF OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT, for endorsement and credit as and when such installment and interest becomes due.

The Town of Otis further has the right and privilege on any installment paying date, to pay in addition thereto, any multiple of the sum of \$100.00 and receive proper credit and endorsement there for.

This warrant is issued for the purpose of procuring funds to pay for the extensions and improvements made to the Water Works and Distribution System owned and operated by the Town or Otis in full conformity with the Constitution and Laws of the State of Colorado, and the Ordinances and Laws of said Town duly adopted and approved prior to the issuance hereof; and is payable solely out of a Special Fund designated as "WATER WORKS EXTENSION FUND" which shall contain the receipts derived by the Town of Otis from its Water Works System as extended and improved and owned and, operated by the Town and it is hereby certified, recited and warranted that for the payment of this The Town of Otis Water Works Extension Anticipation Warrant, the Town of Otis will create, establish and maintain said Fund, deposit therein all receipts received from said system, and out of said receipts and as an irrevocable charge thereon, will pay this Warrant and interest accruing thereon in the manner provided by this Ordinance under which this Warrant is issued.

And it is further certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of said Town in the issuance of this Warrant.

In Testimony Whereof, The Town of Otis has caused this Warrant to be signed by its Mayor and Treasurer and has caused the seal of the Town of Otis to be hereunto affixed and attested by its Town Clerk as of this 1st day of May A. D. 1940

ATTEST:
Mayor.
Clerk
Treasurer

4. The said Warrant and the proceeds thereof shall be used solely for the purposes herein before set forth, and not otherwise; but the Purchaser shall in no-wise or manner be responsible for the application and disposal of by the said Town or any of the officers thereof of any of the Funds derived from said Warrant.

5. That there is hereby established and created a fund to be known and maintained as THE TOWN OF OTIS WATER WORKS EXTENSION FUND to be derived as follows:

- a) The Town of Otis hereby irrevocably covenants and agrees with the holder of THE OTIS WATER WORKS EXTENSION ANTICIPATION WARRANT, issued under the provisions of this Ordinance that it will, through the appropriate action of its Board of Trustees, establish and enforce a schedule of charges for the use and delivery of water, sufficient at all times to pay the installments of principal and interest accruing on said Warrant, so that the same may be fully discharged at maturity, and to cover all operating

expenses, and maintenance and depreciation charges, all in accordance with the approved methods of operation and accounting as are usually applied in the operation of similar utilities by public and private corporations.

TOWN ORDINANCES

Ordinance No. 61.

AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE TOWN OF, OTIS, COLORADO, OF IT'S NEGOTIABLE COUPON BONDS IN THE AGGREGATE AMOUNT OF FORTY-FOUR THOUSAND DOLLARS (\$44,000.00), TO BE DENOMINATED "REFUNDING BONDS", FOR THE PURPOSE OF REFUNDING A LIKE AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS OF SAID TOWN, PRESCRIBING THE FORM OF SAID REFUNDING BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE SAME, PRINCIPAL AND INTEREST, AND DECLARING AN EMERGENCY.

WHEREAS, The Town of Otis, Colorado, has heretofore issued and has now outstanding, its negotiable coupon bonds issued for Refunding purposes in the principal amount of Twenty-one Thousand Dollars (\$21,000.00), consisting of Refunding Bonds in the principal sum of \$21,000.00 dated January 15, 1931, due serially \$500 January 15th each year 1940 to 1951, both inclusive, and \$1,000 January 15th each year 1952 to 1966, both inclusive, bearing interest at the rate of 5 1/4 % per annum; and

WHEREAS, the Town of Otis, Colorado, has heretofore issued and has now outstanding, its negotiable coupon bonds issued for Refunding purposes in the principal amount of Twenty-three Thousand Dollars (\$23,000.00), consisting of Refunding Bonds in the principal sum of \$23,000.00 dated January 1, 1934, due serially \$500 July 1st each year 1939 to 1952, both inclusive, and \$1,000 July 1st each year 1953 to 1968, both inclusive, bearing interest at the rate of 5% per annum; and

WHEREAS, The Town does not have funds in its Treasury available for the payment or redemption of said outstanding bonded indebtedness, or any part thereof; and

WHEREAS, by a resolution duly adopted on the 7th day of May, A.D. 1940, the Board of Trustees of the Town of Otis, Colorado, determined to issue, in accordance with the laws of the State of Colorado, particularly Chapter 237, Session Laws of Colorado, 1921, as amended, new bonds to be denominated "Refunding Bonds", the same to be exchanged, dollar for dollar, for the bonds to be refunded, with the consent of the owners and holders thereof, the amount of bonds so to be issued as aforesaid, being in the sum of Forty-four Thousand Dollars (\$44,000.00), and a certificate of such determination having been heretofore duly made and entered in and upon the records of said Town as required by law; and

That the TOWN OF OTIS WATER WORKS EXTENSION FUND hereby established and created, is hereby irrevocably pledged for the purposes and payments herein set forth:

- a) Out of such funds shall first be paid the necessary costs and expenses of the efficient and economical operation of said municipal water system.
- b) After the payments and deductions hereinbefore provided have been made, there is hereby irrevocably pledged for the payment of the WATER WORKS EXTENSION ANTICIPATION WARRANT by this Ordinance authorized. Such payments shall henceforth be included in the Annual Appropriation Ordinance of the Town of Otis.
- c) After the foregoing payments and deductions there shall be deducted annually a reasonable and suitable amount for the purpose of creating a reserve for depreciation and replacement of buildings, machinery and equipment.
6. All Ordinances, Resolutions, By-Laws and Regulations or parts thereof of The Town of Otis, in conflict with the provisions of this Ordinance are hereby repealed.
7. That this Ordinance shall be and remain irrevocably until the obligation hereby authorized and the interest thereon shall have been fully paid. satisfied and discharged as herein provided.

8. An Emergency is hereby declared to exist and this Ordinance is declared to be necessary for the immediate preservation of the Public peace, health and safety and shall be in full force and effect as soon as permitted by law.

Passed, Adopted, Signed and Approved this 7th day of May A.D. 1940.

JOHN W. GRAVES, Mayor.

ATTEST:

(SEAL)

EFFIE M. PLEASANTS, Clerk.

TOWN ORDINANCES

Ordinance No. .

REMOVED - GRANTING CERTAIN RIGHTS TO THE MOUNTAIN STATES TELEPHONE AND
TELEGRAPH COMPANY ***REPEALED***

TOWN ORDINANCES

Ordinance No. 63.

AN ORDINANCE REGULATING THE USE OF THE STREETS AND ALLEYS OF THE TOWN OF OTIS, STATE OF COLORADO, IN THE MOVING OF ANY BUILDINGS, OR PARTS OF BUILDINGS IN THE TOWN OF OTIS, STATE OF COLORADO, OR REMOVING SUCH BUILDING, OR PARTS OF BUILDINGS OUT OF THE TOWN OF OTIS, STATE OF COLORADO.

Be it Ordained by the Board of Trustees of the Town of Otis, State of Colorado:

A PERMIT REQUIRED:

SECTION 1. It shall be unlawful to move any building or part thereof over any street or alley of this Town until a permit has been granted by the Board of Trustees of said Town.

APPLICATION FOR PERMIT:

SECTION 2. Application for the permit as required in Section 1 shall be made by the owner of the building to be moved, shall be in writing addressed to the Board of Trustees, giving a description and location of the building to be moved, the route to be used in said moving, and the facilities to be used in said moving. The applicant shall agree to furnish board with approved sureties to pay for repair of any damage to streets, alleys, sidewalks or shrubbery, and guarantee payment of taxes for current year, the amount of the bond to be fixed by the Board of Trustees, in such sum as they deem sufficient in each case.

MOVING BUILDINGS OUT OF THE INCORPORATION:

SECTION 3. If the building is to be moved out of the Incorporation, no permit shall be issued until all taxes due have been paid, and in addition taxes for the current year have been paid. In arriving at the taxes for the current year, if levies have not been made, the tax shall be computed at the same rate last made by the various taxing bodies. In lieu of the bond required in Section 2, the owner of the property to be moved shall pay for the use of the streets and alleys a cash payment of \$500.00.

SECTION 4. All other ordinances or parts of ordinances in conflict herewith be and are hereby repealed.

Passed and approved this 6th day of May, A.D. 1941.

JOHN W. GRAVES, Mayor.

Attest:

EFFIE M. PLEASANTS, Town Clerk.

TOWN ORDINANCES

Ordinance No. 64.

BEING AN ORDINANCE REGULATING THE SALE OF BEER AND INTOXICATING LIQUOR WITHIN THE TOWN OF OTIS, COLORADO.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. No person shall sell, keep, or offer for sale, any intoxicating malt beer, vinous, or spirituous liquor within the legally prescribed limits of the Town of Otis, Colorado, without first having received a license there for from the Town Board of the said Town of Otis, Colorado.

SECTION 2. Malt beer, vinous, or spirituous liquor, no matter by what name it may be called and no matter how small a percentage of alcohol it may contain, if it is in fact intoxicating, shall be referred to herein as liquor.

SECTION 3. All applications for licenses shall be accompanied by a receipt from the Town Clerk for the required annual license fee. All such fees shall be paid into the general fund of the Town of Otis, and upon rejection of any application for license the amount so paid shall be refunded. The annual fee for license to sell liquor as herein named and defined, within the Town limits of the Town of Otis shall be governed by the state laws. All licenses shall be good for a period of one year from the date thereof unless the same shall be revoked as hereinafter set forth.

SECTION 4. No license shall be granted to any minor, nor anyone who has been convicted of a felony, nor to any person who is not a citizen of the United States of America, and, or a resident of the Town of Otis, Colorado.

SECTION 5. No sale or gift of liquor herein defined shall be made to **any** minor, habitual drunkard, or to intoxicated person.

SECTION 6. No licensee hereunder **shall** sell liquor at retail except in the location specifically designated by the license, and it shall be unlawful to solicit sales in person at all except to such place.

SECTION 7. Any license granted hereunder may be revoked for cause by the Town Board without notice to grantee, or after a hearing held by the said Town Board, if it be deemed advisable. Any violation of any provision or condition of this ordinance or any falsification of any statement in the application shall be deemed sufficient ground for revocation. No portion of the license fee paid to said Town Board shall be returned upon the revocation thereof.

SECTION 8. All premises where any license hereunder is granted shall be open to inspection by any police or health officer at any time during which the place so licensed is open to the public for business.

SECTION 9. No sales of any liquor shall be made between the hours of 12:00 midnight and 8:00 AM of any day, or on Sunday, or during the polling hours on any primary or general election day.

SECTION 10. It shall be unlawful for any person to permit any liquor, as defined herein, to be sold or dispensed by any minor or to permit any minor to participate in the sale or dispensing thereof.

SECTION 11. Any licensee or other person who shall violate any of the provisions of this ordinance shall, upon conviction thereof, be fined in the sum of not less than \$50.00 nor more than \$300.00 or he may be imprisoned not to exceed 30 days for each offense, and each twenty-four hour period in which such violation is committed, shall constitute a separate offense, and he shall pay the costs of the proceedings, and all licenses theretofore issued to such licensee may thereupon be revoked.

SECTION 12. It shall be unlawful for any place of public resort not having a license under this ordinance, to permit any liquor as herein defined to be publicly served or consumed on its premises.

SECTION 13. It shall be unlawful for any person to serve or consume any liquor is herein defined, on any street, alley, avenue or park within the jurisdiction of the Town of Otis, or on Town property, or on the premises of any place of public resort not licensed under this ordinance.

SECTION 14. It shall be unlawful to sell or serve any liquor as herein defined within the town limits of the Town of Otis, without having first complied with all state laws governing the sale of same, and in addition procuring such licenses from the Town of Otis as the laws of Colorado and the ordinances of the Town of Otis, then in force may require or authorize.

SECTION 15. The license is herein provided for shall specify the date of issue, the period which is covered, the name of the licensee, the place licensed and the liquor or liquors which may be sold therein.

SECTION 16. All places of business operated under and by virtue of any license granted by the Town of Otis under this ordinance shall be operated at all times in an orderly manner. The licensee under this ordinance shall be required to maintain peace and good order in his respective establishment and shall operate his respective business so as not to disturb adjoining property owners or tenants, and passerby on streets by loud and unusual noises, or the boisterous conduct of patrons of such establishment.

SECTION 17. All licenses issued under this ordinance shall be signed in the name of the Town of Otis by the Mayor and the City Clerk.

SECTION 18. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 19. If any provision, section, sentence, or phrase of this ordinance or the application thereof to any person is held invalid, such invalidity shall not affect any other provision, section, sentence, or phrase, or the application thereof, which can be given effect without the invalid provision or application, and to this end the Town Board of the Town of Otis declares the provisions of this ordinance to be severable. The Town Board hereby declares it would have adopted each section, provision, sentence, and phrase hereof regardless of the invalidity or partial invalidity of any other provision, section, sentence, or phrase of this ordinance.

SECTION 20. This ordinance shall be published in one issue of the Otis Independent, and shall be in full force and effect five days from and after the first publication thereof.

Past and improve the second day of November, A. D. 1943

John W. Graves, Mayor.

ATTEST:

Effie M. Pleasants, Town Clerk.

TOWN ORDINANCES

Ordinance No. 65.

AN ORDINANCE GRANTING A FRANCHISE TO Y–W ELECTRIC ASSOCIATION, INC., ITS SUCCESSORS AND ASSIGNS, TO ERECT, CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF OTIS, COLORADO, AND TO USE THE STREETS AND ALLEYS OF THE TOWN FOR SUCH PURPOSES.

WHEREAS, Y–W Electric Association, Inc., a cooperative corporation organized and existing under the laws of the State of Colorado, hereinafter termed the "Cooperative", desires to erect, construct, operate and maintain an electric system, in the town of Otis, hereinafter termed the "town"; and

WHEREAS, the Cooperative intends to continue to operate and maintain said system and from time to time make additions, alterations and improvements therein; and

WHEREAS, it would be to the mutual benefit of the town, and of the Cooperative for the Board of Trustees to grant a franchise to the Cooperative to erect, construct, operate, and maintain an electric system on terms that will assure the full controlling use of the streets and alleys in the public, and safety of the persons and property of the public so far as the maintenance of the system is concerned; and

WHEREAS, Cooperative has duly published its intentions of applying for a franchise is provided by statute.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS COLORADO:

That the Y – W electric Association, Inc., its successors and assigns, is hereby granted a franchise:

- a) To erect, construct, operate, and maintain an electric system with all fixtures and appurtenances necessary or advisable for the proper operations and maintenance of said lines within the limits of the town in order to supply light, heat and power for public and private use within the town and for the transmission of electricity through and beyond the town;
- b) to use the streets and alleys of the town for such purposes;
- c) to cut and trim all trees and shrubbery insofar as may be necessary to keep them clear of the polls and wires of the electric light system.

This franchise is granted on the following terms:

First: The electric system shall be constructed, operated and maintained in a proper workmanlike manner so as to afford all reasonable safeguards to the public.

Second: All poles, wires, transformers, substations, etc., Forming part of the set electric system, shall be so erected, operated and maintained so as not to interfere with traffic on the traveled portions of the streets or alleys; and the Cooperative, after the construction or reconstruction of said electric system or any part thereof, shall restore to their original condition the streets and alleys on which said poles, wires, transformers, substations, etc., Have been erected, operated and maintained in so far as this is practicable.

Third: The Cooperative will comply with all reasonable rules and regulations of the municipality with all ordinances now in effect which may hereinafter be passed in so far as they do not conflict with the terms or purpose of the franchise herein granted.

Fourth: This franchise shall be effective for a period of twenty – five (25) years measured from the date of the passage of the ordinance granting this franchise.

Fifth: The Y-W Electric Association, Inc., (hereinafter called the Cooperative) shall, at the first regularly called meeting of the members of the cooperative held after the effective date of this franchise, or at the earliest adjournment of such meeting:

- a) Amend the bylaws of the Cooperative to provide that the territory served or to be served by the Cooperative shall, for the purpose of election of directors, be divided into nine districts; that the territory comprising the Town of Akron shall constitute two of such district; that the Town of Otis shall compromise one district; that the remainder of Washington County shall be divided into three districts and Yuma County shall be divided into three districts, that the Board of Directors has elected by members of the Cooperative shall consist of one member from each of the nine districts; that vacancies which arise in the membership of the Board of Directors shall be filled by the selection of a duly qualified member of the Cooperative who is a resident of the same district as the retiring directors.
- b) Amend the bylaws to provide that the annual meeting of the Cooperative member shall be held in Akron, Washington County, Colorado, in 1948 and thereafter in even numbered years. In 1949 and in each odd-numbered year thereafter, the annual meeting shall be held at such place in the area to be served as shall be designated by the Board of Directors.

Sixth: That the Cooperative shall forth with maintain a firm power capacity for use in Otis of not less than two hundred (200) kilowatts, to be increased as demand warrants to provide adequate power at all times, and shall maintain an office in Otis at which electric light bills may be paid, which office shall be open at convenience times to serve the public for each such purpose.

Seventh: That no minimum charge shall be imposed upon the town of Otis for water pumping and that rates for water pumping shall not exceed 2½ cents per kwh at any time during the term of this franchise, and that the present rates for the street lighting shall be reduced 3 per cent.

Eighth: That the Cooperative shall place in effect, within 60 days after commencing service under this franchise, reductions as follow: consumer rates amounting to not less than ten per cent on commercial lighting; that the residential rate now and for shall be abolished and that the present combination rate with a minimum charge of \$1 shall be made available to all residential user; that the Cooperative shall establish a rate for consumers actually using electric hot water heaters within the town equal to the rate made for rural users of hot water heaters; that the existing facilities shall be rehabilitated in accordance with the directions of the Cooperative and rural Electrification engineering staff to the end that good and effective service shall be given. That exhibit A. hereunto attached is agreed to be the present rates in force in the Town of Otis and upon which the foregoing reductions are to be computed; that the Cooperative will, when and if wholesale power from the Reclamation Bureau is made available to it, make such further reductions in rates as may be justified by savings between present cost of production and wholesale prices in force.

Ninth: That the present Board of Directors of the Cooperative will not make any contracts with any employee to exceed one year from the date of this franchise and all employment for terms in excess of one year be approved by the new board to be selected from Districts as above outlined.

D.J. Llewellyn, Mayor.

ATTEST:

Effie M. Pleasants, Town Clerk.

SEAL

Town ORDINANCES

Ordinance No. 66.

AN ORDINANCE CONCERNING THE TOWN OF OTIS MUNICIPALLY OWNED WATERWORKS SYSTEM, MARKING FUNDS FOR THE PAYMENT OF EXTENSIONS AND IMPROVEMENTS THEREOF:

WHEREAS Under the authority of the Constitution and laws of the State of Colorado now in force and the requisite approving vote of the properly qualified electors of the Town of Otis, in the County of Washington and State of Colorado. The Town of Otis has installed a system of waterworks and the distribution thereof for the said Town in the inhabitants thereof and

WHEREAS, the Board of Trustees of said Town had determined that the said Water Works in the distribution system thereof owned by the Town of Otis for such purposes were insufficient and in adequate for the said Town and its inhabitants and found it necessary that the same should be improved and extended, and the cost thereof has exceeded the sum of three thousand dollars; and

WHEREAS, the Board of Trustees of said Town has declared and does hereby declare that it will not issue general obligation bonds of the said Town but will pledge its faith, or credit to pay for the said improvements and extensions. The cost of said extensions and improvements to draw interest at the rate of 6% per annum, payable in monthly installments.

Passed the 7th day of March, 1950.

Emanuel Anderson, Mayor of the Town of Otis, County of Washington, and state of Colorado.

First publication. March 30, 1950.

Last publication, April 6, 1950.

TOWN ORDINANCES

Ordinance No. 67.

AN ORDINANCE VACATING CERTAIN STREET IN THE ORIGINAL TOWN SITE OF OTIS, COLORADO

WHEREAS, there is no correct plot of the Original Town site of Otis, Colorado, on record in the Office of the Clerk and Recorder of Washington County, Colorado, and

WHEREAS, the Chicago, Burlington and Quincy Railroad maps indicate the South line of Lot One (1), and the South line of Lot Fourteen (14), of said Original Town site is located some distance North of the North line of U. S. Highway No. 34, has now laid out through the town of Otis, Colorado, and

WHEREAS, the land which lies between the South line of said lots in the North line of said U.S. Highway No. 34 was once dedicated to the public as a street, and,

WHEREAS, said street has never been used by the public and is not necessary for the use of the public,

BE IT, THEREFORE, ORDAINED, by the Board of Trustees of the Town of Otis, Colorado, as follows:

SECTION 1. It is hereby declared that it is to the best interest of the public that said street be vacated.

SECTION 2. That said street, being all of the land which lies between the South line of Lot One (1), the South line of Lot Thirteen (13), and the North line of U.S. Highway No. 34 as **presently** laid out through the Town of Otis, Colorado, be and it is **hereby** vacated by the public.

SECTION 3. The Board of Trustees hereby finds and determines and declares the section is necessary for the immediate preservation of the public peace health and safety; that an emergency exist**s**;

SECTION 4. This ordinance shall be published in one issue of the Otis Independent.

Passed and approved this 4th day of March, A.D., 1952.

Emanuel Anderson, Mayor.

ATTEST:

Effie M Pleasants, Town Clerk.

TOWN ORDINANCES

Ordinance No. 72.

AN ORDINANCE AMENDING ORDINANCE NO. 34 PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado, as follows:

SECTION 1. That Ordinance No. 34 passed and approved by the Board of Trustees of the Town of Otis, Colorado is hereby amended by deleting from Section 2 of Article IV thereof the following words:

"all persons taking orders for books, magazines or newspapers, or selling newspapers on the street, and persons selling or"

so that the said Section 2 of Article IV thereof shall now read:

"any person or persons, who temporarily and without the actual intent to establish in this town a permanent and lawful business, or any person acting in the interest of transient merchants were nonresidents, who engages, prepares for engaging, or attempts to engage in selling or offering for sale, any goods, wares, confections, drinks, ice merchandise, medicines, notions, or any other thing or things of value, in or from any store, shop, building, stand, vehicle, box, booth, stall or any place within the town, or who conducts or tempts to conduct any, in whole or part of, by public auction or cry out, within less than one year after engaging in business, or who does not remain in business sufficient length of time for the town to have his business regularly assessed and taxed, and the taxes paid thereon, or who engages in soliciting or taking orders for the future delivery of goods, wares or merchandise about the town, accept orders for daily delivery of goods from retail stores, and orders taken by traveling salesman for the benefit of local merchants of the town shall be considered a transient merchant or an agent therefore, whichever the case may be, under this ordinance, excepting only officers of the court or law, duly appointed and qualified according to law to do so."

SECTION 2. Ordinance No. 34 with the exception of the paragraph mentioned above is hereby rededicated, reconstituted and reapproved.

SECTION 3. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace health and safety.

SECTION 4. This Ordinance shall be published in one issue of the Otis Independent and shall take effect and be effective five days after the publication thereof.

PASSED AND APPROVED this 6th day of September, A. D. 1955.

R. A. Dalton, Mayor.

ATTEST:

Effie M. Pleasants, Town Clerk.

TOWN ORDINANCES

Ordinance No. 73.

AN ORDINANCE AMENDING ORDINANCE NO. 55 PASSED AND APPROVED THE 6TH DAY OF SEPTEMBER, A. D. 1932.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado, as follows:

SECTION 1. Rule 4 of Ordinance No. 55 passed and approved the 6th day of September, A. D. 1932 by the Board of Trustees of the town of Otis, Colorado, is hereby amended to read as follows:

"Water rates must be paid monthly without notice, at the office of the Town Clerk on the 1st day of each and every month, and if not paid on or before the 20th of the month, the water shall be turned off. Further, inasmuch as water is used in connection with the Sanitary Sewer District, all sanitary sewer taxes shall be paid when due, and in the event the same is not paid when due, all water and water services to the delinquent taxpayer shall be forthwith terminated and turned off."

SECTION 2. Ordinance No. 55 passed and approved the 6th day of September, A. D. 1932, with the exception of the part set forth above is hereby rededicated, reconstituted and reapproved.

SECTION 3. The Board of Trustees hereby finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

SECTION 4. This ordinance shall be published in one issue of the Otis Independent and shall take effect and be effective 5 days after the publication thereof.

PASSED AND APPROVED this 6th day of September, A. D. 1955

R. A. Dalton, Mayor.

ATTEST:

Effie M. Pleasants, Town Clerk.

TOWN ORDINANCES

Ordinance No. 74.

BE IT ORDAINED BY THE TOWN COUNCIL OF OTIS, WASHINGTON COUNTY, COLORADO, that it is of the considered opinion of this body that the extension of the Social Security System to employees and officers of the Town of Otis will be of great benefit, not only to the employees of the Town by providing that said employees and officers may participate in the provisions of the Old-Age and Survivors Insurance System, and will also be of great benefit to the Town of Otis by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government.

The 38th General Assembly of the State of Colorado, in regular session, enacted a statute, known as House Bill No. 291, which is the enabling S provided for in section 218 of Public Law 734, 81st Congress, which designated the Department of Employment Security, State of Colorado, to act as the Department to implement the coverage of employees and officers under the Old-Age and Survivors Insurance System. The Town of Otis is hereby authorized to execute and deliver to the Department of Employment Security, State of Colorado, a plan, or plans, and agreement, required under Section 5 of said enabling Act and the Social Security Act to extend coverage to employees and officers of the Town of Otis and do all other necessary things to affect rate coverage of employees and officers under the Old-Age and Survivors Insurance System.

The Clerk is hereby authorized to establish a system of payroll deduction to be match by payments by the Town of Otis to be paid into the Contribution Fund of the State through the Department of Employment Security, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the Town of Otis. Such payments are to be made in accordance with the provisions of Sections 1400 and 1410 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the Department of Employment Security, State of Colorado, shall be due and payable on or before the 18th day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at a rate of $\frac{1}{2}$ of 1% per month until such time as payments are made.

Appropriation is hereby made from the proper fund, or funds, of the town of Otis in necessary amount to pay into the contribution fund as provided in section 5 (c) (1) of the enabling Act and in accordance with the Plan, or Plans, and Agreement. Authority is given to the Mayor and the Clerk of the Town of Otis to enter into an agreement with the Department of Employment Security, State of Colorado, which agreement shall be in accordance with the House Bill No. 291 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of this town of Otis shall be in effect as of April 1, 1956.

Dated this 6th day of March, 1956.

R. A. Dalton, Mayor.

Effie M. Pleasants, Town Clerk.

Published March 22, 1986

TOWN ORDINANCES
Ordinance No. 75.

BE IT ORDAINED by the town Council of Otis, Washington County, Colorado, as follows:

TO ADOPT THE GREEN RIVER ORDINANCE.

SECTION 1. This ordinance shall also prohibit any soliciting of business by use of a phone, within the city limits of Otis, Colorado, by any person or firm not licensed to do business within the incorporated Town of Otis.

SECTION 2. The practice of being in and upon private residence in the Town of Otis, Colorado, by solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited so to do by the owner, or owners, occupant, or occupants of said private residences, for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and for the purpose of disposing of or pedaling or hocking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

SECTION 3. The Town Marshal and Police force of the Town of Otis are hereby required and directed to suppress the same, and to abate any such nuisance as is described in the 1st section of this ordinance.

SECTION 4. Any person convicted of perpetrating a nuisance, as described in prohibited in the 1st section of this ordinance upon conviction thereof shall be fined a sum of not less than twenty-five (\$25.00) dollars or more than One Hundred (\$100.00) dollars together with cost of proceeding, which said fine may be satisfied if not in cash, by execution against the person of anyone convicted of committing the misdemeanor as herein per prohibited.

TOWN ORDINANCES

Ordinance No. 76.

AN ORDINANCE PROHIBITING THE TURNING IN A FALSE FIRE ALARMS AND DESTRUCTION OF TOWN PROPERTY, AND PROVIDING PENALTY FOR THE BREACH THEREOF.

Be it Ordained by the Board of Trustees of the S of Otis, Colorado:

SECTION 1. It shall be unlawful for any person or persons to turn in a false fire alarm and anyone found guilty of same charge shall be guilty of committing a misdemeanor and be punishable by penalty set forth in this ordinance.

SECTION 2. It shall be unlawful for a person to destroy, damage, or tamper with town trucks, fire trucks, fire hydrants, Park hydrants, or any other firefighting apparatus.

SECTION 3. It shall be unlawful for a person or persons to destroy fireplaces at the town park, water hoses, water sprinklers, or knowingly and willfully damage or destroy the grass or any of the town streetlights.

SECTION 4. Any person or persons found guilty of the above-mentioned crimes shall be punishable by fine of not more than One Hundred Fifty Dollars (\$150.00) or less than Ten dollars, (\$10.00).

SECTION 5. All conflicting ordinances are hereby repealed.

SECTION 6. This ordinance shall be published as required by law and shall take effect and be in force upon the expiration of 5 days from the date of final passage; subject to the provisions of the statutes in such case made and provided for.

SECTION 7. The Board of Trustees hereby finds determines and declares that an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health and safety.

Passed and approved February 10, 1958

R. A. Dalton, Mayor.

Effie M. Pleasants, Town Clerk.

Published February 20, 1958

TOWN ORDINANCES

Ordinance No. 77.

AN ORDINANCE PROHIBITING THE HAULING OF DIRT OR FILL INTO THE CITY LIMITS OF OTIS, ON CITY PROPERTY.

SECTION 1. It shall be unlawful for any person to haul (or have hauled) any dirt, gravel or any other fill material onto the city streets of Otis, the alleys or any other Town property without first getting consent of the City Council, or Town employee.

SECTION 2. It shall be unlawful for any person or persons to in any way dam up or obstruct the flow of water into the drainage ditches that the city has constructed or shall construct at any future date.

SECTION 3. Any person or persons found guilty of the above-mentioned crimes shall be punishable by fine of not less than \$10.00 or more than \$50.00.

SECTION 4. Any conflicting ordinances are hereby repealed.

SECTION 5. This ordinance shall be published as required by the law and shall take effect and be in force upon the expiration of five days from the date of the final passage subject to the provisions of the statutes in such cases has made and provided for.

Passed and approved June 6, 1960

James E. Lee, Mayor.

Published July 14, 1960

TOWN ORDINANCES

Ordinance No. 78.

AN ORDINANCE VACATING A PORTION OF OTIS AVENUE AND APPROVING THE VACATION OF A PART OF THE ORIGINAL TOWN OF OTIS, COLORADO.

WHEREAS, That portion of Otis Avenue which lies between Block Nine and Thirteen of the Original Town of Otis, Colorado, according to the recorded plat thereof, has not been open for public use, and,

WHEREAS, the Lincoln Land Company did, by Vacation Deed, vacate the West one-half of Block Nine and the North portion of Block Thirteen of said Original Town, and by Vacation Deed, which is recorded in Book 68 of the records of the Clerk and Recorder of Washington County, Colorado, did vacate the North part of said Otis Avenue, which lay between the said Blocks Thirteen and Nine, and the remaining portion of said Otis Avenue should be vacated, said portion of street being of no value to public.

Now therefore, be it Ordained by the Board of Trustees of the Town of Otis, Colorado as follows:

SECTION 1. **Missing**

SECTION 2. That the portion of Otis Avenue which lies between Lots numbered One to Eight, inclusive, in Block numbered Thirteen and Lots numbered Fourteen to Twenty-one, inclusive, in Block numbered Nine of Original Town of Otis, Colorado, be and is hereby vacated.

SECTION 3. The vacation by the Lincoln Land Company of certain Lots and portions of streets as set forth in the Deed recorded in Book 61 at Page 351 of the records of the Clerk and Recorder of Washington County, Colorado, is hereby approved, and the vacation of Lots One to Eight, inclusive, of Block Thirteen of the said Original Town of Otis, by the present owner thereof, be and it is hereby approved.

SECTION 4. The Board of Trustees hereby declare, find and determine that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and that an emergency exists in the same shall therefore take effect and be in full force from and after five days from the first publication thereof.

Passed and approved this 12th day of September, A.D. 1961.

James E. Lee, Mayor.

ATTEST:

Bessie L. Rush,

TOWN ORDINANCES

Ordinance No. 79.

BEFORE THE FEDERAL COMMUNICATIONS COMMISSION OF THE UNITED STATES

IN THE MATTER OF THE APPLICATION OF THE TOWN OF YUMA, A MUNICIPAL CORPORATION, AND THE TOWN OF OTIS, A MUNICIPAL CORPORATION, FOR PERMIT TO OPERATE A TELEVISION BROADCAST TRANSLATOR STATION COMMONLY REFERRED TO AS A BOOSTER STATION TO SERVE THE TOWN'S HEREIN NAMED IN THE AREAS SURROUNDING THEM.

TO ALL INTERESTED PARTIES, AND TO WHOM IT MAY CONCERN:

The applicants for said permit are the Town of Yuma, Colorado, in Yuma County, and the Town of Otis, Colorado, in Washington County, both municipal corporations who proposed to serve areas from transmitter site located near the Town of Otis, Colorado, covering areas of and immediately surrounding said Towns.

The purpose for which the above application was filed is for the authority to make changes in a now existing translator station to facilitate joint operation in accordance with FCC requirements and for assignment of control thereof to the Towns hereinabove named and extension of permit now existing in the name of the Town of Otis Community TV.

Said application was filed with the Federal Communications Commission as of March 29, 1961.

The output channel for which said station is operating and proposes to operate his Channel 12 in the power output used in proposed to be used is transmitter output power 1 watt. The E. R. P. to community is 3.3 watts.

The only exchanges contemplated in now existing facilities are those required by FCC specifications.

Said station intends to engage in rebroadcasting, in entirety, all programs of Channel 4 KOA TV at Denver, Colorado, by addition to such station's signals, signal of the proposed station in code.

Published in the Yuma Pioneer, a weekly newspaper, of March 30 and April 6, 13, and 20, 1961, and in Otis Independent, a weekly newspaper, of the same dates.

TOWN ORDINANCES

Ordinance No. 80.

AN ORDINANCE VACATING A PORTION OF 4TH STREET AND THE ALLEY IN BLOCK 8 OF THE ORIGINAL TOWN OF OTIS, COLORADO, AND AUTHORIZING CONVEYANCE OF THE SAME BY SAID TOWN:

WHEREAS, that portion of 4th Street which lies between Block 7 and 8 of the original Town of Otis, Colorado, in the alley in Block 8 of said Town, according to the recorded plat thereof, have not been open for public use, and,

WHEREAS, the vacation of the said portion of 4th Street and said Alley does not leave any land adjoining said vacated street and alley without an established public road connecting said land with another established public road, and,

WHEREAS, Otis School District R – 3 is the owner of all lots which adjoin said portion of street and alley, said portion of street and alley not being necessary, for the use of public, and said portion of street and alley should be vacated, and,

WHEREAS, the provisions of this Ordinance are not in conflict with any Ordinances of said Town or any provision of the State Constitution or Statutes.

Now therefore, be it Ordained by the Board of Trustees of the Town of Otis, Colorado, as follows:

SECTION 1. That it is for the public benefit that the street now only hereinafter described be vacated,

SECTION 2. That, that portion of 4th Street which lies between Blocks 7 and 8 of the Original Town of Otis Colorado, be and is hereby vacated.

SECTION 3. That the alley in Block 8 said town, be and it is hereby vacated.

SECTION 4. That the Mayor and the Town Clerk be and they are hereby authorized and directed to convey said vacated street and alley, for and on behalf of the Town of Otis, Colorado, to Otis School District R-3. Conveyance is to be made by Quit Claim Deed under the seal of the Town of Otis, Colorado, and the properties described as follows:

That part of Fourth Street lying between Blocks Seven (7) and Eight (8) of the Original Town of Otis, Colorado, more particularly described as follows: Starting at the North-east corner of Lot Six (6), Block Seven (7), running thence North a distance of Eighty feet (80 ft.) to the Southeast corner of Lot One (1), Block Eight (8); thence West in the North line of said Fourth Street a distance of Three Hundred Twelve feet (312 ft.) to the East line of Dungan Avenue; thence South and said East line a distance of Eighty feet (80 ft.) to the South line of said Fourth Street; thence East in said South line a distance of Three Hundred Twelve feet (312 ft.) to the point of beginning.

And, the alley lying between Work Avenue and Dungan Avenue in Block Eight (8) of said Original Town of Otis, Colorado, and extending from the North line of said Fourth Street to the North line of said Block Eight (8).

SECTION 5. The Board of Trustees hereby declare, find and determine that this Ordinance is necessary for the immediate preservation of the public peace, health and safety and that an emergency exists and the same shall therefore take effect and be in full force from and after 5 days from the first publication thereof.

Passed and approved this 12th day of December, 1961.

James E. Lee, Mayor.

ATTEST:

Bessie I. Rush, Clerk.

(SEAL)

published December 21, 1961

TOWN ORDINANCES

Ordinance No. 81.

AN ORDINANCE RELATING TO LIVESTOCK:

Be it Ordained by the Board of Trustees of the Town of Otis Colorado:

SECTION 1. That no person shall hereafter keep or maintain within the limits of the town of Otis Colorado, as hereinafter specified and defined, any horse, cow, goat, sheep or swine.

SECTION 2. Any person, persons, company or corporation now maintaining or keeping within the limits as hereinafter specified any such livestock, shall remove said stock from the restricted area as defined, forthwith, and any and all barns, sheds and yards where such livestock has been shall be cleaned in a sanitary manner and hereafter kept in clean and sanitary condition.

SECTION 3. The territory within the limits in which this Ordinance shall be operative and effective is defined as follows:

The incorporated city limits of Otis, Colorado, excluding any five (5) acre or larger tracks, specifically blocks 5 and 6 Wilton's Addition to the Town of Otis and two tracks in Block 1 Wilton's Addition to the Town of Otis, containing 8.9 acres.

SECTION 4. Any person, persons, company or corporation who violates the provisions of this Ordinance, or any provisions thereof, and who keeps, maintains or harbors any such livestock within the limits as hereinabove specified and set forth, shall be guilty of a misdemeanor and upon conviction thereof shall be fined in the sum of not less than Twenty-Five Dollars nor more than One Hundred Dollars.

SECTION 5. The Board of Trustees now find that this Ordinance is necessary to the immediate preservation of the Public Health and Safety of the Town of Otis and shall become effective and in full force and effect 38 days after the first publication thereof, as of April 1, 1962.

SECTION 6. This Ordinance shall be recorded in the Ordinance Book of the Town of Otis, authenticated by the signature of the Mayor and the Town Clerk and shall be published in one issue of the Otis Independent, a weekly newspaper published within the corporate limits of the Town of Otis, Colorado.

Adopted and approved this 12th day of February A. D. 1962.

James E. Lee, Mayor.

ATTEST:

Bessie I. Rush, Town Clerk.

(TOWN SEAL)

TOWN ORDINANCES
Ordinance No. 82.

AN ORDINANCE FORBIDDING PARKING ON 1ST AVENUE, AND PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF:

Be it Ordained by the Board of Trustees of the Town of Otis Colorado:

SECTION 1. It is hereby determined and declared that parking on First Avenue constitutes a traffic hazard at times; that elimination of parking on said Avenue will permit four-lane usage of said Avenue, and such usage is desirable because First Avenue conducts traffic from U.S. Highway No. 34, Colorado Highway No. 54 through the Town of Otis, Colorado; that it is in the public interest at First Avenue be close to parking of vehicles; that other parking space is available for the use of the public.

SECTION 2. It shall be unlawful to park a motor vehicle on First Avenue in the Town of Otis, Colorado, and No-Parking sign shall be placed along said Avenue at reasonable intervals.

SECTION 3. This ordinance shall be an amendment or addition to the Model Traffic Ordinance .

SECTION 4. Any person who violates Section 2 hereof, shall be guilty of a misdemeanor and upon conviction may be punished by fine of not more than \$10.00.

SECTION 5. Police Officers of the Town of Otis, in cases of violation of this ordinance, are authorized to issue Notice to the owner or persons in charge of the motor vehicle, which Notice shall be in the form of a Penalty Assessment in the sum of \$1.00. If such person pays such penalty assessment to the Otis Town Clerk within 48 hours, such payment shall be deemed a complete satisfaction of the violation. Such penalty assessment may be placed in the parked vehicle, or on the windshield thereof. If such penalty assessment be not so paid it, the violator shall be proceeded against as by law provided for a violation of this Ordinance, and such violator shall be subject to the fine set forth herein, in Section 4.

SECTION 6. The Board of Trustees hereby finds, determines and declares that an emergency exists and this act is necessary for the immediate preservation of the public peace, health and safety.

SECTION 7. This ordinance shall be published in one issue of the Otis Independent and shall be in full force and effect from and after 5 days from the first publication thereof.

(SEAL)

Past and approved this 13th day of March, 1963.

Paul T. Bourquin, Mayor.

ATTEST:

Bessie I. Rush, Town Clerk.

TOWN ORDINANCES

Ordinance No. 86.

AN ORDINANCE VACATING A PORTION OF GILPIN AVENUE AND A PORTION OF FAIRVIEW AVENUE WITH CERTAIN ADJACENT OR APPURTENANT ALLEYS AFFECTING BLOCK ONE, MUCHOW'S ADDITION AND BLOCKS THREE AND FOUR, COLLING'S ADDITION TO THE TOWN OF OTIS, COLORADO, ACCORDING TO THE RECORDED PLATS THEREOF; AND VACATING A PORTION OF THE STREETS AND ALLEYS AFFECTING THE OTIS MUNICIPAL PARK.

WHEREAS, the streets and alleys hereinafter described have not been opened for use by the public, although said streets and alleys were originally dedicated to public use at the time of the filling of the respective plats describing the same; and

WHEREAS, Said streets and alleys are being utilized by the owners thereof for their respective purposes; and

WHEREAS, Use by the public of the streets and alleys described herein as Tract 1 through 7 would be extremely hazardous because of the operation of heavy machinery and trucks in the area; and

WHEREAS, Use by the public of the streets and alleys described herein as Tracts 8 and 9 would be extremely hazardous because said Tracts are incorporated into the municipal park of the Town of Otis, as now established; and

WHEREAS, There are other streets and alleys nearby which provide adequate access to and from all residences and businesses in the neighborhoods, adequate roadways for the public, and adequate easements for sewer lines and water lines; and

WHEREAS, The best interests of the public and the citizens of Otis, Colorado will be served by closing the streets and alleys hereinafter described;

Now, Therefore, be it hereby Ordained by the Board of Trustees of the Town of Otis, Colorado, a Municipal Corporation, that the following portions of streets and hourly should be, and the same hereby now are, abandon, discontinued, closed, and vacated his public streets and alleys, to-wit:

Tract No. 1-- That alley originally dedicated to be used between Lots One and Two, Block One, Muchow's Addition to said Town, commencing at a point 140 feet East of the Northwest Corner of said Lot One : running thence East 20 feet; thence South 65 feet; thence West 20 feet: thence North 65 feet, being a tract with dimensions of 20 feet by 65 feet, IT BEING UNDERSTOOD That this vacation in no way affects that tract of 20 feet by 65 feet immediately contiguous to the East, which said contiguous tract is presently utilized as an alley and for sewer and water easements;

Tract No. 2-- That alley lying between Lot One, Block One, Muchow's Addition to said Town and Lot Eight, Block Four, Colling's Addition to said Town, extending from the East line of Logan Avenue to the West line of the alley in said Block Four, corresponding to the East line of the alley in said Block One, as originally dedicated in the recorded plat, being a tract with dimensions of 35 feet by 160 feet:

Tract No. 3-- That alley being the South 10 feet of Muchow's Addition to said Town extending from a point 20 feet East of the East side of the alley in Block One, Muchow's Addition to said Town, as said alley was originally platted, to the East line of Gilpin Avenue, in said Muchow's Addition, being a tract with dimensions of 10 feet by 160 feet;

Tract No. 4-- That alley lying between the North line of Colling's Addition to said Town and the North line of Blocks Three and Four of said Addition, extending from the East line of the alley in said Block Four to the East line of said Addition, being a tract with dimensions of 25 feet by 577 feet;

Tract No. 5-- That part of Gilpin Avenue lying between Blocks Three and Four of Colling's Addition to said Town, extending from the North line of 4th Street to the North line of said Blocks Three and Four, being a tract with dimensions of 80 feet by 200 feet;

Tract No. 6-- The alley in Block Three, Colling's Addition to said Town, extending from the North line of 4th Street to the North line of said Block Three, being a tract with dimensions of 20 feet by 200 feet;

Tract No. 7-- That portion of Fairview Avenue lying between the East line of Block Three, Colling's Addition to said Town and the East line of said Addition, extending from the line of said 4th Street to the North line of said Block Three, being a tract with dimensions fo 57 feet by 200 feet;

Tract No. 8-- That part of the alley lying between Lots One to Seven, inclusive, and Lots Twenty to Twenty-six inclusive, of Block Five in the Original Town of Otis, Colorado, according to the recorded plat thereof, being a tract with dimensions of 20 feet by 175 feet;

Tract No. 9-- That part of First Street lying between the South line of Block Five, Original Town of Otis, and the North rightofway line of U.S. Highway No. 34, as now existing, being a tract with dimensions of 20 feet, more or less, by 312 feet.

The Board of Trustees hereby finds, determines and declares that this action is necessary for the immediate preservation of the public peace, health and safety; that an emergency exists: and that, therefore, this Ordinance shall take effect and be in force from and after five days from the first publication thereof.

Adopted and approved this 13th day of June A.D. 1967.

LeMoyne Wolfe, Mayor.

Attest:

Bessie I. Rush, Town Clerk.

Seal

Published July 27, 1967.

TOWN ORDINANCES

Ordinance No. 92.

AN ORDINANCE ESTABLISHING FOUR-YEAR OVERLAPPING TERMS OF OFFICE FOR TRUSTEES (AND FOUR-YEAR TERMS OF OFFICE FOR THE MAYOR AND TOWN TREASURER).

WHEREAS, the amendment to Section 12 of Article XIV of the Colorado Constitution, adopted at the 1970 general election, repealed the two-year limitation on terms of municipal officers; and

WHEREAS, passage by the General Assembly in 1971 of H.B. 1212 authorizes a Board of Trustees by ordinance to provide four-year overlapping terms for trustees (and four-year terms for the mayor and any officers elected pursuant to C.R.S.1963, 139-6-4); and

WHEREAS, the Board of Trustees desires to establish four-year terms effective with the April 4, 1972 regular election.

Now, therefore, be it ordained by the Board of Trustees of the town of Otis, Colorado:

SECTION 1. Four-Year Terms For Trustees. At the April 4, 1972, election, six trustees shall be elected. The three candidates for trustees receiving the highest number of votes shall be elected for four-year terms, and the three candidates for trustees receiving the next highest number of votes shall be elected for two-year terms. At the next subsequent regular election and at each regular election thereafter, three trustees shall be elected to serve four-year terms.

SECTION 2. Four-Year Terms For Mayor And Town Treasurer. At the April 4, 1972, election, and at the regular election every four years thereafter, a Mayor and Town Treasurer shall be elected to serve a four-year term.

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

SECTION 4. Repeal. Existing ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 5. Emergency Clause. The Board of Trustees herewith finds, determines and declares that this ordinance is necessary for the immediate preservation of public peace, health and safety, because the election and terms of office of the Board of Trustees (and the Mayor and town Treasurer) to be elected at the April 4, 1972 election affects the public peace, health and safety, and whereas in the opinion of the Board of Trustees an emergency exists, this ordinance shall take effect and to be in force upon the expiration of five (5) days after publication.

Finally passed, adopted and ordered finally published this 4th day of January, 1972.

Robert E. Muchow, Mayor.

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES

Ordinance No. 93.

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS, COLORADO FOR THE PURPOSE OF PROVIDING A SYSTEM OF TRAFFIC REGULATIONS CONSISTENT WITH STATE LAW AND GENERALLY CONFORMING TO SIMILAR REGULATIONS THROUGHOUT THE STATE AND THE NATION; ADOPTING BY REFERENCE THE 1971 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT BEARING WITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado:

SECTION 1. Adoption: Pursuant to Chapter 139, Article 34, C.R.S. 1963 as amended, there is hereby adopted by reference Sections 1 to 26, inclusive, of the "Model Traffic Code For Colorado Municipalities," officially approved, adopted and published in 1971 as such by the State Department of Highways, Denver, Colorado, and hereinafter referred to as the "Municipal Traffic Code "of which three (3) copies are now filed in the Office of the Clerk of the Town of Otis, Colorado and may be inspected during regular business hours, the same being adopted as if set out at length save and except the following Article and Sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

SECTION 2. Additions or Modifications: The said adopted Code is subject to the following additions or modifications:

- (a) **Abandonment of Vehicles** - No person shall abandon any vehicle within the Town and no person shall leave any vehicle at any place within the Town for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned.
- (b) **Leaving of Wrecked, Non-Operating Vehicles on Private Property** - No person shall leave any partially dismantled, non-operating, wrecked, or junked vehicle on any street or highway within the Town.
- (c) **Leaving of Wrecked, Non-Operating Vehicles on Private Property** - No person in charge or control of any property within the Town whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, non-operating, wrecked, junked or discarded vehicle to remain on such property longer than thirty (30) days; except that this ordinance shall not apply with regard to a vehicle within any enclosed building, a vehicle on the premise of a business enterprise operated in a lawful place and manner, when necessary to the operation of such business enterprise; or a vehicle in appropriate storage place maintained in a lawful manner by the Town.
- (d) **Disposition of Wrecked or Discarded Vehicles** - The Town Manager or an employee designated by the Town is hereby authorized to remove or have removed any vehicle left at any place within the town which reasonably appears to be in violation of this ordinance or lost, stolen or unclaimed. Such vehicle shall be impounded until lawfully claimed or disposed of in accordance with law.

SECTION 3. Penalties: the following penalties, herewith set forth in full, shall apply to this ordinance;

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance:

- (b) Every person convicted of a violation of any provision stated or adopted this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding (90) days, or by both such fine and imprisonment.

SECTION 4. *Application:* This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Section 5-1, 5-2, 15-12 and 23-3 of the adopted Model Traffic Code respectively concerning careless driving, reckless driving, unauthorized devices, and accident investigation shall apply not only to public places and ways but also throughout this municipality.

SECTION 5. *Validity:* If any part or parts of this ordinance are for any reason held to be invalid, such decisions shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

SECTION 6. *Repeal:* Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or In violation of any ordinance hereby repealed prior to the taking of effect of this ordinance.

SECTION 7. *Interpretation:* This ordinance shall be interpreted and construed as to effectuate its general purpose to make uniform the local traffic regulations contained herein. Article and section headings of the ordinance and adopted model traffic code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of provisions of any article or section thereof.

SECTION 8. *Short Title:* This ordinance may be known and cited as the Municipal Traffic Ordinance.

SECTION 9. *Emergency:* the Board of Trustees hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health, and safety; therefore, this ordinance shall be in full force and effect upon the expiration of five days from and after its final passage and publication.

Finally Passed, Adopted And Ordered Published This First Day Of August, 1972

Robert E. Muchow, Mayor. Town of Otis, Colorado.

ATTEST: Joy M. Boltjes, Town Clerk.

Published August 31, 1972

TOWN ORDINANCES

Ordinance No. 102.

AN ORDINANCE CONCERNING REVENUE AND IMPOSING AN OCCUPATIONAL TAX ON LIQUOR DISPENSERS DOING BUSINESS WITHIN THE TOWN OF OTIS, COLORADO:

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado:

SECTION 1. Declaration Of Policy And Purpose. The Board of Trustees hereby finds, determines and declares that, considering the nature of business of selling malt, wine and spirituous liquors for consumption on the premise and the relations of such business to the municipal welfare, as well as the regulation 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 considered in relation thereto, that the classification of said business as a separate occupation is reasonable proper, uniform and nondiscriminatory and that the amount of tax imposed by this section is reasonable, proper, uniform and nondiscriminatory and necessary for a just and proper distribution of tax burdens within the Town.

SECTION 2. Levy of Tax. There is hereby levied and assessed for the year 1975 and for each year thereafter an annual occupation tax upon the business of selling malt, vinous and spirituous liquors for consumption on the premises:

For all operators licensed by law to sell "malt, vinous and spirituous liquors for consumption on the premises" and who are engaged at any time during the calendar year in such operation within the Town of Otis, the sum of five hundred dollars (\$500.00).

SECTION 3. Payment of Tax. Such tax shall be due and payable to the Clerk of the Town on January 1st of each year and shall be delinquent on February 1st of the same year. Prepayment of the said tax may be ... Upon receipt of such tax it shall be the duty of the Clerk to execute and deliver to the operator paying the tax, a revenue receipt showing the name of the operator paying the tax, the date of payment, the annual period for which the taxes paid, and the place at which the operator conducts business.

The tax is assessed for the calendar year and no proration shall be made where the business is used for only a portion of the year; and no refund shall be made to any person who discontinue said business during the year. Interest shall accrue on all delinquent taxes herein provided for from the day of delinquency until paid or collected, at the rate of one percent (1%) per month.

SECTION 4. License Not Affected by Delinquency. No delinquency in payment of the tax herein provided for shall be grounds for suspension or revocation of any license granted to any such operator by any licensing authority pursuant to the statutes enacted by the General Assembly of Colorado, and in the performance of any duties imposed upon the Town Board as licensing authority of said statutes, the Town Board shall exclude from consideration any delinquency in payment of the tax herein provided.

SECTION 5. Recovery of Tax by Suit. The Town shall have the right to recover all sums due by the terms of this section 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 section.

SECTION 6. Failure to Pay Tax an Offense. Failure to comply with the terms of this section by payment of taxes, securing and posting receipt therefore, and to otherwise comply with the terms of this section shall constitute an offense in violation of this ordinance; delinquency for each calendar month shall constitute a separate and distinct

offense; but no conviction for such violation shall work as a revocation of the license of the defendant issued under the laws of the State of Colorado.

SECTION 7. *Emergency Clause.* That WHEREAS, the imposition of this occupation tax is immediately needed to supplement and add to the revenue of the town of Otis, Colorado. It is the opinion of the Board of Trustees that this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and general welfare, and is enacted for that purpose and shall be in full force from and after five days from its publication.

Passed, adopted and ordered published by the Board of Trustees of the Town of Otis, Colorado, County of Washington, State of Colorado this 5th day of November, 1974

Robert E. Muchow, Mayor. Town of Otis, Colorado.

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES

Ordinance No. 103.

AN ORDINANCE TO ESTABLISH WATER SPRINKLING RULES AND REGULATIONS; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

WHEREAS the Town of Otis reserves the right to regulate and control water sprinkling usage and the issuance of special permits.

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado:

SECTION 1. *Use of Water Hose.* Consumer shall not use hose larger than three-fourths (3/4) of an inch in diameter; and watering without a nozzle or attach sprinkler is strictly forbidden.

SECTION 2. *Time of Fire.* Watering and sprinkling during time of fire unlawful.

SECTION 3. *Rules and Regulations.* The rules and regulations set out in this article shall be taken and held to be a part of the contract with every person who is supplied with water through the waterworks of the Town and every such person taking water shall be considered and held to consent to be bound thereby.

SECTION 4. *Special Permits.* Special permits for newly seeded lawns may be obtained at Town Hall.

SECTION 5. *Water Sprinkling Hours (ODD Numbered Buildings).* Water sprinkling hours for all premises bearing odd numbers are from 6:00 AM to 10:00 AM and from 3:00 PM to 10:00 PM on the odd days of the month, except on the 31st day of each month, when sprinkling hours are from 6:00 AM to 10:00 AM.

SECTION 6. *Water Sprinkling Hours (EVEN Numbered Buildings).* Water sprinkling hours for all premises bearing even numbers are from 6:00 AM to 10:00 AM and from 3:00 PM to 10:00 PM on the even days of the month, except on the 31st day of each month, when sprinkling hours are from 3:00 PM to 10:00 PM.

SECTION 7. *Penalties.* If outside water is allowed to run on days or hours other than as stated in Sections 5 and 6, or if the water is used unreasonably, the water may be cut off without notice or summons issued to the offending party for appearance before the police magistrate for trial and penalties:

The following penalties herewith set forth in full shall apply to this ordinance:

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance .
- (b) Every person convicted of a violation of any provision stated or adopted in this ordinance shall be punished by a fine of not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety 90 days, or by both fine and imprisonment.

SECTION 8. *Repeal.* Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed .

SECTION 9. *Emergency.* The Board of Trustees hereby finds, determines, and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health, and safety; therefore, this ordinance shall be in full force and effect upon the expiration of five days from a end after its final passage and the publication.

Passed adopted and ordered published by the Board of Trustees of the Town of Otis, Colorado of Washington State of Colorado this first day of April, 1975.

Robert E. Muchow, Mayor. Town of Otis, Colorado.

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES
Ordinance No. 104.

AN ORDINANCE APPLYING FOR FLOOD INSURANCE.

WHEREAS, certain areas of Otis, Colorado are subject to periodic flooding from torrential rains, causing serious damages to properties within these areas; and

WHEREAS, relief is available in the form of capitalized subsidized flood insurance as authorized by the National Flood Insurance Act Of 1968; and

WHEREAS, it is in the intent of the Town Board of Otis, Colorado to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards; and

WHEREAS, this body has the legal authority to adopt land-use and control measures to reduce future losses pursuant to: Title 31, Article 12, C.R.S 1973;

Now, Therefore, Be It Resolved, That The Town Board Of Otis, Colorado Hereby:

SECTION 1. Assures the Federal Insurance Administration that it will and enact as necessary, and maintain in force for those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in section 1910 of the National Flood Insurance Program Regulations; and

SECTION 2. Vests the Town Board of Otis, Colorado with the responsibility, authority and means to:

- (a) Delineate or assist the Administrator, at his request, in delineating the limits of the areas having special flood hazards on available local maps of sufficient scale to identify the locating of building sites,
- (b) provide such information as the Administrator may request concerning present uses and occupancy of the flood plain.
- (c) Cooperate with Federal, State and local agencies and private firms which undertake to study, survey, map, and identify floodplain areas, and cooperate with neighboring communities with respect to management of adjoining floodplain areas in order to prevent aggravation of existing hazards.
- (d) Submit on the anniversary date of the community's initial eligibility and the annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures.

SECTION 3. Appoints the Town Board of Otis, Colorado to maintain for public inspection and to furnish upon request a record of elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improve structures located in the special flood hazard areas. If the lowest floor is below the grade on one or more sides, the elevation of the floor immediately above must also be recorded.

SECTION 4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

SECTION 5. *Emergency Clause.* That whereas, the adoption of this ordinance is immediately needed in order to submit required application before July 1, 1975 deadline. It is the opinion of the Board of Trustees that this ordinance is necessary for the immediate protection and preservation of the public health, safety, convenience and general welfare, and is enacted for that purpose and shall be in full force from and after five days from its publication.

Passed, adopted and ordered published by the Board of Trustees of the Town of Otis Colorado this 3rd day of June 1975 .

Robert E. Muchow, Mayor. Town of Otis, Colorado.

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES

Ordinance No. 105.

ORDINANCE TO INDICATE THE BUILDING PERMIT SYSTEM WHICH THE TOWN OF OTIS HAS ADOPTED AND THE REVIEW PROCEDURE FOR THE SYSTEM.

WHEREAS, the Town of Otis Colorado has adopted and is enforcing building permits in the Town of Otis, Colorado, and

WHEREAS, required building permits prohibits any person, firm or corporation from erecting, constructing, enlarging, altering, repairing, improving moving or demolishing any building or structure without first obtaining a separate building permit for each building or structure from the Town Clerk, and

WHEREAS, the Town Clerk must examine all plans and specifications for the proposed construction when application is made to him for a building permit.

Now, Therefore, Be It Resolved By The Town Board Of Otis, Colorado As Follows:

SECTION 1. That the Town Clerk shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must

- i.* be designated (or Modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;
- ii.* use construction materials and utility equipment that are resistant to flood damage; and
- iii.* use construction methods and practices that will minimize flood damage; and

SECTION 2. That the Town Clerk shall review subdivision proposals and other proposed new developments to assure that

- i.* all such proposals are consistent with the need to minimize flood damage,
- ii.* all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and
- iii.* adequate drainage is provided so as to reduce exposure to flood hazards; and

SECTION 3. That the Town Clerk shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

WHEREAS, the Board of Trustees hereby finds, determines and declares that an emergency exists and that this ordinance is necessary for the immediate preservation of the public peace, health, and safety; therefore, this ordinance shall be in full force and effect upon the expiration of five days from and after its publication.

Passed, adopted and ordered published by the Board of Trustees of the Town of Otis, Colorado this 3rd day of June, 1975.

Robert E. Muchow, Mayor. Town of Otis, Colorado.

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES

Ordinance No. 108.

AN ORDINANCE ANNEXING AN AREA TO THE TOWN OF OTIS, COLORADO AND DESCRIBING THE AREA ANNEXED.

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado:

WHEREAS, the Otis Town Board does hereby accept the Raymond Willeke addition plat and certified dedication to public use of the streets and utility easement shown thereon and does hereby annex to the Town of Otis, Colorado the following property.

The land to be annexed to the Town of Otis, Washington County, Colorado, being 20.1 acres of land in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 9, T. 2N., R. 50W., 6th p.m. to be known as the Willeke Addition to the town of Otis; certified by Surveyor **Gerald** Jefferies of Sterling, Colorado and recorded with Washington County Clerk and Recorder. Copies of annexation map showing the boundaries of the area are available at the Otis Town Hall. Said tract of land being more particularly described as follows, to-wit:

The point of beginning being located 1373.13 ft. North 40.00 ft. West of the Southeast corner of Section 9, T. 2N., R. 50W, 6th p.m. Washington County, Colorado: Thence North a distance of 1293.87 ft. parallel with and 40 ft. West of the East line of said Section 9 to the North line of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 9; Thence turn an interior angle right of 90.00 degree 00" and continue South a distance of 682.92 ft.;

Thence turn an interior angle right of 271degrees 20' 00"and continue westward a distance of 722.00 ft.

Thence turn an interior angle right of 88 degrees 40; 00" and continue a distance of 693.32 ft.; Thence turn an interior angle right of 91 degrees 20' 00" and continue a distance of 1080.00 ft. to the point of beginning.

The WILLEKE ADDITION to the Town of Otis comprises 20 acres or more, and not less than 1/6 of the perimeter of the area proposed to be annexed is contiguous with the Town of Otis.

A petition for annexation of the above described property, signed by the sole owner of one-hundred percent of the territory included in the area proposed to be annexed, exclusive of streets and alleys has been presented and accepted by the Otis Town board.

The Board of Trustees finds that this ordinance is necessary to the immediate preservation of the public health and safety.

Introduced, passed, and ordered published, as provided by law, by the town Board of the town of Otis, Colorado this 2nd day of March 1976.

(SEAL)

Robert E. Muchow, Mayor. Town of Otis, Colorado

ATTEST: Joy M. Boltjes, Town Clerk.

TOWN ORDINANCES
Ordinance No. 109.

AN ORDINANCE CONCERNING REVENUE AND IMPOSING AN OCCUPATION TAX ON ALL TELEPHONE UTILITIES OPERATING WITHIN THE TOWN OF OTIS AND PROVIDING FOR THE COLLECTION OF SAID TAXES AND FOR PENALTIES WITH RESPECT THERETO:

WHEREAS, the operations of telephone utilities involves substantial use of the public streets and rights-of-way, and the regular installation, maintenance and repair of many polls, lines and cables in, under, and above the public streets and rights-of-way; and

WHEREAS, the operations of telephone utilities place a substantial burden on the Town in its efforts to provide for the public safety, and efficiently maintain and administer the public streets and rights-of-way; and,

WHEREAS, considering the nature of telephone utilities and the burdens placed by such utilities on the town the classification of such utilities separately from other businesses and occupations is reasonable and nondiscriminatory; and,

WHEREAS, the Board of Trustees of the Town of Otis is authorized to impose taxes on the privilege of engaging in occupations or businesses solely for the purpose of raising revenue;

Now, Therefore, Be It Ordained By The Trustees Of The Town Of Otis, Colorado:

SECTION 1. *Levy of Tax.* There is hereby levied against every utility telephone utility which is engaged in the business of furnishing local exchange telephone service within the Town of Otis, a tax on the privilege of engaging in such business. The amount of such tax for the portion of 1976 remaining after the effective date of this ordinance shall be twenty-five cents (.25) for each telephone account for which local exchange telephone service is provided within the Town on December 1, 1976, three dollars (\$3.00) annually for each such account as provided in Section 2 of this ordinance.

SECTION 2. *Payment of Tax.* The tax levied by this ordinance shall be due on the first day of January of each year except the year 1976. The tax shall be payable for year subsequent to 1976 in 12 equal monthly installments, each installment to be payable on the last business day of each calendar month. The tax for the portion of 1976 remaining after the effective date of this ordinance shall be due on December 31, 1976, and shall be payable in one (1) installment, the installment to be payable on the last business day of each calendar month thereafter.

Within 15 days after the effective date of this ordinance, each telephone utility subject to the tax imposed herein shall file with the Clerk, in such form as the Clerk may require, a statement showing the total number of telephone accounts for which local exchange telephone service was provided with the Town on October 1, 1976. Such statement shall be filed in each subsequent year within 15 days after October 1, showing the total number of such accounts on October 1.

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

SECTION 4. *Local Purpose.* The tax provided herein is upon the affected occupants and businesses in their performance of local functions and is not a tax upon those functions relating to interstate commerce.

SECTION 5. *Failure to Pay or File.*

- (a) If any telephone utility subject to this Ordinance fails to pay the taxes as provided herein the full amount thereof shall be due and collected from such company and the same, together with an addition of ten percent (10%) of the amount of taxes due shall be and is hereby declared to be a debt due and owing from such utility to the Town,
- (b) If any officer or agent or manager of a telephone utility which is subject to the provisions of this Ordinance shall fail, neglect or refuse to file any statement required by this Ordinance within the time prescribed, such officer, agent or manager shall be punished, on conviction thereof, by fine of not less than twenty-five dollars (\$25.00) nor more than ... The said officer, agent or manager shall so fail, neglect, or refuse to file such statement shall be considered a separate offense.

SECTION 6. *Certain Offenses And Liabilities To Continue.* All offenses committed and all liabilities incurred prior to the effective date of this ordinance shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrues under the terms and provisions of the Ordinance 83 on or before the effective date of this Ordinance, shall be and remain unconditionally due and payable, and shall constitute a debt to the Town, payable in conformity with the terms and provisions of said Ordinance 83 prior to the adoption of this Ordinance; and all said terms and provisions of Ordinance 83 shall be and remain in full force and effect for the purpose of the collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of this Ordinance.

SECTION 7. *Tax In Lieu Of Other Occupation Taxes.* The tax herein provided shall be in lieu of all other occupation taxes or taxes on the privilege of doing business within the Town, on any telephone utility subject to the provisions of this Ordinance.

SECTION 8. *Repeal.* (Repeal existing Ordinance, subject to Section 6 above.)

SECTION 9. *Effective Date.* This order shall take effect on October 1, 1976, and the first payment of the tax levied by this ordinance shall be due on December 31, 1976.

Introduced, approved and ordered published by the Board of Trustees of the Town of Otis, Colorado, September 7, 1976.

The Board of Trustees now finds that this ordinance is necessary for the immediate preservation of the public health, peace and safety, and that an emergency exists; therefore, the Ordinance and all provisions thereof shall be in full force and effect on October 1, 1976. This ordinance shall be published in one issue of the Otis Independent, a weekly newspaper published in Otis, Washington County, Colorado.

Dennis L. Rhoades, Mayor. Town of Otis, Colorado.

ATTEST:

Pamela L. Butcher, Town Clerk.

Published September 30, 1976.

TOWN ORDINANCES

Ordinance No. 111.

AN ORDINANCE AMENDING THE TOWN OF OTIS ORDINANCE NO. 103 "WATER SPRINKLING RULES AND REGULATIONS".

WHEREAS, the Otis Town Board desires to revoke Section 5 and 6 of Ordinance 103 as passed and approved on the first day of April, 1975.

Now Therefore, Be It Ordained by the Board Of Trustees of the Town of Otis, Colorado:

SECTION 5. *Water Sprinkling Hours.*

- (a) **Odd-Numbered Buildings** - Water sprinkling hours for all premises bearing odd numbers are from 6:00 AM to 10:00 AM and from 4:00 PM to 9:00 PM on the odd days of the month, except on the 31st day of each month, when sprinkling hours are from 6:00 AM to 10:00 AM.
- (b) **Even-Numbered Buildings** - Water sprinkling hours for all premises bearing even numbers are from 6:00 AM to 10:00 AM and from 4:00 PM to 9:00 PM on the even days of the month, except on the 31st day of each month when the sprinkling hours are from 1:00 PM to 9:00 PM.

SECTION 6. *Washing Motorized Vehicles, Driveways And Sidewalks.* The above-mentioned water sprinkling hours will also apply to the washing of motorized vehicles, driveways and sidewalks.

WHEREAS, in the opinion of the Otis Town Board, an emergency exists and this Ordinance is necessary for the immediate preservation of the public peace, health, and safety therefore, this Ordinance shall be in full force and effect on the First day of May, 1977.

Passed and approved this Fifth day of April, 1977

Dennis L. Rhoades, Mayor. Town of Otis, Colorado.

ATTEST:

Pamela L. Butcher, Town Clerk.

TOWN ORDINANCES
Ordinance No. 112.

REMOVED - WATER BOND DEBT. NEEDS REPEALED

TOWN ORDINANCES
Ordinance No. 116.

AN ORDINANCE PROVIDING FOR THE IMPOUNDMENT OF BICYCLES AND MOTORIZED BICYCLES IN THE PROVISIONS THEREOF.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. It is hereby determined that in order to make Article XVII of the Model Traffic Code (Operation Of Bicycles and Motorized Bicycles) enforceable, the Otis Police Department by its duly appointed members, is authorized to impound any bicycle or motorized bicycle which is in violation of any section pertaining to Article #113 adopted and approved on the 6th day of December 1977.

SECTION 2. Any bicycle or motorized bicycle impounded in accordance with section 1 shall be held by the Otis Police Department for a period not to exceed six (6) months.

SECTION 3. The owner (if known) of any bicycle or motorized bicycle that has been impounded shall be notified by the Chief of Police by written form that:

- 1) That such impoundment has been made by the Otis Police Department,
- 2) the description of the bicycle impounded;
- 3) the reason for such impoundment;
- 4) the length of impoundment; and
- 5) the date at which the bicycle will be released.

SECTION 4. The owner of a bicycle or motorized bicycle who wishes to claim said bicycles at the end of said impoundment may do so by payment of a five dollar (\$5.00) impound and storage fee, to the Town of Otis.

SECTION 5. At the end of the impoundment period, the owner (if known) shall be notified by the Chief of Police that the bicycle can be claimed. If at the end of ten (10) days from the completion date of the impoundment, the owner has not claimed said bicycle, the bicycle and all parts and accessories attached shall become the property of the Town of Otis, to be disposed of in any manner seen fit by the Chief of Police, all funds received there-from to become the revenue of the town of Otis.

SECTION 6. The length of the impoundment and authority to release said bicycle shall be vested solely in the Chief of Police.

SECTION 7. Whereas, in the opinion of the town Board, an emergency exists and this ordinance is necessary for the immediate preservation of the public peace, health, and safety. Therefore this ordinance shall be in full force and effect upon the expiration of 5 days from and after its publication in the local newspaper.

VALIDITY: If any part or parts of this Ordinance are found for any reason to be held invalid, such decision shall not affect the validity of the remaining portion of this ordinance.

Passed and approved this 2nd day of May, 1978.

Dennis L. Rhoades, Mayor.

TOWN ORDINANCES
Ordinance No. 117a.

AN ORDINANCE PROVIDING FOR THE REGULATION OF PUBLIC WATERWORKS:

SECTION 1. Purpose.

The declared purpose of this ordinance is to provide for the efficient and effective use of the community water works and to provide for the enforcement of regulations and the collection of delinquent water service bills.

SECTION 2. Definitions.

- (a) **Community Water Woks.** Shall include but not be limited to the facilities and means by which the Town of Otis is supplied with water, and by which the citizenry of the community have said water supplied to them.
- (b) **Delinquent Water Service Bills.** Shall be any female payable to the town of Otis for the service, supply of water to, installation, alteration, addition, or repair of the community waterworks as herein provided. Said bill(s) shall become delinquent if not paid in full and receipt by the town clerk by the fifteenth (15th) day of the month for which the bill was made due.
- (c) **Water Rates.** The following schedule for determining water rates as specified by the Farmers Home Administration (FHA) shall be adhered to until such time as revision is implemented by the Board of Trustees:

| Gals. Used | Monthly Rate |
|-----------------------|-------------------------------|
| 3,000 or less | \$10.00 |
| 4,000 | 11.00 |
| 5,000 | 12.00 |
| More than 5,000 | .75 per 1,000 gal. over 5,000 |

Any fraction shall be computed on a percentage basis to the nearest base figure.

SECTION 3. Punishment of Violations.

It shall be a misdemeanor, punishable by fine of not more than three hundred dollars (\$300.00), and/or by imprisonment in the county jail for not more than ninety (90) days for any person found violating any of the following provisions:

- (a) To alter, add to, attached to, or change in any way, an existing or future waterworks system, without the express consent of the majority vote of the Board of Trustees during regular session.
- (b) To attempt to receive any water or other benefits from the community waterworks without paying the specified fee or charge as determined by ordinance.
- (c) To allow any water bill or past billing to become more than fifteen (15) days delinquent (overdue) from the date said bill was marked due.
- (d) To enter upon or remain within any facility, device, or area which has been designated for the implementation or supply of water to the Town of Otis without proper authorization from the Water Service Department or Otis Police Department.
- (e) To interfere with, resist, or delay in any manner, the efforts of those persons engaged in carrying out the order as provided in Section 4, Provision D.

- (f) All residents, businesses, and establishments that now exist or shall exist at any future date within the city limits of the Town of Otis, shall make themselves available to the community waterworks. Any person in control of any said facility shall avail themselves to the community waterworks and no other water system within the Town of Otis.

SECTION 4. *Implementation Of Water Shut Off.*

- (a) In the event any of the above provisions of Section 3 are shown to have been violated by records of the Town Clerk, the Water Service Department, or the Otis Police Department, the Town Clerk shall send to the location in question, a Delinquent Payment Hearing Notice, requiring the owner or interested party of said property to:
1. Make payment of any delinquent bill to the Town Clerk by the last day of the month for which the bill was made due (Sec. 3, Prov. C); or
 2. Appear before the Board of Trustees at the next regular meeting for any violation of Section 3, Provisions A, B, or C, and a show cause why criminal proceedings should not be implemented. Any person who has been notified of a delinquent payment and has not complied with item 1 above, shall appear at the next regular meeting of the Board of Trustees for the Town of Otis on the date specified, to show cause why Provision B of this section should not be implemented. Failure to appear at said hearing will result in processing as specified in Provision B of this Section.
- (b) In the event a water shut off is ordered by the Board of Trustees by a majority vote of the members present, a complaint shall be filed in the Otis Municipal Court on behalf of the Town of Otis for violation of Section 3, Ordinance No. 117. In the event the adjudication is in the favor of the Town of Otis, the defendant shall be subject to such fines and or imprisonment as deemed appropriate by the Court, provided further that provision C. made and go into effect
- (c) At the discretion of the Board of Trustees for the Town of Otis, following a majority vote of the members present at a regular meeting, an order can be made to shut off any water supply, as provided in Provision D. to any residence, business, or a establishment which is served by the Town of Otis Community Water Works, which has been found in violation of any of the provisions in Section 3 by the Otis Municipal Court, until such time as all bills, fines, restitution or other punishment has been received in full or by other arrangements approved by the Council. Following said compliance by the owner or interested party the Board of Trustees may require a bond be posted, not to exceed one hundred (\$100.00) before water service may be restored. This bond to be forfeited should any additional violation section 3 Kirk during a specified time period, not to exceed ninety (90) days. Should a second violation of section 3 Kirk, said water service may be discontinued indefinitely. If at the completion of the bonded period, no subsequent violation of section 3 occurs, said bond shall be returned in full to the owner or property having posted said bond.
- (d) In the event the Otis Municipal Court has found any person of business in violation of any of the provisions of Section 3, the Board of Trustees may order the Water Service Department to take the appropriate steps to shut off water supply to the premise in violation of said Ordinance. Upon receiving said order to shut off, the Water Service Department is authorized to take whatever measures necessary to prevent the Otis Waterworks System from supplying water to the location so ruled in violation of Section 3. These measures shall include the necessary excavation of public and private property or the entering in or upon private property for the purpose of shutting off said water supply, preventing its unauthorized use, and removal of any unauthorized device in use by the affected residents, business, or establishment. Nothing within this

provision shall provide or allow for this mischievous destruction of private property by any public official while engaged in the activity of implementing the above provisions.

SECTION 5. *Repeal of Conflicting Ordinances or Resolutions.* Provided, that it is the intent of the Board of Trustees in enacting this Ordinance that it shall be considered a revision and continuation of the ordinance or resolution repealed by this resolution, nor shall any rules, regulations, or resolutions pursuant to such repealed resolutions be affected by such repeal until amended, modified, or superseded as provided in this ordinance.

SECTION 6. *Effective Date.* This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health, and safety, and shall take effect and be in full force, upon the expiration of five (5) days from and after its publication in the local newspaper.

SECTION 7. *Severability.* If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision of application, and to this end the provisions of this ordinance are declared to be severable.

Passed and approved this 15th day of June, 1978.

Dennis L. Rhoades, Mayor. Town of Otis, Colorado.

ATTEST:

Pamela L. Butcher, Town Clerk.

(SEAL)

TOWN ORDINANCES

Ordinance No. 117b.

AN ORDINANCE RELATING TO CIVIL DEFENSE

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado:

SECTION 1. Purposes. The declared purpose of this ordinance are to provide for the preparation and carrying out of plans, including mock drill, for the civil defense of persons and property within the Town in the event a disaster threatens or a disaster exists, and to provide for the coordination of the civil defenses and disaster functions of this Town and all other public agencies and affected private persons, corporations and organizations. Any expenditures made in connection with such civil defense and disaster activities, including mutual aid activities, and mock or practice drills, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the town of Otis, Colorado. This ordinance shall be in effect when the Civil Defense Counsel of Otis has declared a disaster alert or at the moment a disaster occurs within the Town of Otis, and shall remain in full effect until such time as County, State, or National authorities have been notified and are present to take responsibility for the adequate protection of lives and property within the town of Otis.

SECTION 2. Definitions.

- (a) **Civil Defense.** As used in this ordinance the term "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize, and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to any condition relating to a labor controversy.
- (b) **Disasters.** As used in this ordinance, the term "disaster" shall mean actual or threatened: enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake, train wreck, tornado, hazardous chemical leak, or other similar public calamity.
- (c) **Alert.** A condition of readiness to be imposed by the majority vote of the Civil Defense Counsel, whereby the full effect and provisions of this ordinance shall be activated as the threat of a potential disaster becomes evident.

SECTION 3. Civil Defense Council. The Otis Civil Defense Counsel is hereby created and shall consist of the following:

- (a) **Mayor.** The Mayor shall act as chairman of the Council, with Mayor pro-tem as alternate.
- (b) **Police Chief.** The Chief of Police shall be the director of civil defense, with the senior officer as alternate.
- (c) **Fire Chief.** The Chief of the Otis Fire Department, with the Assistant Fire Chief as alternate.

SECTION 4. Civil Defense Council: Powers and Duties. It shall be the duty of the Otis Civil Defense Counsel, and it is hereby empowered, to review and recommend for adoption civil defense and mutual aid plans and agreements and such resolutions, rules, and regulations as are necessary to implement such plans and agreements. The Civil Defense Counsel shall meet upon call of the Chairman or in his absence from the Town or inability to call such a meeting, upon the call of the Director of Civil Defense.

SECTION 5. *Director of Civil Defense: Powers and Duties:* There is hereby created the Office Of Director Of Civil Defense. Such officer shall be appointed by the Town Council as part of the duties performed by the Chief Of Police or his authorized agent. The Director is hereby empowered and directed:

- (a) To prepare a civil defense operation plan for the Town, conforming to the State Civil Defense Plan and the County Civil Defense Plan.
- (b) To control and direct the effort of the civil defense organization of this Town for the accomplishment of the purpose of this Ordinance.
- (c) To direct coordination and cooperation between divisions, services and staff of the Civil Defense Organization of this Town, and to resolve questions of authority and responsibility that may arise between them.
- (d) To represent the civil defense organization of this Town in all dealings with public or private agencies pertaining to civil defense and disaster.
- (e) To authorize expenditures in the event of a disaster, should the Town Council be unable to meet for such a purpose.

SECTION 6. In the event of disaster as herein provided, the Director is hereby empowered:

- (a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster, provided, however, such rules and regulations must be confirmed at the earliest practical time by the Civil Defense Counsel.
- (b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the Town for the fair value thereof, and if required immediately, to commandeer the same for public use.
- (c) To require emergency services ... such person shall be entitled to all privileges, benefits and immunities as are provided by the State law for registered civil defense workers.
- (d) To execute all of the special powers conferred upon him by this Ordinance or by resolution adopted pursuant thereto, all powers conferred upon him by statute, agreement approved by the Civil Defense Counsel, or by any other lawful authority.
- (e) To requisition necessary personnel or material of any Town department or agency.

SECTION 7. *Civil Defense Organization.* All Town officers and employees of the Town, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operation of law, including persons pressed into service under the provisions of Section 6 (c), of this ordinance, charged with duties incident to the protection of life and property in this Town during disaster.

SECTION 8. *Divisions, Services And Staff Of Civil Defense Organization.* The functions and duties of the Otis Civil Defense Organization shall be distributed among such divisions, services and special staff as the Civil Defense Council shall prescribe.

The Civil Defense Counsel shall concurrently with the adoption of this Ordinance, prescribe the form of organization, establishment and designation of divisions and services, the assignment of functions, duties and

powers, the designation of officers and employees. In so far as possible, the form of organization, titles and terminology shall conform to the recommendations of the Federal government and Department of Civil Defense of the State of Colorado.

SECTION 9. *Punishment and Violations.* It shall be a misdemeanor, punishable by fine of not more than three hundred dollars (\$300.00), and/or by imprisonment in the county jail for not more than ninety (90) days for any person during a disaster or alert stage:

- (a) To willfully obstruct, hinder, or delay any member of the Civil Defense Organization in the enforcement of any lawful rule or regulation issued pursuant to this Ordinance, or in the performance of any duty imposed upon him or her by virtue of this Ordinance.
- (b) To do any act forbidden by any lawful rules or regulations issued pursuant to this Ordinance, if such act is of such nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of inhabitants of the Town, or to prevent, or delay the defense or protection thereof.
- (c) To disobey, obstruct, hinder, delay, or interfere in any way, the order to evacuate any residence, business, establishment, building, given area, or the Town of Otis itself, when such order is given verbally by any firemen, police officer, or civil defense official of the Town of Otis.
- (d) To wear, carry, or display without authority, any means of identification specified by the Department of Civil Defense of the State of Colorado.

SECTION 10. *Repeal of Conflict Ordinances or Resolutions.* Provided that it is the intent of the Town Council in enacting this ordinance resolution repealed by this resolution and the status of volunteer shall not affected by such repeal, nor shall defense mutual aid plans or agreements, rules and regulations for pursuant to such repealed be affected by such repeal amended modified or superseded provided in this ordinance

SECTION 11. *Effective Date.* Ordinances hereby declared to be emergency measure necessary for immediate preservation of the peace, health and safety, and shall effect and be in full force, upon expiration of five (5) days from after its publication in the newspaper.

SECTION 12. *Severability.* If provision of this ordinance or application thereof to any person circumstances is held invalid, invalidity shall not affect other provisions or applications of the ordinance which can be given effect without invalid provision or application, and this end the provision of this ordinance are declared to be severable.

Passed and approved this 11th day of July, A.D. 1978.

Dennis L. Rhoades, Mayor. Town of Otis, Colorado.

ATTEST:

Pamela L. Butcher, Town Clerk.

TOWN ORDINANCES
Ordinance No. 118.

REPEALED - COURT OF RECORDS

TOWN ORDINANCES
Ordinance No. 124.

AN ORDINANCE AMENDING THE TOWN OF OTIS ORDINANCE NO. 117 (A) "PROVIDING FOR THE REGULATION OF PUBLIC WATERWORKS: SECTION 2 C WATER RATES:"

Now Therefore be it Ordained by the Board of Trustees for the Town of Otis, Colorado:

SECTION 2 C Water Rates.

The following schedule for determining water rates as specified by the Board of Trustees:

| Gals. Used | Monthly Rate |
|--|---------------------|
| 6,000 or less | \$15.00 |
| 7,000 | 15.75 |
| 8,000 | 16.50 |
| 9,000 | 17.25 |
| 10,000 | 18.00 |
| More than 10,000 per 1,000 gal. over 10,000 | 0.50 |

Any fraction shall be computed on a percentage basis to the nearest base figure.

The Board of Trustees now finds that this ordinance is necessary for the immediate preservation of public health, peace and safety, and that an emergency exists, therefore, the Ordinance and all provisions thereof shall be in full force and effect from and after 5 days following the first publication thereof.

This Ordinance shall be published in one issue of the Otis Independent, a weekly newspaper published in Otis, Washington County, Colorado.

Passed and approved this 2nd day of February, 1982.

Dale W. Roberts, Mayor.

Pamela L. Butcher, Town Clerk.

Date of Publication: Feb 11, 1982

TOWN ORDINANCES

Ordinance No. 125.

AN ORDINANCE REGULATING THE HOURS FOR THE SALE OF 3.2% BEER

Be it Ordained by the Board of Trustees for the Town of Otis, Colorado:

THAT, it shall be unlawful to sell any fermented malt beverages during certain hours, to wit: To sell, serve or distribute fermented malt beverages containing not more than 3.2 percent alcohol by weight, by the drink for consumption on the premises, and/or in sealed containers on weekdays between the hours of Twelve o'clock midnight and eight o'clock A.M. or on Sundays or Christmas prior to Twelve o'clock and after ten o'clock P.M.

THAT, the only exception to these hours being during the summer months from the 1st day of July to the 1st day of September when these establishments would be allowed to remain open until Twelve P.M.

THAT, it shall be unlawful to manufacture and sell unless licensed to do so; to buy except from a licensed person; or to make deliveries on Sunday or holidays. Also it shall be unlawful to sell any fermented malt beverage on general or primary election day during polling.

Effective date. This ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health and safety and shall take effect and be in full force upon the expiration of 5 days from and after publication in the local newspaper.

Passed and approved this 3rd day of May, 1983.

Dale W. Roberts, Mayor.

Pamela L. Butcher, Town Clerk.

Published May 9, 1983

TOWN ORDINANCES

Ordinance No. 126.

AN ORDINANCE CONCERNING REVENUE, AND IMPOSING A SALES TAX ON THE SALE OF TANGIBLE PERSONAL PROPERTY AT RETAIL AND THE FURNISHING OF TAXABLE SERVICES IN THE TOWN OF OTIS, COLORADO, AND IMPOSING A USE TAX FOR THE PRIVILEGE OF STORING, USING OR CONSUMING IN OTIS, COLORADO ANY CONSTRUCTION AND BUILDING MATERIALS AND MOTOR AND OTHER VEHICLES ON WHICH REGISTRATION IS REQUIRED, PURCHASED AT RETAIL, AND PROVIDING FOR AN ELECTION ON THE PROPOSALS HEREIN CONTAINED.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

This Ordinance may be known and cited as the Town of Otis Sales and Use Tax Ordinance.

PART I - SALES TAX

Purpose

The purpose of this Article is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the Town of Otis, Colorado, pursuant to the authority granted to incorporated towns of the State of Colorado by Article 2 of Title 29, Colorado Revised Statutes, 1973, as amended. This Article shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the State of Colorado, levied by Article 26 of Title 39, Colorado Revised Statutes, 1973, as amended.

Definitions

For the purpose of this Article, the definition of words herein contained shall be as said words are defined in 39-26-102. Colorado Revised Statutes, 1973, as amended, except the definition of food in 39-26-102 (4.5) and said definitions are incorporated herein by this reference.

Property and Services Taxed

- a. There is hereby levied and there shall be collected and paid a sales tax in the amount as in this Article provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in "The Emergency Retail Sales Tax Act of 1935", set forth in Article 26 of Title 39, Colorado Revised Statutes, 1973, as amended, which provisions are incorporated herein by this reference, and upon the sale at retail of tangible personal property, on sales of food and purchases of machinery or machine tools, and the furnishing of services on sales and purchases of electricity, coal, gas, fuel oil and coke for domestic and commercial consumption.
- b. The amount subject to tax shall not include the amount of any sales or use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, 1973, as amended,
- c. The gross receipts from sales shall include delivery charges, when such charges are subject to the State Sales and Use Tax imposed by Article 26 of Title 39. Colorado Revised Statutes, 1973, as amended, regardless of the place to which delivery is made.
- d. Notwithstanding any other provision of this article, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city or county sales tax if the materials are delivered by the retailer or his agent to a site within the limits of such town, city or county.

Exemptions

- a. There shall be exempt from taxation under the provisions of this Article, all of the tangible personal property and services which are exempt under the provisions of "The Emergency Retail Sales Tax Act of 1935", as set forth in Article 26, Title 39, Colorado Revised Statutes, 1973, as amended, which exemptions are incorporated herein by this reference, except the exemption allowed by Section 39-26-114 (11), Colorado Revised Statutes, 1973, for purchases of machinery or machine tools, and except the exemption of sales and purchases of electricity, coal, gas, fuel oil and coke as provided in Section 39-26-114 (1) (a) (XXI), Colorado Revised Statutes, 1973, and except the exemption for sales of food specified in Section 39-26-114 (1) (a) (XX), Colorado Revised Statutes, 1973.
- b. All sales of tangible personal property on which a specific ownership tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:
 - 1) The purchaser is a nonresident of, or has its principal place of business outside of the Town; and
 - 2) Such tangible personal property is registered or required to be registered outside the limits of the Town under the laws of the State of Colorado.

Amount of Tax and Schedule

- a. There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Property and Service Taxed Section of this Article, a one percent (1%) sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein.
- b. The imposition of the tax on the sale at retail of tangible personal property and the furnishing of certain services subject to this tax shall be in accordance with schedules set forth in the Rules and Regulations of the Department of Revenue of the State of Colorado.

General Provisions

- A. For the purposes of this Article, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the Town or to a common carrier for delivery to a destination outside the limits of the Town.
- B. In the event a retailer has no permanent place of business in the Town, or has more than one place of business, the place or places at which the retail sales are consummated for the purpose of the sales tax imposed by this Article shall be determined by the provisions of Article 26 of Title 39, Colorado Revised Statutes, 1973, as amended, and by rules and regulations promulgated by the Department of Revenue of the State of Colorado.

Collection, Administration and Enforcement

- a. The collection, administration and enforcement of the sales tax imposed by this Article shall be performed by the Executive Director of the Department of Revenue of the State of Colorado in the same manner as the collection, administration and enforcement of the Colorado State Sales Tax. Accordingly, the provisions of Articles 26 and 21 of Title 39 and Article 2 of Title 29, Colorado Revised Statutes, 1973, as amended, and all rules and regulations promulgated by the Executive Director of the Department of Revenue pertaining to such collection, administration and enforcement, are incorporated herein by this reference.
- b. At the time of making his return of the tax, as required by this Article, every retailer shall be entitled to subtract from the tax so remitted a sum equal to three and one-third percent (3 1/3%) of said tax as his fee, said fee to be known as the "Vendor's Fee".

- c. If said retailer shall be delinquent in remitting said tax, he shall forfeit the "Vendor's Fee", unless good cause can be shown for such delinquent remittance.

PART II - USE TAX

1. There is hereby imposed a use tax of one percent (1%) thereof, for the privilege of storing, using, or consuming in the Town of Otis, Colorado, any construction and building materials, and motor and other vehicles on which registration is required, purchased at retail.
2. In no event shall the use tax imposed by this ordinance extend or apply;
 - (a) To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the Town of Otis;
 - (b) To the storage, use, or consumption of any tangible personal property purchased for resale in the Town of Otis either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;
 - (c) To the storage, use, or consumption of tangible personal property brought into the Town of Otis by a non-resident thereof for his own storage, use, or consumption while temporarily within the town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a non-resident to be used in the conduct of a business in this state;
 - (d) To the storage, use, or consumption of tangible personal property by the United States government or the State of Colorado, or its institutions or political subdivisions, in their governmental capacities only, or by charitable organizations in the conduct of their regular charitable functions;
 - (e) To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded or furnished and the container, label, or the furnished shipping case thereof;
 - (f) To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city, or county equal to or in excess of that imposed by this article. A credit shall be granted against the use tax imposed by this article with respect to a person's storage, use, or consumption in the town, city, or county of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city, or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this article;
 - (g) To the storage, use, or consumption of tangible personal property and household effects acquired outside of the Town of Otis and brought into it by a non-resident acquiring residency;
 - (h) To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a non-resident of the Town of Otis and he purchased the vehicle outside of the Town of Otis for use outside the Town of Otis and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed said motor vehicle outside of the Town of Otis;
 - (i) To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax;
 - (j) To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of this use tax ordinance;

Motor and Other Vehicle Use Tax Collection

1. The one percent (1%) use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this ordinance has been paid.
2. The use tax imposed by this ordinance shall be collected by the authorized agent of the Department of Revenue in this county.
3. The proceeds of said use tax shall be paid to the Town of Otis periodically in accordance with an agreement entered into by and between the Town of Otis and the Department of Revenue.

Construction and Building Materials Use Tax Collection

1. The collection of the use tax for construction and building materials shall be administered by the Board of Trustees of the Town of Otis, Colorado.
2. Said tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction.
3. As an alternative to the estimate procedure provided in paragraph 2 above, payment of said use tax may be made by the filing by the applicant for a building permit or an affidavit stating that the applicant intends to purchase all building or construction materials necessary for the project described in the building application from a license retailer located within the Town of Otis.
4. Every applicant for a building permit who utilized the alternative procedure provided in paragraph 3 above, shall maintain and preserve detailed purchase and receipt records which shall be subject to inspection and audit by the Board of Trustees of the Town of Otis, Colorado, and any unpaid taxes due shall be subject to collection.
5. The collection and administration of the use tax imposed by this ordinance shall be performed by the Board of Trustees of the Town of Otis in substantially the same manner as the collection, administration and enforcement of the Colorado Sales and Use Tax.

PART III - ELECTION

1. Upon adoption of this Ordinance by the Board of Trustees of the Town, this Ordinance shall be submitted to an election by the registered electors of the Town of Otis for their approval or rejection. There being no regular election within ninety (90) days of the adoption of this Ordinance, such election shall be held on the 3rd day of April, 1984, and shall be conducted in the manner provided in "The Colorado Municipal Election Code of 1965".

PART IV - EFFECTIVE DATE

1. Upon approval of this Ordinance by the registered electors as herein provided, this Ordinance shall become effective and in force at 12:01 A.M. on the first day of June, 1984. As soon as practical after said approval, the Board of Trustees of the Town shall request the Executive Director of Revenue of the State of Colorado to

collect, administer, and enforce this Ordinance as herein provided and shall at the time of said request submit a true and complete certified copy of this Ordinance and all necessary proceedings in connection herewith to the Executive Director of Revenue.

PART V - SEVERABILITY

1. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

PART VI - EMERGENCY

1. The Board of Trustees hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health or safety and the same shall be in full force and effect after publication and final passage as by law provided.

Introduced, Read, Adopted and Ordered Published this 27th day of February, 1984.

Dale W. Roberts, Mayor.

ATTEST:

Pamela L. Butcher, Town Clerk.

I hereby certify that this copy is a true and accurate copy of Ordinance No. 126 as recorded in the records of the Town of Otis, Colorado.

Certified this 29th day of February, 1984
Pamela L. Butcher, Town Clerk & Recorder

SEAL

TOWN ORDINANCES

Ordinance No. 127.

FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

Statutory Authorization, Findings of Fact, Purpose and Objectives

1.1 STATUTORY AUTHORIZATION

The legislature of the State of Colorado has in title 31 Art 23. Sec 201 CRS 1973 as amended delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Board of Trustees of the Town of Otis, Colorado does ordain as follows:

1.2 FINDINGS OF FACT

(1) The flood hazard areas of the Town of Otis are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas.
- (7) To insure that potential buyers are notified that property is in an area of special flood hazard; and,
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purpose, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water of erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally devery flood waters of which may increase flood hazards in other areas.

SECTION 2.0

Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Area of special flood hazard" means the land in the floodplain within community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a once percent chance of being equaled or exceeded in any given year.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or **"Flooding"** means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map" (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

"Mobile Home" means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without permanent foundation when connected to the required utilities. It does not include reclude recreational vehicles or travel trailers.

"Structure" means a walled and roofed building or mobile home that is principally above ground.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (1) before the improvement or repair started, or
- (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (2) any alteration of a structure listed on the National Register or Historic Places or a State Inventory of Historic Places.

SECTION 3.0

General Provisions

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This Ordinance shall apply to all areas of special flood hazards the jurisdiction of the Town of Otis.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its Flood Insurance Rate Map (FIRM), dated August 19, 1985, is adopted by reference and declared to be part of this ordinance. The FIRM is on file at 1025 Washington, Otis, CO 80743.

3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, or altered without full compliance with the terms of this ordinance and other applicable regulations.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restrictions conflict or overlap, which impose the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation of this ordinance, all provision shall be:

- 1) Considered as minimum requirements;
- 2) Liberally construed in favor of the governing body; and,
- 3) Deemed neither to limit nor repeal any other powers granted under state statutes .

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the town of Otis, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

SECTION 4.0

Administration

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in section 3.2. Application for a development permit shall be made on forms furnished by the Town Clerk and may include, but not limited to; plans and duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- 1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- 2) Elevation in relation to mean sea level to which any structure has been flood proofed;
- 3) Certification by a registered professional engineer or architect that the flood proofing methods for any non-residential structure meet the flood proofing criteria in section 5.2 – 2; and,
- 4) Description of the extent to which any watercourse will be altered or relocated as result of proposed development.

4.2 DESIGNATION OF THE TOWN CLERK

The Town Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE TOWN CLERK

Duties of the Town Clerk shall include, but not limited to:

4.3.1 Permit Review

- 1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- 2) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this ordinance, "adversely

affects" means damage to adjacent properties because of rises in flood stage is attributed to physical changes of the channel and the adjacent over-band areas.

- i. If it is determined that there is no adverse effect and the development is not a building, then the permit shall be granted without further consideration.
- ii. If it is determined that there is an adverse effect, then technical justification, (i.e., a registered professional engineer) for the proposed development shall be required.
- iii. If the proposed development is a building, then the provisions of this ordinance shall apply.

4.3-2 USE OF OTHER BASE FLOOD DATA

When base flood elevation data has not been provided in accordance with Section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Town Clerk shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Section 5.2, SPECIFIC STANDARDS.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new substantially improved structures, and whether or not the structure contains a basement.
- 2) For all new or substantially improved flood proof structures:
 - i. verify and record the actual elevation (in relation to mean sea level) to which the structure has been flood-proofed.
 - ii. Maintain the flood proofing certifications required in section 4.1 (3).
- 3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- 1) Notify adjacent communities in the Colorado Water Conservation Board prior to any alteration or such notification to the Federal Emergency Management Agency.
- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.3-5 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations were needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a map boundary and actual field conditions).

SECTION 5.0

Provisions for Flood Hazard Reduction

5.1 GENERAL STANDARDS

In all areas of special flood hazards the following standards are required:

5.1-1 ANCHORING

- 1) All new construction and substantial improvement shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- 2) All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:
 - i. over – the – top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations, with mobile homes less than 50 feet long requiring one additional tie per side;
 - ii. frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;
 - iii. all components of the anchoring system be capable of carrying a force of 4,800 pounds; and,
 - iv. any additions to the mobile home be similarly anchored.

5.1-2 CONSTRUCTION MATERIALS AND METHOD

- 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- 1) All new and replaced water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.1-4 SUBDIVISION PROPOSALS

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2) all subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

5.1-5 ENCROACHMENTS

Any proposed development shall be analyzed to determine effects on the flood carrying capacity of the area of special flood hazard as set forth in Section 4.3 – 1 (3), Permit Review.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 4.3 – 2, Use of Other Base Flood Data, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

5.2-2 NONRESIDENTIAL CONSTRUCTION

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- 1) be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- 2) have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- 3) be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in section 4.3 – 3 (2)

John B. Howlett, Community Official (Mayor, Chairman, President)

ATTESTED

Pamela L. Butcher

Adopted Feb 5, 1985

Referenced Documents: *Appendix - 1991 Uniform Building Code. Division IV Flood – Resistant Construction*
Page 892, Sec. 2390 to 2396

TOWN ORDINANCES

Ordinance No. 128.

AN ORDINANCE AMENDING THE DATE IN SECTION 1. ORDINANCE NO.43 FOR THE TOWN OF OTIS, COMMONLY KNOWN AS THE "NOXIOUS WEED" ORDINANCE.

WHEREAS, the Board of Trustees for the Town of Otis desires to change the date in Section 1. Ordinance 43 as passed and approved the 14th day of July, 1926.

Now therefore, Be it Ordained by the Board of Trustees for the Town of Otis, Colorado:

SECTION 1. Date - The date "between the 1st and the 15th day of August of each year" shall be changed to "between the first and 15th day of APRIL of each year."

Let Section 1 read: "That all premises, alleys, areas, vacant lots within the corporate limits of the Town of Otis, Colorado shall be kept free and clear of noxious weeds, unsightly vegetable growth, refuge and filth. All landowners through or along whose land or lot, any public sidewalk is established and traveled shall be between the 1st and the 15th day of April of each year caused all weeds, briars, brush, tall grass, or other destructive noxious vegetable growth growing along the front of the lots or abutting on either side of public sidewalk to be cut, burned and destroyed. If the owner fails to comply with this section, the street commissioner shall remove said weeds or cause the same to be removed."

PASSED by the Board of Trustees for the Town of Otis, Colorado this 7th day of May, 1985.

John B. Howlett, Mayor.

ATTEST:

Pamela L. Butcher, Town Clerk.

Published January 16, 1986

TOWN ORDINANCES

Ordinance No. 129.

AN ORDINANCE KNOWN AS THE FAIR HOUSING ORDINANCE: PROVIDING FOR DEFINITIONS; PROVIDING FOR THE APPOINTMENT OF A FAIR HOUSING COORDINATOR AND PRESCRIBING THE DUTIES THEREOF; PROHIBITING UNFAIR PRACTICES AND PROVIDING FOR INVESTIGATION AND REVIEW THEREOF.

Be it ordained by the Board of Trustees for the town of Otis, Colorado.

SECTION 1. This ordinance shall be known as the fair housing ordinance of Otis, Colorado.

SECTION 2. As used in this ordinance the following definitions shall apply:

1. **"Town"** shall mean Otis, Colorado.
2. **"Coordinator"** shall mean the Fair Housing Coordinator of Otis, Colorado.
3. **"Discriminate"** means both segregate and separate.
4. **"Housing"** means any building, structure, vacant land, or part thereof during the period it is advertised, listed or publicly advertised for sale, lease, rent or transfer of ownership except that "housing" shall not include any room offered for rent or lease in a single-family dwelling maintained and accepted in part by the owner or lessee of said dwelling as his household.
5. **"Person"** means one or more individuals, partnerships, associates, corporations, legal representatives, trustees, or receivers; any owners, lessee, proprietor, manager, employee, or any agent of such person, but shall not include any nonprofit, fraternal, educational, or social organization or club unless such nonprofit, fraternal, educational, or social organization or club has the purpose of promoting discrimination in the matter of housing against any person because of race, creed, color, national origin, or ancestry.
6. **"Probable Cause"** exists if upon all the facts and circumstances a person of reasonable prudence and caution would be warranted in a belief that the transaction would have proceeded to completion except that an unfair housing practice of refusal to sell, transfer, rent, or lease had been committed. As to all unfair housing practices, probable cause shall exist if upon all the facts and circumstances a person of reasonable prudence and caution would be warranted in a belief that an unfair housing practice has been committed.
7. **"Restrictive Covenants"** means any specification limiting transfer, rental, or lease of any housing because of race, creed, color, sex, national origin, or ancestry.
8. **"Transfer"** means that as used in this ordinance it shall not apply to transfer of property by will or by gift.
9. **"Unfair Housing Practices"** means those practices specified in Section IV.

SECTION 3.

1. The Town shall appoint a Fair Housing Coordinator for such period of time and on such terms as it deems appropriate.
2. The powers and duties of such coordinator are as follows:
 - (a) to receive, investigate, and pass upon complaints alleging an unfair housing practice as defined in this ordinance.

- (b) To investigate and study the existence, character, causes, and extent of unfair housing practices by any person and to formulate plans for the elimination thereof by educational or other means.
- (c) To issue such publications and reports of studies and research that will tend to promote goodwill among the various racial, religious, and ethnic groups in the town and which will tend to reduce or eliminate unfair housing practices because of race, creed, color, sex, national origin or ancestry.
- (d) To make recommendations for such further legislation concerning unfair housing practices because of race, color, creed, sex, or national origin or ancestry.
- (e) To cooperate with other agencies or organizations, both public and private, whose purposes are consistent with those of this Ordinance in the planning and conducting of educational programs designed to eliminate social, religious, cultural, and enter – group tension.

SECTION 4. That it shall be an unfair housing practice and unlawful and hereby prohibited:

- (a) For any person having the right of ownership of possession or the right of transfer, sale, rental, or lease of any housing, as defined in this section or any agent of such person to refuse to show, sell, transfer, rent or lease, or to refuse to receive and transmit any bona fide offer to buy, sell, rent, or lease, or otherwise to deny to or withhold from any person such housing because of race, creed, color, sex, marital status, religion, national origin, or ancestry; to discriminate against any person because of race, creed, color, sex, marital status, religion, national origin or ancestry in the terms, conditions, or privileges pertaining to any housing or the transfer, sale, rental, or lease thereof or in the furnishing of facilities or services in connection there with; or to cause to be made any written or oral inquiry or record concerning the race, creed, color, sex, religion, national origin, or ancestry of a person seeking to purchase, rent, or lease any housing;
- (b) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the race, creed, color, sex, religion, national origin, or ancestry of any person seeking such financial assistance or concerning the race, creed, color, sex, religion, national origin, or ancestry of prospective occupants or tenants of such housing or to discriminate against any person because of race, creed, color, sex, marital status, religion, national origin, or ancestry of such person, or prospective occupants or tenants in the terms, conditions, or privileges relating to the obtaining or use of any such financial assistance;
- (c) For any person to include in any transfer, sale, rental, or lease of housing any restrictive covenants, or for any person to honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
- (d) For any person to print or publish or cause to be printed or published any notice or advertisement relating to the sale, transfer, rental, or lease of any housing which indicates any preference, limitation, specification, or discrimination based on race, creed, color, sex, national origin, or ancestry;
- (e) For any person to aid, abet, insight, compel, or course the doing of any act defined in this section as an unfair housing practice, or to obstruct or prevent any person from complying with the

provisions of this ordinance or any order issued thereunder or two attempt either directly or indirectly to commit any act defined in this section to be an unfair housing practice;

- (f) For any person to discharge, demote, or discriminate in matters of compensation against any employee or agent because of said employees or agent's of obedience to the provisions of this Ordinance.

3. Nothing contained in this ordinance shall be construed to bar any religious or denominational institution or organization which is operated or supervised or controlled by or is operated in connection with a religious denominational organization from limiting admission to or giving preference to persons of the same religion or denomination or from making such selections of buyers, lessees, or tenants as are calculated by such organization or denomination to promote the religious or denominational principles for which is established or maintained.

4. Nothing in this ordinance shall be construed to bar any person from leasing premises only to members of one sex.

SECTION 5.

Neither the coordinator nor any assigned staff shall disclose the filing of any complaint, or the information gathered during investigation or the endeavors to eliminate such an fair housing practice, by conference, conciliation, and persuasion, unless such disclosures are made in connection with the conduct of such investigation or unless such disclosures are made in connection with the filing of a petition seeking appropriate relief against the person named in the complaint.

SECTION 6.

1. Any person claiming to be aggrieved by an unfair housing practice may, by himself or by his attorney at law, make, sign and file with the Coordinator a verified written complaint in duplicate which shall state the name and address of the person alleged to have committed the unfair housing practice complained of and which shall set forth the particulars thereof and contain such other information as may be required by the Coordinator.
2. After the filing of complaint, the coordinator shall make you prompt investigation to determine whether probable cause exists for crediting the allegation of the complaint. If the Coordinator determines that probable cause does not exist he shall promptly advise the complainant in writing. If probable cause exists for crediting the allegations of the complaint, the Coordinator may immediately endeavor to eliminate the unfair housing practice by conference, conciliation and persuasion and shall advise the complaint that the Coordinator has no enforcement authority in the event such efforts are fruitless. Upon filing of the Complaint, the Coordinator must also advise the complainant that effective redress can only be had by filing a complaint within ninety (90) days from the date of alleged unfair housing Practice with the Colorado Civil Rights Commission.

Introduced and read on the 1st of October, 1985. Passed on the 3rd of December, 1985

John B. Howlett, Mayor.

ATTEST: Pamela L. Burrell, Town Clerk.

TOWN ORDINANCES

Ordinance No. 130.

AN ORDINANCE AMENDING ORDINANCE NO .126 OF THE CODE OF THE TOWN OF OTIS, COLORADO, CONCERNING REVENUE, TO AMEND THE SALES TAX ORDINANCE AND THE USE TAX ORDINANCE TO INCREASE THE SCHEDULE OF TAX TO 2% ON THE SALES TAX AND USE TAX, UPON THE APPROVAL OF THE QUALIFIED ELECTORS OF THE TOWN OF OTIS, COLORADO, AND TO PROVIDE FOR THE SUBMISSION OF THE ORDINANCE AT A GENERAL ELECTION OF THE QUALIFIED ELECTORS IN THE TOWN OF OTIS, COLORADO, AND PROVIDING PENALTIES THEREFOR.

Be It Ordained By The Board Of Trustees Of The Town Of Otis, Colorado As Follows:

- 1.** Ordinance No. 126 was passed by the Board of Trustees of the Town of Otis, Colorado, on February 27, 1984; and
- 2.** The Ordinance concerned revenue, enacting a Sales Tax and Use Tax in the Town of Otis, Colorado, effective June 1, 1984; and
- 3.** An amendment of a portion of the Ordinance has been deemed necessary in order to increase revenues, whereby the schedule of tax would increase from 1% to 2%;

Now, Therefore, The Board Of Trustees Of The Town Of Otis, Colorado Ordains As Follows:

SECTION 1. Ordinance No. 126 is hereby amended by rewording the Amount Of Tax and Schedule Of Part I, as follows:

"(a) there is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in the Property And Services Taxed section of this article, a 2% sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein."

SECTION 2. Ordinance No. 126 is hereby amended by rewording Part II, Section 1 as follows:

"1. There is hereby imposed a use tax of 2% thereof, for the privilege of storing, using, or consuming in the Town of Otis, Colorado any construction and building materials, and motor and other vehicles on which registration is required, purchased at retail."

SECTION 3. Ordinance No. 126 is hereby amended by rewording the Motor and Other Vehicle Use Tax Collection of Part II, as follows:

"The 2% use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the State of Colorado, and no registration shall be made of any motor or other vehicle for which registration is required, and No Certificate of Title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage or consumption thereof pursuant to this ordinance has been paid."

SECTION 4. All other provisions of ordinance 126 referring to the 1% sales tax and use tax is hereby amended to provide for 2% sales tax and use tax in order to be consistent with the above and foregoing amendments.

SECTION 5. Upon the passage of this ordinance and subsequent referendum, the sales and use tax increase shall apply to all retail sales and uses, unless exempt, made on or after July 1, 1986.

SECTION 6. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 7. This Ordinance shall take effect and be in force from and after its passage and publication and approval by the qualified electors of the Town of Otis, Colorado, according to law.

Passed by the Board of Trustees of the Town of Otis, Colorado, on March 11, 1986.

TOWN OF OTIS, COLORADO

BY: John B Howlett, Mayor.

ATTEST:

Pamela L. Burrell, Town Clerk.

Published: March 20, 1986

TOWN ORDINANCES

Ordinance No. 131.

AN ORDINANCE AMENDING ORDINANCE NO. 130 OF THE CODE OF THE TOWN OF OTIS, COLORADO, CONCERNING REVENUE, TO AMEND THE SALES TAX ORDINANCE AND THE USE TAX ORDINANCE AND THE REFERENCES CONTAINED THEREIN TO THE "QUALIFIED ELECTORS" IN THE TOWN OF OTIS, COLORADO, TO THE "REGISTERED ELECTORS" IN THE TOWN OF OTIS, COLORADO.

Be it ordained by the Board of Trustees of the Town of Otis, Colorado, as follows:

1. Ordinance No. 126 was passed by the Board of Trustees of the Town of Otis, Colorado, on February 27, 1984; and
2. Ordinance No. 126 concerned revenue, enacting a Sales Tax and Use Tax in the Town of Otis, Colorado, effective June 1, 1984; and
3. Ordinance No. 130 was an amendment of a portion of Ordinance No. 126 which was deemed necessary in order to increase revenues, whereby the schedule of tax was increased from 1% to 2% ; and
4. Ordinance No. 130, increasing the Sales and Use Tax from 1% to 2%, was passed on March 11, 1986, and became effective July 1, 1986; and
5. An amendment of a portion of Ordinance No. 130 has been deemed necessary in order to comply with the relevant provisions of the Colorado Revised Statutes, whereby the reference to the "qualified electors" would be amended to read the "registered electors" in the Town of Otis, Colorado.

NOW, THEREFORE, the Board of Trustees of the Town of Otis, Colorado ordains as follows:

SECTION 1. Ordinance No. 130, Section 7, is hereby amended by rewording the said Section as follows:

"This ordinance shall take effect and be in force from and after its passage and publication and approval by the registered electors of the Town of Otis, Colorado according to law."

SECTION 2. All other provisions of Ordinance No. 130 referring to the "qualified electors" is hereby amended to read the "registered electors" in order to be consistent with the above and foregoing amendment and to comply with the relevant Colorado law.

Passed by the Board of Trustees of the Town of Otis, Colorado, on May 6, 1986.

John Howlett - Mayor.

TOWN OF OTIS , COLORADO

ATTEST

Pamela L. Burrell - Town Clerk

TOWN ORDINANCES

Ordinance No. 132.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO, AS FOLLOWS:

In accordance with Paragraph 31-12-501, Colorado Revised Statutes as Amended, the Board of Trustees having received from William A. Brower and Thelma M. Brower a written application for the enactment of an ordinance disconnecting the following described tract of land from the corporate limits of the Town of Otis, Colorado:

A tract of land beginning at a point at the Southeast corner of the Southwest Quarter of Section 10, Township 2 North, Range 50 West of the 6th P.M., and running from thence North 740 feet, thence West 420 feet, thence south and parallel with the East line 540 feet, thence at right angles East 150 feet, thence South 200 feet to the South line of the Southwest Quarter of said Section 10, thence East along the South line of said Section 10, 270.0 feet to the point of beginning.

SUBJECT TO a right-of-way granted to Washington County or the Colorado Department of Highways across the South 40 feet of said property for the construction of Highway 34 being First Street in the Town of Otis, Colorado.

AND, the Board of Trustees having given due consideration to such application, is of the opinion that the best interests of the Town of Otis will not be prejudiced by the disconnection of such tract.

By this ordinance the above described property is hereby disconnected from the corporate limits of the Town of Otis, Colorado.

TOWN OF OTIS:

BY: Eugene Hayes, Mayor

ATTEST: Pamela Burrell, Town Clerk

The foregoing ordinance was presented to the Town Board of the Town of Otis, Colorado, on the 5th day of April, 1988, and in accordance with statute was ordered published one time in the Akron News-Reporter at least 10 days prior to the final bearing on the ordinance which will be held at the Town Hall or the Town of Otis, Colorado, on the 3rd day of May, 1988, at 7:00 P.M.

TOWN ORDINANCES

Ordinance No. 133.

AN ORDINANCE AMENDING THE TOWN OF OTIS ORDINANCE NO. 127 "FLOOD DAMAGE PREVENTION ORDINANCE" TO IMPLEMENT SEVERAL REVISIONS TO MEET THE STANDARDS OF SECTION 60.3(b) OF THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP) REGULATIONS.

SECTION 1.4

(3) Controlling the alterations of natural floodplains, stream channels, and natural protective barriers which help accommodate or channel flood waters.

SECTION 2.0 DEFINITIONS

"Flood Insurance Rate Map" (FIRM) means an Official map of a community on which the Federal Emergency Management Agency has delineated areas of special flood hazard designated as Zone A.

"Manufactured home" ...This term also Includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

SECTION 3.3 COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, or altered ...

SECTION 4.3-1 (3)(ii)

If it is determined that there is an adverse effect, then technical justification (i.e., a registered professional engineer's certification) for the proposed development shall be required.

SECTION 4.3-2

Use of Other Base Flood Data ... the Town Clerk shall obtain, review, and reasonably utilize any base flood elevation and floodway data available ... as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Section 5.2 ...

SECTION 4.3-4

Alteration of Watercourses (1) Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

SECTION 5.1-1

(1) All new construction and substantial improvements shall be anchored ... and capable of resisting the hydrostatic and hydrodynamic loads.

(2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local **anchoring requirements** specific requirements may be:

(i) over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long...

(ii) frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet

(iv) any additions to the manufactured home be similarly anchored.

SECTION 5.1-2 (3)

All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

AMENDING ORDINANCE NO. 127 (FLOOD DAMAGE PREVENTION ORDINANCE)

SECTION 5.1-5 Encroachments.

Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited in any floodway unless a technical evaluation demonstrates that the encroachments will not result in any increase in flood levels during the occurrence of the base flood discharge.

SECTION 5.2-2

(1) be flood proofed so that below the base flood elevation the structure is watertight with wall substantially impermeable to the passage of water.

(3) be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. ...

Published in the Akron News Reporter Publication Date: April 3, 1989

Eugene Hayes, MAYOR

ATTESTED: Pamela Burrell

TOWN ORDINANCES

Ordinance No. 134.

ORDINANCE AMENDING ORDINANCE NO. 2 AS PASSED APRIL 27, 1917 ENTITLED "AN ORDINANCE TO CREATE THE OFFICES OF TOWN CLERK AND TOWN TREASURER TO PROVIDE FOR THEIR ELECTIONS AT AND AFTER THE ANNUAL TOWN ELECTION IN 1918"

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1;

WHEREAS Ordinance No. 2 of the Town of Otis provides for the election of the Town Clerk and the Town Treasurer;

AND WHEREAS Paragraph 31-4-304 of the Colorado Revised Statutes provides that the Town Clerk, Town Treasurer, Town Marshall, and Town Attorney shall be appointed unless there is an ordinance providing for the election of such officers;

AND WHEREAS it is the desire of the Board that the offices of Town Treasurer and Town Clerk shall be appointive, rather than elective, offices;

THEEFORE, it is hereby ordained:

Section 1 of Ordinance No. 2 of the Town of Otis entitled "An Ordinance to Create the Offices of Town Clerk and Town Treasurer to Provide for Their Election At and After the Annual Town Election in 1918" is hereby amended to read as follows:

The offices of Town Clerk and Town Treasurer of Otis are hereby created. Suitable persons shall be appointed by the Board of Trustees. The terms of office of the Town Clerk and Town Treasurer shall expire thirty days after the qualification and installation of a successor Board of Trustees unless such appointee shall be removed from office prior thereto by a majority vote of the members of the Board of Trustees and in accordance with Paragraph 31-4-307 of the Colorado Revised Statutes.

The foregoing Ordinance was passed and approved this 3rd day of July, 1989.

THE TOWN OF OTIS, COLORADO

By: Gene Hayes, Mayor.

Published in the Akron News Reporter Publication Date: July 6, 1989

TOWN ORDINANCES

Ordinance No. 135.

AN ORDINANCE CONCERNING MUNICIPAL ELECTIONS, REQUIRING WRITE-IN CANDIDATES TO FILE AN AFFIDAVIT PRIOR TO ELECTION AND PROVIDING THAT ELECTIONS MAY BE CANCELED UNDER CERTAIN CIRCUMSTANCES.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. WRITE-IN CANDIDATE - AFFIDAVIT:

No write-in vote for any municipal office shall be counted unless an affidavit of intent indicating the name of the person who will be a write-in candidate, the office for which the person will be a candidate, and a statement that the person is qualified to assume the duties of that office, if elected, has been filed with the Town Clerk at least five (5) days prior to the day of election.

SECTION 2. ELECTION MAY BE CANCELED - WHEN:

If the only matter before the voters is the election of persons to office and if, at the close of business on the Friday before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intents as set forth in Section 1 of this Ordinance, the Town Clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and, by resolution, declare the candidates elected. Upon adoption of such resolution and declaration, the candidates shall be deemed elected.

Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

SECTION 3. EMERGENCY.

The Town Board finds that adoption of this Ordinance will save the Town considerable time and money; that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 4. EFFECTIVE DATE:

This Ordinance shall become effective on the date it is passed and adopted, signed and approved.

PASSED AND ADOPTED, SIGNED AND APPROVED THIS 3 day of April, 1990

TOWN OF OTIS
BY Eugene Hayes, Mayor.

ATTEST: Sue C. McCaffrey, Town Clerk.

SEAL

Published in the Akron News-Reporter Publication Date: April 12, 1990

TOWN ORDINANCES

Ordinance No. 136.

AN ORDINANCE CONCERNING THE RIGHT TO DISPOSE OF PROPERTY OWNED BY THE TOWN OF OTIS.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

WHEREAS, the Town Council finds that it would be to the advantage of the Town of Otis to reduce their holdings of property, in good faith, upon adequate consideration and upon any reasonable and lawful terms.

SECTION 1. The Town of Otis holds deed to Lot 7, 8 and 9. Blk 2, Railroad Addition to the Town of Otis, Colorado. This property is not being used for a public purpose and the Town Council does not anticipate the need for this property for a public purpose.

THEREFORE, the Town Council has determined that it is in the best interest of the Town that the property be sold.

SECTION 2. The foregoing Ordinance was passed and approved this 1st day of May, 1990.

THE TOWN OF OTIS, COLORADO

By: Eugene Hayes, Mayor.

SEAL

Published in the Akron News Reporter Publication Date: May 10, 1990

TOWN ORDINANCES

Ordinance No. 137.

AN ORDINANCE AMENDING ORDINANCE 53, Section 1 TO EXTEND THE TIME DURING WHICH FIREWORKS CAN BE SOLD

WHEREAS The Board of Trustees of the Town of Otis, Colorado , has been advised that merchants in neighboring towns have been selling fireworks for periods considerably longer than July 1 through 4, as presently provided by Section 1 of the Municipal Code of the Town of Otis, Colorado, being Ordinance #53.

NOW THEREFORE, IT IS HEREBY RESOLVED THAT:

Section 1 of the Municipal Code of the Town of Otis is hereby revised to read as follows:

LICENSE REQUIRED. No person shall sell at retail any type of fireworks, including fountains, pinwheels, sparklers or torches, until he has obtained a license from the Board of Trustees. No fireworks of any description shall be displayed for sale by any person, persons, firm or corporation in the Town of Otis, Colorado or offered for sale or sold prior to 10 days before July 1 in an year, and no display or sale thereof shall be continued after July 5 in any year.

DURATION AND FEES: Such license shall be valid for the period of June 24 through July 5 of every year, and a fee of the sum of \$5.00 per retail license shall be payable for the issuance of such license.

In all other respects, said Ordinance shall remain in full force and effect. The Board of Trustees now finds that this Ordinance is necessary for the immediate preservation of the public health, peace and safety and that an emergency exists. Therefore, the Ordinance and all provisions thereof shall be in full force and effect immediately upon publication thereof.

THIS ORDINANCE shall be published in one issue of the Akron News-Reporter, a weekly newspaper published in Akron, Washington County, Colorado.

PASSED AND APPROVED this 4th day of June, 1991.

Eugene Hayes, Mayor.

ATTEST:

Sue C. McCaffrey
Town Clerk/Treasurer

Published in the Akron News-Reporter Publication Date: June 20, 1991

TOWN ORDINANCES

Ordinance No. 138.

AN ORDINANCE AMENDING TOWN OF OTIS ORDINANCE NO. 135 "CONCERNING MUNICIPAL ELECTIONS, REQUIRING WRITE-IN CANDIDATES TO FILE AN AFFIDAVIT PRIOR TO ELECTION AND PROVIDING THAT ELECTIONS MAY BE CANCELED UNDER CERTAIN CIRCUMSTANCES".

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

SECTION 1. WRITE-IN CANDIDATE - AFFIDAVIT:

No write-in vote for any municipal office shall be counted unless an affidavit of intent indicating the name of the person who will be a write-in candidate, the office for which the person will be a candidate, and a statement that the person is qualified to assume the duties of that office, if elected, has been filed with the Town Clerk at least twenty (20) days prior to the day of election.

SECTION 2. ELECTION MAY BE CANCELED - WHEN:

If the only matter before the voters is the election of persons to office and if, at the close of business on the nineteenth (19) day before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent as set forth in Section 1 of this Ordinance, the Town Clerk shall certify such fact to the governing body, and it shall hold a meeting and may cancel the election and, by resolution, declare the candidates elected. Upon adoption of such resolution and declaration, the candidates shall be deemed elected.

Notice of such cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

SECTION 3. EMERGENCY.

The Town Board finds that adoption of this Ordinance will save the Town considerable time and money; that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety.

SECTION 4. EFFECTIVE DATE:

This Ordinance shall become effective on the date it is passed and adopted, signed and approved.

PASSED AND ADOPTED, SIGNED AND APPROVED this 3rd day of March, 1992.

TOWN OF OTIS
BY Eugene Hayes, Mayor.

ATTEST: Sue C. McCaffrey, Town Clerk.

Published in the Akron News-Reporter Publication Date: March 19, 1992

TOWN ORDINANCES

Ordinance No. 139.

AN ORDINANCE CONCERNING MUNICIPAL DISPOSITION OF "UNCLAIMED PROPERTY"

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado:

WHEREAS certain property held by or under the control of the Town of Otis, Which is owned by an Individual or entity, may be unclaimed by the owner.

AND WHEREAS the Town of Otis desires to establish an administrative procedure for notification of, and, where possible, the transfer of unclaimed property to, the owner.

AND WHEREAS the Town of Otis desires to dispose of the unclaimed property after notification has been provided.

AND WHEREAS the Town of Otis desires to enact a local law providing a local procedure for administration and disposition of unclaimed property.

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

SECTION 1. PURPOSE.

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

SECTION 2. DEFINITIONS.

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

(a) "**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 municipality and which has not been claimed by its owner for a period of more than one (1) year, if it is tangible personal property, and three (3) years, if it is intangible personal property, after it became payable or distributable.

(b) "**Municipality**" means the Town of Otis, Colorado.

(c) "**Owner**" means a person or entity, including a corporation, partnership, association, governmental entity other than the Municipality, or a duly authorized legal representative or successor in interest of same, which owns Unclaimed Property held by the Municipality.

(d) "**Town Clerk**" means the Town Clerk of the Town of Otis or designee thereof.

SECTION 3. 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 Clerk shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of an Owner of Unclaimed Property. The last known address of the Owner shall be the last address of the Owner shown by the records of the municipal 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 also state that, if the Owner fails to provide the Town Clerk with a written claim for return of the property within sixty (60) days of the date of the notice, the property shall become the sole property of the Municipality 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 Clerk shall cause a notice to be published in a newspaper of general circulation in the Municipality.

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 shall fail to provide the Town Clerk 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 Municipality and any claim of the Owner to such property shall be deemed forfeited.

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

(d) If the Town Clerk receives a written claim within the above-described sixty-(60) day claim period, the Town Clerk 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 Clerk may investigate the validity of the claim and may request further supporting documentation of the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one claimant for the same property, the Town Clerk may, in the Town Clerk'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 inter-pleader action.

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

(g) Any legal action filed challenging a decision of the Town Clerk shall be filed pursuant to Rule 106 of Colorado Rules or Civil Procedure within thirty (30) days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the Town Clerk pursuant to the Order of the Court having jurisdiction over such claim.

(h) The Town Clerk is authorized to establish and administer procedures for the administration and disposition of Unclaimed Property consistent with this Ordinance, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

SECTION 4. SALE OF UNCLAIMED PROPERTY.

The disposition of any unclaimed property shall be determined by the Town Clerk but shall be in a competitive manner when possible and in a manner which does not conflict with any Colorado statute.

SECTION 5. THIS ORDINANCE IS EFFECTIVE JULY 1, 1992.

PASSED AND ADOPTED. SIGNED AND APPROVED this 2nd day of June, 1992.

THE TOWN OF OTIS, COLORADO
By: Lawrence J. Gaschler, Mayor.

ATTEST: Sue C. McCaffrey, Town Clerk.

Published In the Akron News-Reporter Publication Date: June 25, 1992

TOWN ORDINANCES

Ordinance No. 140.

AN ORDINANCE PROVIDING PROCEDURES FOR THE GRANTING OF PUBLIC UTILITY FRANCHISES AND LICENSES; AND PROVIDING OTHER DETAILS IN CONNECTION WITH SUCH FRANCHISES AND LICENSES.

WHEREAS, the Town of Otis, in the County of Washington, and State of Colorado (the "Town"), is a political subdivision of the State of Colorado (the "State"); and

WHEREAS, the Town is authorized to grant public utility franchises under the laws of the State, but wishes to clarify under this ordinance (the "Ordinance") procedures pursuant to which it may grant such public utility franchises; and

WHEREAS, The Town Council has determined that it is necessary and advisable to expressly set forth the procedures for granting public utility franchises;

Be it Ordained by the Town Council of the Town of Otis, Colorado:

SECTION 1. DEFINITIONS.

For purposes of this Ordinance, the term "franchise" shall mean a special right or privilege granted by the Town Council as hereinafter provided to any person, firm or corporation to erect, construct, operate, carry on, or maintain an electric power plant, telephone system, communication system, cable system, gas plant or system, rail or mass transit system, or any other business activity affective of the public interest which permanently occupies and obstructs the public streets, rights-of-way, alleys or properties, together with such other uses as are determined by ordinance to be such a public concern that want of regulation and control will injuriously affect the public in its general interest; and the term "license" shall mean a temporary or revocable permission granted to all other activities not a franchise.

SECTION 2. TOWN POWERS.

The Town shall have and exercise with regard to all utilities and franchises all municipal powers, function, and authority now existing and which may be hereafter provided by the State Constitution and statutes . The Town shall have the power and authority within or without the territorial limits of the Town, to construct, condemn, purchase, acquire, and lease public utilities and assets, equipment and everything in relation to or in connection therewith, in whole or in part, for use of the Town and its inhabitants. Except as otherwise provided by the State constitution or statutes, all powers concerning granting, amending, revoking or otherwise dealing in franchises shall be exercised by the Town Council.

SECTION 3. GRANT OF PUBLIC UTILITY FRANCHISES.

- a) Grants of public utility franchises and all extensions and amendments shall be granted only by ordinance. The granting of franchises by the Town shall be limited only by the provisions of the State Constitution and statutes applicable to statutory cities and towns as now in effect or as hereafter amended and shall be submitted to the vote of the people when required by the State Constitution.
- b) No franchise election shall be held until the applicant deposits the cost thereof with the Town Treasurer in an amount determined by the Town Treasurer.
- c) No exclusive franchises shall be granted.

SECTION 4. NO FRANCHISE LEASED; EXCEPTION.

No franchise granted by the Town shall ever be leased, assigned or otherwise alienated without express consent of the Town, and no dealing with the lessee or assignee on the part of the Town to require the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to operate as such consent.

SECTION 5. WATER RIGHTS.

The Town shall have the power to buy, exchange, lease, sell, own, control, and otherwise deal in water rights.

SECTION 6. UTILITY RATES.

The Town Council shall, by ordinance, establish rates, rules and regulations for services provided by utilities. If the Town Council desires to extend the utilities beyond Town boundaries, it shall do so by ordinance.

SECTION 7. TERM, COMPENSATION, AND RESTRICTION.

No franchise, lease, or right to use the streets, or the public places or property of the Town shall be granted which exceeds five (5) years. Every grant of a franchise shall fix the amount and manner of payment of compensation to be paid by the grantee for the use of the same such compensation shall be paid as provided and be subject to mutual periodic renegotiation, failure to pay shall result in forfeiture of the franchise at the option of Town Council and the Town may purchase the property of the holder in whole or in part without a franchise being established.

Notwithstanding the foregoing, the Town shall have the additional right to license or tax the equipment of any franchise. The license or tax shall be exclusive of and in addition to all other lawful taxes upon the property of the holder thereof.

SECTION 8. FRANCHISE REVIEW.

Each franchise granted under the provisions of this Charter shall include a section specifying a periodic review of said franchise, and if not otherwise stated there shall be an annual review on the anniversary date of the initial grant of a franchise.

SECTION 9. TOWN MAY PURCHASE.

The Town reserves unto itself that every grant of a franchise or license, shall be upon the condition that the Town may purchase and take over the property of the holder of any such franchise, in whole or part, by act of negotiation, condemnation, or otherwise.

SECTION 10. COMMON USE OF FACILITIES.

The Town Council shall have the power to require any holder of a franchise from the Town, or other public utility, to allow the use of its rights-of-way, poles, wires and trenches by any franchise holder, or the Town itself, upon payment of a reasonable rental there for; and the Town may, under the terms prescribed by the Town Council, allow such franchise holders to use rights-of-way, poles, wires, and trenches of the Town-owned utilities.

Nothing in this ordinance shall be construed so as to create a duty or obligation of any kind upon the town to erect or maintain utility poles or any other equipment, property, or fixtures for the use or benefit of the Franchisee. The Franchisee is solely responsible to inquire into the use of equipment, property or fixtures owned by others. Any equipment, property, or fixtures to be erected by the franchisee shall be constructed in such a way as to conform with the Town code and Ordinances, the Town Engineer's specifications, and all other laws and regulations.

SECTION 11. FRANCHISE RECORDS.

The Town Council shall cause to be kept in the office of the Town Clerk and open to the public for view, an indexed franchise record in which shall be transcribed copies of all franchises heretofore and hereafter granted. The index

shall give the name of the grantee and any assignees. The record shall be a complete history of all such franchises and shall include comprehensive and convenient reference to all actions at law affecting the same, copies of all annual reports and such other information and matters of public interest as the Town Council may from time to time require.

SECTION 12. EXISTING FRANCHISES.

All franchise ordinances of the Town in effect at the time of adoption of this Ordinance shall remain in full force and effect according to their provisions and terms until the expiration date provided in such ordinance or until modified by another franchise.

SECTION 13. REVOCABLE PERMITS.

The Town Council may grant a permit at any time for the temporary use or occupation of any street, alley, or Town owned place, provided such permit shall be revocable by the Town Council at its pleasure, regardless of whether or not such right to revoke be expressly reserved in such permit.

SECTION 14. ADDITIONAL TERMS.

Each franchise agreement pertaining to Telecommunications or cable TV providers enacted under this ordinance shall include consideration of and express negotiation on each of the following terms:

- a) A Security deposit will be required at the signing of the Franchise, this is to guarantee quality of service delivery by franchise recipient (franchisee). The amount to be negotiated as part of the franchise deliberations. The quality of service provided by the franchisee will be overseen by a "community of interest" advisory board that will recommend to Town Council when the franchisee is failing to provide quality/ state of the art service in the community of interest and/or provide for arbitration as dispute resolution or leave at exclusive discretion of council.
- b) A percentage of the gross revenues be paid to the Town for use of rights-of way, poles, wires, and trenches.
- c) A percentage of the gross revenues be paid the Town to fund economic development and communications infrastructure development to support economic development in the community of interest.
- d) Fiber optics, or suitable technology allowing for transmission of "broadcast cable video," to all public buildings within two years, public schools, libraries, city buildings, county buildings and interconnecting towns with a community of interest with fiber optics within five years, including all newly constructed public facilities when built and providing for intercity as well as intra-city communications.

SECTION 15. NEGOTIATION PAYMENT CLAUSE.

The franchise recipient is to pay all costs the Municipality incurs in obtaining expert representation in the negotiations of this franchise.

SECTION 16. EFFECTIVE DATE.

This Ordinance is hereby declared to be an emergency necessary for the immediate preservation of the public peace, health, and safety, and shall take effect and be in full force, upon the expiration of five (5) days from and after its publication in the local newspaper.

Introduced November 1, 1993, After second reading adopted, and ordered published this 7th Day of December, 1993.

Connie J. Miller, Mayor.
SEAL

ATTEST: Sue C. McCaffrey, Town Clerk / Treasurer

Published in the Akron News-Reporter Publication Date: December 23, 1993

TOWN ORDINANCES

Ordinance No. 141.

AN ORDINANCE CONCERNING THE BURNING OF REFUSE AND TRASH WITHIN THE TOWN OF OTIS, COLORADO

Be it Obtained by the Town Council of Otis, Colorado

- 1. PURPOSE:** It is the purpose of this ordinance to promote and protect the public health and safety of the residents of Otis, Colorado.
- 2. AUTHORITY AND POWER:** The Otis Town Council has the authority to promulgate rules, regulations and specifications concerning the burning of refuse and trash . The provisions of this ordinance may be enforced by an Enforcement Officer, Law Enforcement Officer, or such other persons who are designated by the Town Council.
- 3. DEFINITIONS:** For the purpose of this ordinance, the following definitions are given:
 - A.** Refuse, rubbish, and Trash are used interchangeable, and shall mean and include, but not be limited to any dead yard residue, grass clippings, leaves, hay, straw; nor shavings, excelsior, paper, clothing, animal waste, ashes, containers, boxes, glass, cans, bottles, garbage, waste, discarded building and construction materials, and any other worthless or discarded material or object; and any other materials commonly known as rubbish or refuse or trash of any kind or character or by any means known.

BURNING: No person shall burn or allow the burning of refuse, rubbish, trash, garbage, wastepaper, wood, or other flammable material on any open premises, or on any public street, alley, or other land adjacent to such premises, or in any barrel or other trash receptacle. Yard residue may be burnt only after obtaining a permit granted by the Town Clerk or its appointed officer, when such burning shall be done under such proper safeguards as he may direct as to time and weather.

ACCUMULATIONS:

- A.** No person shall deposit or place any garbage or rubbish in such a manner that the same is, or tends to endanger the public health.
- B.** No person having the occupancy, control or management of any premises shall cause or permit any garbage or rubbish to be accumulated thereon in such a manner that the same is, or tends to become a nuisance or in any manner as endangers, or tend to endanger the public health.
- C.** No person shall in any manner throw, place, scatter, deposit or bury any garbage or rubbish in or upon any public street, alley or other public place, or upon his own or the premises of another, except for the proper and lawful disposal of the same by a waste disposal service, and then only in the place or manner designated by the town.

ENFORCEMENT: Violation of any section of this ordinance will result in a notice being served upon the owner, tenant, occupant, or user of such property on which the violation occurs. Such notice shall state the violation and fine amount.

COMPLIANCE WITH NOTICES: It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this ordinance within the time specified in such notice.

PENALTIES, CLAIMS AND APPEALS: Any person who violates any provision of this ordinance or who fails to comply with any notice issued pursuant to the provisions of this ordinance, upon being found guilty of violation, shall be subject to a fine not to exceed \$250 for each separate offense. Each day during which any violation of the provision of this ordinance shall occur or continue, shall be a separate offense.

LEGAL REMEDY OF VIOLATION: The amount due shall become a lien against said property until the same is paid; provided that, in case of failure to pay such assessment within ten days after the same shall be made, the town clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the county for two successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the board of trustees will hear any objections as to the adjustment and correctness of the amount so assessed.

If such assessment is not paid within ten days after the time fixed for hearing such objection, and unless the same are sustained, the Town Clerk shall certify such assessment for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state.

EXCLUSIONS: If any part of any section of this ordinance is found to be unconstitutional, it shall not invalidate any other portion of this ordinance.

EFFECTIVE DATE: This ordinance shall become effective January 1, 1995.

INTRODUCED, READ ON FIRST READING THIS 18 DAY OF JULY, 1994. READ ON SECOND READING, PASSED AND ORDERED PUBLISHED FOR THREE WEEKS THIS 13 DAY OF OCTOBER, 1994.

BY Connie J. Miller, Mayor.

ATTEST: Sue C. McCaffrey, Town Clerk / Treasurer

Published: Akron News-Reporter

Dates: December 8, 1994
December 15, 1994
December 22, 1994

TOWN ORDINANCES

Ordinance No. 147.

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS, COLORADO; ADOPTING BY REFERENCE THE 1995 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES;" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENAL TIES FOR VIOLATION THEREOF.

Be it Obtained by the Board of Trustees of the Town of Otis, Colorado

SECTION 1. Adoption: Pursuant to Title 31, Article 16, Parts 1 and 2, C.R.S. 1997 as amended, there is hereby adopted by reference Articles I to XXVI, inclusive, of the 1995 edition of the "Model Traffic Code for Colorado Municipalities," promulgated and published as such by the State Department of Highways, 4201 E. Arkansas Ave., Denver, Colorado 80222. The subject matter of the Model Traffic Code related primarily to comprehensive traffic control regulations for the Town. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming to similar regulations throughout the State and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Otis, Colorado, and may be inspected during regular business hours. The 1995 edition of the Model Traffic Code is adopted as if set out at length.

SECTION 2. Additions or Modifications: The said adopted Code is subject to the following additions or modifications:

- (a) None.

SECTION 3. Penalties: The following penalties, herewith set forth in full, shall apply to this ordinance:

- (a) It is unlawful for any person to violate any of the provisions stated or adopted in this ordinance.
- (b) Every person convicted of a violation of any provision stated shall be punished by a fine not exceeding three hundred dollars (300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

SECTION 4. Application: This ordinance shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this jurisdiction an authority to regulate. The provisions of section Part 6-606, 14-1401, 14-1402, and 14-1413 of the adopted Model Traffic Code respectively concerning unauthorized devices, reckless driving, careless driving, and eluding an officer shall not only apply to public places and ways but also throughout this municipality.

SECTION 5. Validity: If any part or parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part thereof, irrespective of the fact that any one part or parts be declared invalid.

SECTION 6. Repeal: Existing ordinances or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

SECTION 7. Interpretation: This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and section headings of this ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or extent of the provisions of any article or section or section thereof.

SECTION 8. *Certification:* The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AND SIGNED THIS 10TH DAY OF FEBRUARY, 1998.

Leland Dunker, Mayor.

ATTEST:

Sue C. McCaffrey, Town Clerk / Treasurer

TOWN ORDINANCES

Ordinance No. 148.

AN ORDINANCE TO CHANGE THE MEETING DATE AND TIME FOR THE OTIS TOWN COUNCIL.

Be it ordained by the Board of Trustees of the Town of Otis, Colorado.

1. Purpose: It is the purpose of this ordinance to repeal Ordinance #144 and to reinstate Ordinance #12 in it's entirety.

2. Authority and Power: The Board of Trustees of the Town of Otis having the authority to promulgate rules, regulations and specifications concerning the establishment of meeting nights and times.

With the adoption of this ordinance, Ordinance #144 will be repealed in it's entirety and Ordinance #12 will be reinstated in it's original form.

Adopted this 7th day of July, 1998.

Roll Call

Blackwell (GWB)
Hardesty (Absent)
Hofmeister (Absent)

Purdy (WP)
Stackhouse
Wiebers (JW)

BY:
John Howlett, Mayor

ATTEST:
Sue C. McCaffrey
Town Clerk/Treasurer

TOWN ORDINANCES

Ordinance No. 149.

AN ORDINANCE TO REGULATE MOBILE/MANUFACTURED HOME ZONING WITHIN THE CITY LIMITS OF THE TOWN OF OTIS.

Be it Ordained by the Board of Trustees of the Town of Otis, Colorado.

When a mobile/manufactured home is proposed to be parked on a private lot, such structures shall be certified as meeting H.U.D. construction and safety standards, or a certificate or label issued by the Colorado Division of Housing indicating that it meets Division's certification standards. Such certification will be evidenced by a permanently affixed insignia stating that the home has been inspected in accordance with the requirements.

An application for a Mobile/Manufactured home permit must be filled out, filed and approved by the Town of Otis before moving any of the above into the existing city limits of the Town of Otis.

All mobile/manufactured homes shall meet acceptable similarity appearance standards as follows:

1. Only one home shall be permitted on a lot.
2. Must contain a flush toilet and a bath/shower and be served by the Otis water and sanitation systems.
3. Shall be sited on a lot so that the placement is consistent and compatible with the placement of other residential units in the surrounding neighborhood.

MOBILE HOME:

4. Is not less than eight feet by thirty two feet.
5. Must meet the following minimum requirements for tie downs, anchors, and support stands:

| Length of Home | Tie-Down sets | Number of anchors |
|----------------|---------------|-------------------|
| Up to 50' | 2 | 4 |
| 50' to 60' | 3 | 6 |
| 61' to 80' | 4 | 8 |

All home stands shall provide adequate support for the placement of the homes, and shall be provided with anchors and tie-downs such as cast in place concrete "deadmen" eyelets embedded in concrete slabs or runways, screw augers, arrowhead anchors, or other devices to be used to stabilize the home.

6. Within sixty days of moving onto a platted lot, skirting shall be installed which completely encloses the space beneath the home. Readily openable access panels or doors shall be installed to permit entrance for serving utility connections. The skirting shall at a minimum be constructed of materials which are the same or similar in design, texture and color as the exterior material used in the construction of the home . The skirting shall not be permanently attached to the ground or used to anchor the home.

MANUFACTURED HOME:

7. Not less than twelve feet in body width and sixty feet in body length. An exception to this size requirement shall be a HUD-approved park model home.
8. Must be sited on a permanent block or poured concrete foundation.

9. Has the appearance of traditional site-built homes by having brick wood or cosmetically equivalent exterior siding.
10. Has a shingled roof with a minimum roof pitch of three in twelve.
11. All transportation devices, including but not limited to, wheels, axles , suspension, traileed hitches and lights must be removed.

EFFECTIVE DATE: This ordinance shall become effective 30 days after posting.

PASSED AND ADOPTED, SIGNED AND APPROVED this 6th day of October, 1998 .

BY:

John Howlett, Mayor

ATTEST:

Sue C. McCaffrey

Town Clerk/Treasurer

Posting Date: November 5, 1998

TOWN ORDINANCES

Ordinance No. 150.

AN ORDINANCE TO IMPLEMENT A STATUTORY VESTED RIGHTS PROGRAM PURSUANT TO C.R.S. § 24-68-101 ET SEQ. AND DECLARING AN EMERGENCY

WHEREAS, C.R.S. § 24-68-101, *et seq.*, otherwise known as the Vested Rights Act, mandates that every local government provide a procedure by which a landowner can create a vested property right by the approval of a site specific development plan;

WHEREAS, the Town has not implemented either subdivision regulations or a zoning ordinance as authorized by state law and therefore does not regulate development other than through issuance of building permits pursuant to Ordinance No. 105; and

WHEREAS, the Town desires to implement the Vested Rights Act as authorized by state law to the degree possible through the building permit process; and

WHEREAS, the Vested Rights Act requires that each local government implement the Act prior to January 1, 1999.

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

1. **Purpose.** The purpose of this Ordinance is to establish procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.
2. **General Provisions.** Approval by the Board of Trustees of a Site Specific Development Plan pursuant to this Ordinance shall create a vested property right within the meaning of C.R.S. § 24-68-101 *et seq.* Except to the extent provided by this Ordinance, the provisions of C.R.S. § 24-68-101 *et seq.* shall govern the creation and effect of vested rights in the Town of Otis.
3. **Application.** An owner of property who seeks to cause rights to vest in accordance with C.R.S. § 24-68-101 *et seq.* may file an application *with* the Town for approval of a Site Specific Development Plan. The application shall contain or include the following:
 1. Payment of a vested rights fee to cover the cost of processing the application in the amount of \$100.00;
 2. Evidence of the property's current ownership (deed, title commitment, or attorney's opinion);
 3. A site plan consisting of a graphic conceptual representation of the proposed development prepared on a base map at a scale not greater than one inch equals two hundred feet (1" = 200'). The site plan shall also include or illustrate:
 - (1) A title that prominently identifies the name of the development together with the phrase "Site Specific Development Plan";
 - (2) A complete legal description of the property subject to vesting of rights prepared by a licensed registered Colorado land surveyor;
 - (3) Information identifying all permitted land uses, building setbacks, maximum heights for buildings, minimum and maximum lot sizes, proposed conditions or restrictions upon use, and other information governing the use of the property which is customarily associated with zone district restrictions or limitations;

(4) A signature block which states:

OWNER'S REPRESENTATION: The undersigned owner of the property described above has submitted this Site Specific Development Plan for approval of the Board of Trustees of the Town of Otis, Colorado, in accordance with C.R.S. § 24-68-101 et seq. and the Town's local ordinance(s).

Owner

Date: _____

(5) A signature block which states:

BOARD OF TRUSTEES APPROVAL: The Board of Trustees has approved this Site Specific Development Plan and the granting of a vested right in accordance with C.R.S. § 24-68-101 et seq. for the property described above on the day _____ of _____, _____.

Mayor or Mayor Pro-Tem

Attest: _____
Town Clerk (Town Seal)

4. **Approval Procedure.** No Site Specific Development Plan shall be approved unless and until a public hearing is held before the Board of Trustees. Notice of the public hearing shall be published in the newspaper of general circulation within the Town at least 10 days before the date of the public hearing. The Board shall approve a Site Specific Development Plan where the applicant satisfies all requirements of this Ordinance and the application contains information sufficient in detail to determine the scope of the rights being vested by the Board's approval. The Board may impose reasonable conditions upon the approval provided that the conditions imposed are necessary to protect the health, safety, and welfare of the Town. Within 14 days following any approval, a notice describing generally the type and intensity of use approved, the specific property affected, and stating that a vested property right has been created shall be published once in a newspaper of general circulation within the Town.
5. **Duration of Right and Termination.** A property right which has been vested in accordance with this Ordinance shall remain vested for a period of three (3) years commencing on the date of publication of notice required by section 6 above. In the event amendments to the Site Specific Development Plan are approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original Site Specific Development Plan unless a new Site Specific Development Plan is processed and approved in accordance with this Ordinance.
6. **No Vested Rights Created; Repeal of Vested Rights Act.** Nothing in this ordinance is intended to create any vested property right but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of Article 68 of Title 24, or a judicial determination that the Article is invalid or unconstitutional, no vested property rights shall be deemed created by the approval of any Site Specific Development Plan. No approval of any building permit or other land use plan by the Town, other than a Site Specific Development Plan approved pursuant to this Ordinance, shall be deemed to vest a property right pursuant to Article 68, Title 24, C.R.S., as amended.
7. **Severability Clause.** The provisions of this Ordinance shall be severable, and invalidity of one provision shall not affect the validity or enforceability of other provisions of this Ordinance. References herein to the Colorado Revised Statutes shall be determined to refer to said statutes as in effect on the date this

Ordinance is adopted, but if said statutes are hereafter amended or replaced, statutory references herein shall be deemed to refer to the amended or replacement statute or statutes as the same is or are in effect from time-to-time.

- 8. Effective Date.** The Board of Trustees hereby finds, determines, and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health, safety, and welfare and shall be in full force and effect immediately upon its adoption. The emergency is the result of the need to enact the Ordinance and for the Ordinance to be fully effective prior to the January 1, 2000 deadline for adoption of implementing ordinances pursuant to by C.R.S. § 24-68-101 *et seq.*

INTRODUCED, READ, PASSED, ADOPTED BY A 3.4 VOTE OF THE BOARD OF TRUSTEES AS AN EMERGENCY MEASURE, AND ORDERED PUBLISHED THIS 7th DAY OF December, 1999.

TOWN OF OTIS, COLORADO

BY:

John Howlett, Mayor

ATTEST:

Sue McCaffrey

Town Clerk/Treasurer

TOWN ORDINANCES

Ordinance No. 152.

AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE" REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF.

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

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

SECTION 2. Deletions. The 2003 edition of the Model Traffic Code is adopted as if set out at length save and except the foUowu1g articles and/or sections which are declared to be inapplicable to this mwlicapality and are therefore expressly deleted:

None

SECTION 3. Additions or Modifications. The said adopted Code is subject to the following additions or modifications:

None

SECTION 4. Penalties. The following penalties~ herewith set forth in full, shall apply to this ordinance:

- (a) *It is unlawful* for any person to violate any of the provisions adopted in this ordinance.
- (b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

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

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

SECTION 7. *Repeal.* Existing or parts of ordinances (Ordinance No. 147) covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

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

SECTION 9. *Certification.* The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE TOWN COUNCIL AFTER A PUBLIC HEARING AND SIGNED THIS DAY OF 3rd DAY OF June, 2003.

(SEAL)

Sue W. Stackhouse. Mayor. TOWN OF OTIS

ATTEST: Sue C. McCaffrey, Town Clerk.

TOWN ORDINANCES

Ordinance No. 153.

AN ORDINANCE GRANTING TO KINDER MORGAN, INC., A CORPORATION, ITS SUCCESSORS AND ASSIGNS, THE RIGHT, PERMISSION AND AUTHORITY TO CONSTRUCT, MAINTAIN AND OPERATE A GAS TRANSMISSION AND DISTRIBUTION SYSTEM, INCLUDING MAINS, PIPES, CONDUITS, SERVICES AND OTHER STRUCTURES, IN, UNDER, UPON, OVER, ACROSS AND ALONG THE STREETS, ALLEYS, BRIDGES, AND PUBLIC PLACES WITHIN THE PRESENT AND FUTURE CORPORATE LIMITS OF THE TOWN OF OTIS, COLORADO FOR THE FURNISHING, TRANSMISSION, DISTRIBUTION AND SALE OF GAS WHETHER ARTIFICIAL, NATURAL, MIXED OR OTHERWISE FOR LIGHTING, HEATING, DOMESTIC, INDUSTRIAL AND OTHER USES IN SAID TOWN AND ELSEWHERE, LIMITING THE TERM OF SAID GRANT, PRESCRIBING THE TERMS AND CONDITIONS UNDER WHICH SAID COMPANY MAY OPERATE, AND REPEALING ORDINANCE NO. 122.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF OTIS, COLORADO

SECTION 1. Wherever the word "Municipality" is hereafter used, it designates the Town of Otis, Colorado, the Grantor, and whenever the word "Grantee" is used it shall be held to mean and include Kinder Morgan, Inc., its successors and assigns.

SECTION 2. That in consideration of the benefits to be derived by the Town of Otis, Colorado, hereinafter referred to as "Municipality", and the public thereof from the construction and operation of a gas transmission and distribution system in said Municipality there be and hereby are granted to Kinder Morgan, Inc., a corporation, its successors and assigns# hereinafter collectively referred to as "Grantee", the right, permission and authority to construct, maintain and operate a gas transmission and distribution system within the limits of said Municipality, as the same now exists or may hereafter be extended for a period of twenty-five (25) years from and after the final passage date of this ordinance and for said purpose there are hereby further granted to Grantee the right, permission and authority during said period to lay, install, construct, maintain and operate in, under, upon, over, across and along all of the streets, alleys, bridges and public places within the present and future corporate limits of said Municipality all mains, pipes, services, conduits and structures necessary or convenient for the furnishing, transmission, distribution and sale of gas whether artificial, natural, mixed or otherwise for lighting, heating, domestic, industrial and other uses, and for transmitting such gas into, through or beyond the limits of said Municipality to other towns, cities and customers.

SECTION 3. That all mains, services, and pipes laid or installed under this grant shall be so located and laid as not to obstruct or interfere with any water pipes, drains, sewers or other structures already installed, and all such mains, services and pipes shall be installed subject to approval of the Committee on Streets and Alleys or other authorized representatives of said Municipality. Grantee, in doing any work in connection with said mains, pipes, conduits and services, shall avoid, so far as practicable, interfering with the use of any street, alley or public place, and where the paving or surface of any street, alley or public place is disturbed, Grantee at its own expense and in a manner satisfactory to the authorized representatives of said Municipality shall replace such paving or surface in as good condition as before such work was commenced. In the event that at any time hereafter said Municipality shall lawfully elect to change or alter the grade of any street, alley or public place, or to construct new or additional water or sewer lines, Grantee, upon being directed by resolution of the Mayor and Town Council of said Municipality so to do, shall where the same becomes necessary by reason of said change of grade or construction of water or sewer lines, move or relay its mains or service pipes; provided, Grantee shall be compensated by Municipality for costs incurred by Grantee in moving or relaying its lines or facilities or raising or lowering the same where required by the construction of new or additional or the replacement of existing water or sewer lines.

SECTION 4. Grantee shall have the right to make all such reasonable rules and regulations in the conduct of its business as it may deem necessary or expedient, including meter deposits in such amounts as may be required to assure payment of bills. Grantee shall make such reasonable extensions of its mains from time to time as may be required to furnish service within said Municipality to parties making application therefore; but Grantee shall not be required to make any extension for the purpose of serving any consumer or consumers if Grantee is, for any reason,

unable to obtain an adequate supply of gas to warrant the construction of said extension, nor where the estimated revenue to be derived from serving such new consumer or consumers is not sufficient to show an adequate return upon the total additional investment required to serve such consumer or consumers. Whenever the delivery or supply capability of Grantee's system, due to any cause whatsoever not limited to force majeure, is such that Grantee is unable to deliver to consumers served by Grantee the quantity of gas which the consumers require, Grantee shall have the right to prescribe reasonable rules and regulations for allocating the available quantities of gas among such consumers.

To the extent allowed by law, Grantee shall have the right to enter the premises of consumers at reasonable times for the purpose of reading meters, inspecting gas appliances, pipes and equipment and for the purpose of ascertaining loads, making necessary tests and installing, disconnecting or removing meters.

SECTION 5. Grantee in the construction of said gas system within the limits of said Municipality shall use tested and approved pipes, material and equipment.

SECTION 6. Grantee at all times will keep a map in the office of Grantee or with the Clerk of said municipality, showing the size and location of its mains laid in said distribution system in said Municipality. This map will be replaced each May with a revised map showing new construction for the previous calendar year or if no new construction took place, as requested by the Municipality.

SECTION 7. In case the available supply of gas shall at any time fail or become insufficient to supply the needs of the public of said Municipality, or should Grantee for any reason be unable to furnish the service herein contemplated, or upon the termination of this franchise for any reason whatsoever, Grantee shall have the right to remove any and all of its pipe and other equipment or property from said Municipality, but in such event Grantee shall restore the streets, alleys and other public places to as good condition as before such removal, and will hold said Municipality harmless from damage and expense incident to such removal.

SECTION 8. Grantee shall be required, and by the acceptance hereof agrees, to save harmless said Municipality from and against all lawful claims and demands, and from all loss and expense necessarily incurred as a result thereof, arising out of the negligence of Grantee in the construction, removal, replacement, inspection or repair of any mains, pipes, services or appliances of Grantee, or in the use and operation thereof during the term of this Ordinance.

SECTION 9. In consideration of the rights and privileges herein granted, the Grantee shall assess, effective the first billing cycle after this franchise becomes effective, to residential (commonly known as domestic) and commercial customers within the Town of Otis, Colorado, a franchise tax or fee equivalent to \$0.012 per ccf (100 cubic feet) for gas delivered to residential and commercial customers within said Municipality on Grantee's distribution system. Grantee shall pay to the Town Treasurer an annual payment for each year of the duration of this franchise, in an amount equal to the franchise fee or tax funds collected by Grantee hereunder. Payment shall be made on or before March 1st of each year for the preceding year and each such payment shall be accompanied by a statement supporting the payment.

Such payment shall be in lieu of any and all other fees, charges, licenses, taxes or assessments which said municipality may impose for the rights and privileges herein granted or for the privilege of doing business within said Municipality and, in the event any such fee, charge, license, tax or assessment shall be imposed by said Municipality, the payment to be made in accordance with the provisions of this section shall be refunded in an amount equal to the annual burden of such fee, charge, license, tax or assessment imposed upon the Grantee. Ad Valorem property taxes imposed generally upon all real and personal property within said Municipality shall not be deemed to affect the obligation of the Grantee under this section.

SECTION 10. This Ordinance and the respective rights and obligations of the parties hereunder are subject to all present and future valid governmental legislation or regulation, whether federal or state, of duly constituted authorities which have jurisdiction over this Ordinance, one or both of the parties, or any transaction hereunder.

SECTXON 11. This Ordinance and the rights, authority, and franchise herein and hereby granted shall terminate and be of no further force and effect:

- (a) unless within six (6) months after final passage of this Ordinance Grantee shall file with the Clerk of said Municipality a written acceptance hereof; also
- (b) if and when, after such acceptance Grantee shall file with the Clerk of said Municipality a surrender hereof in writing.

SECTXON 12. Ordinance No. 122, passed under date of March 4, 1980, is hereby repealed and of no further force or effect.

SECTION 13. If any clause, sentence or section of this Ordinance shall be held void by any court, the same shall not affect the remainder of this Ordinance.

SECTION 14. This Ordinance shall be in full force and effect from and after its final passage and publication as required by law and upon acceptance by Grantee shall be held to constitute a binding contract between said Municipality and Grantee, subject to its terms and conditions.

Passed, adopted and approved this 4th Day of May, 2005.

Sue W. Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 154.

AN ORDINANCE REGULATING ANIMALS WITHIN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, Section 31-15-401 (l)(m) authorizes municipalities to regulate and control animals and fowl; and

WHEREAS, the Town desires to exercise this authority and regulate animals within the Town of Otis, Colorado.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Animals located within the Town of Otis shall be regulated according to the following:

SECTION 1-1. DEFINITIONS.

- A.** General. The definitions and terms used in this title, unless the context otherwise indicates, are herewith defined as set forth in this Chapter.
- B.** Animal. "Animal" means all reptiles and warm-blooded mammals, except Homosapiens, both domesticated and undomesticated, male or female, spayed, neutered or unsprayed or unneutered.
 - (1) Dog means any animal of the canine species,
 - (2) Cat means any animal of the feline species,
 - (3) Household pet means and includes any breed of dog, cat, rabbit, guinea pig, gerbil, hamster, mice, rat, ferret, bird, poultry, fish, non - venomous reptiles, amphibians, invertebrates and any other animal commonly accepted as a pet, whether such animal is kept inside or outside, except livestock, as defined below and except any animals prohibited by law or regulations as a household pet,
 - (4) Livestock means and includes any farm animal not normally considered a household pet, including but not limited to any breed of horse, mule, burrow, goat, llama, cattle, swine (except Vietnamese potbellied pigs), sheep, bison, elk, and deer,
 - (5) Poultry means and includes any breed of chicken, turkey, duck, goose, peafowl or other feathered animal,
 - (6) Vietnamese Potbellied Pig shall mean the dwarf swine breed developed from the "I" breed of Vietnam pig as a household pet.
- C. Animal Control Officer.** "Animal control officer" means and includes the Code Enforcement Officer of the Town of Otis, Colorado, or his or her designee.

- D. Animal Female.** "Female animal" means an animal of female gender whether or not surgery on the genital organs has been performed.
- E. Animal, Female, Spayed.** "Spayed female animal" means any female animal on which an ovariectomy or hysterectomy has been performed by a licensed veterinarian and for which a certificate asserting the operation has been performed has been issued.
- F. Animal, Male.** "Male animal" of the masculine gender, either castrated or not castrated.
- G. Animal, Male, Neutered.** "Neutered male animal" means any animal of masculine gender, which has been castrated.
- H. License Year.** The "license year" is June 1 through May 31.
- I. Owner.** "Owner" means a person who owns, possesses, controls, maintains, keeps or harbors an animal or knowingly permits an animal to remain for a minimum of 7 days on or about property or premises owned, controlled or occupied by such person.
- J. Stray.** "Stray" means an animal which does not have or appear to have a license or rabies tag and does not appear to have an owner or whose owner is unknown.
- K. Vaccination, Rabies.** "Rabies vaccination" means the inoculation by a licensed veterinarian of a dog, cat or other animal with a rabies vaccine approved by the Colorado Department of Health.
- L. Animal Bite.** The opening or puncturing of skin by the teeth or claws of an animal.
- M. Vicious Animal.** "Vicious animal" means any animal that:
- (1) Inflicts unprovoked bites or scratches or other injuries on human beings or other animals, or
 - (2) Attacks human beings or other animals either on public or private property, or
 - (3) Approaches any person in a vicious or terrorizing manner or in an apparent attitude of attack upon the streets, sidewalks, or any public or private grounds or places or in any store, shopping center or other facility frequented by the public or
 - (4) Menaces or terrorizes or acts in a menacing or terrorizing manner from any vehicle parked either upon public or private property. To those persons passing by the vehicle.
- N. Kennel.** "Kennel" means any commercial facility with indoor and / or outdoor facilities constructed for the purpose of boarding, breeding or training animals for profit by any person whether licensed or unlicensed.

SECTION 1-2. VACCINATION.

- A. Required.** Every person in possession of or having custody of a dog, cat or rabies susceptible animal shall have such dog, cat or rabies susceptible animal vaccinated for rabies and shall possess a certificate of such vaccination.
- B. Certificate-Contents.** Upon vaccination, the veterinarian administering the vaccine shall execute and furnish to the owner of a dog, cat or rabies susceptible animal as evidence thereof, a certificate upon a form furnished by the Town. Such owner shall retain a duplicate copy, and one copy thereof shall be filed with the Town Clerk. Such certificate shall contain the following information:

- (1) Name, address and telephone number of the owner or harbinger of the inoculated animal;
 - (2) Date of the inoculation;
 - (3) Type of vaccine used;
 - (4) (4) Year and series number of the rabies tag, and
 - (5) Breed, age, color and sex of the inoculated animal.
- C. Authority.** All veterinarians who are duly registered and licensed as such by the state are authorized to vaccinate a dog, cat or rabies susceptible animal against rabies and to execute certificates of vaccination.
- D. Animal Bite-Duty to Report.** Any person having knowledge of an animal biting another animal or human being shall immediately report the incident to the Town Police Department, to the Town Clerk, or to the Public Health Veterinary Section of the Colorado Department of Public Health.
- E. Removal-Animals Quarantined.** A dog, cat or rabies susceptible animal impounded because of biting another animal or human being shall not be removed from the pound or veterinary hospital until after a 10 day observation period and a Routt County Department of Health release is secured.
- F. Quarantine-Removal.** It is unlawful for any person to remove from any place of isolation or quarantine any dog, cat or rabies susceptible animal, which has been isolated or quarantined without consent of the impounding agency.

SECTION 1-3. LICENSES

- A. Required-Fee.** Any person having custody of any dog, cat or potbellied pig 3 months of age or older for a minimum of 30 days shall procure a license. License fees shall be paid annually to the Town. License fees shall be as set forth in the Schedule of Fines and Costs. All licenses issued under this Ordinance shall expire on May 31 of each year, and the full amount shall be paid for any fraction of the licensing year. Upon collection of the license fee by the Town a dated receipt shall be issued stating the name and address of the owner, tag number and description, together with a Town of Otis license tag stamped with a serial number. Such license shall not be issued for any dog, cat or potbellied pig without proof of vaccination of that animal.
- B. Tag-Exhibition of Receipt and Certificate.**
- (1) Every owner of a dog shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed dog. Such collar or harness shall be worn by the dog at all times. The original license receipt and rabies vaccination certificate shall be retained by the owner or harbinger of the animal. It is unlawful for any person who owns or harbors any dog to fail or refuse to exhibit his copy of the license receipt and certificate of vaccination upon demand to any person charged with the enforcement of this Ordinance. Owners of dogs issued red tags for being vicious animals shall continue to be required to purchase and display the red license tags for the remaining life of these animals.
 - (2) Every owner of a cat shall attach the tag evidencing the licensing and inoculation with anti-rabies vaccine to the collar or harness of the inoculated and licensed cat. Such collar or harness shall be worn by the cat at all times. The original license receipt and rabies vaccination certificate shall be retained by the owner or harbinger of the animal. It is unlawful for any person who owns or harbors any cat to fail or refuse to exhibit his copy of the license receipt and certificate of vaccination upon demand to any person charged with the enforcement of this Ordinance.
 - (3) Every owner of a potbellied pig shall attach the tag evidencing the licensing by the Town to the harness of the licensed potbellied pig. Such license shall be clearly visible and no owner,

possessor or keeper of a potbellied pig shall refuse to exhibit his copy of the license receipt upon demand to any person charged with the enforcement of this Ordinance.

- C. Exhibition of Certificate for Rabies Susceptible Animals.** Every owner or harborer of any cat or rabies susceptible animal shall have it vaccinated against rabies and retain the rabies vaccination certificate. It is unlawful for any person who owns or harbors a cat or rabies susceptible animal to fail or refuse to exhibit his copy of the certificate of vaccination upon demand of any person charged with the enforcement of this Title.
- D. Tag-Duplicate.** In the event of loss or destruction of the original tag provided in Section 6.12.020, the owner of the dog shall obtain a duplicate tag from the Town and the price of such duplicate tag shall be the actual cost of the tag.

SECTION 1-4. PROHIBITED ANIMALS.

- A. A. Vicious Animals Prohibited.** It is unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the Town, provided, however, that an animal shall not be deemed a vicious animal by reason of having bitten or attacked the following:
- (1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
 - (2) Any person engaged in the unlawful entry in or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked in or upon the owner's property;
 - (3) Any person engaged in attempting to stop an altercation between such animal and another animal.
- B.** For the purpose of this Ordinance, a person is lawfully upon the private property of such owner when he is on the property in the performance of any duty imposed upon him by the laws of this State or Town, or the laws or postal regulations of the United States, or when he is on such property upon the invitation, expressed or implied, of the owner thereof.
- C. Keeping of Livestock Prohibited.** It shall be unlawful for any person to own, keep, harbor or possess any livestock, as defined in this Ordinance, within the limits of the Town of Otis, except where such use is permitted by applicable zoning ordinances or as provided in this chapter.
- D. Investigation of Complaints-Procedure**
- (1) It shall be the duty of the Animal Control Officer to investigate all complaints concerning vicious or dangerous animals.
 - (2) If the Animal Control Officer deems an animal to be vicious, it shall be his duty to issue a written warning to the owner of the animal stating such viciousness, if the owner is known, and/or he shall issue a summons against the owner to appear in Municipal Court to answer charges that such owner harbors or possesses a vicious dog.
 - (3) If the Municipal Court finds that the evidence presented substantiates such charge, the Court shall order one of the following:
 - a. Confinement of the animal by the owner in such a manner ordered by the Court;
 - b. Banning of the animal from within the limits of the Town; or
 - c. Destruction of the animal.

- (4) If the Court has ordered destruction of the animal, the owner, in order to avoid the destruction order, may present evidence to the Court that arrangement has been made to confine the animal outside of the Town limits. If such evidence is satisfactory to the Court, the Court may order confinement of the animal in accordance with such evidence from the owner.
- (5) If the animal is found within the Town limits after it has been banned from the Town, it shall be taken and impounded and a summons issued to the owner.

SECTION 1-5. POTBELLIED PIGS.

Requirements. Any person who owns, keeps, harbors or possess a potbellied pig in the Town shall comply with the requirements set forth below:

- A. No more than two (2) potbellied pigs shall be kept on any property within the Town;
- B. Male potbellied pigs shall be castrated prior to the age of four (4) months;
- C. Female potbellied pigs shall be spayed prior to the age of four (4) months
- D. All potbellied pigs shall be licensed with the Town as provided in Chapter 6.12;
- E. All potbellied pigs must wear a harness except when inside the owner, possessor or keeper's dwelling;
- F. No potbellied pig shall exceed the weight of 200 pounds.

SECTION 1-6. ANIMALS RUNNING AT LARGE.

- A. **Prohibitions.** It is unlawful for any owner, possessor or keeper of an animal in the Town to permit the same to run at large within the Town. An animal is deemed running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the control of such owner, possessor or keeper and when such animal is more than 10' away from such owner, possessor or keeper.
- B. **Exception.** An animal within the automobile or other vehicle of its owner, possessor or keeper or his agent or servant or a member of his immediate family is deemed to be upon the owner's, possessor's or keeper's premises.
- C. **Violation-Penalty.** If any such animal is found running at large or off the premises of the owner or keeper in violation of this Ordinance, it may be taken and impounded and/or the owner or possessor of the animal may be fined as provided in Section 1-10.
- D. **Females in Estrus-Confnement.** It is unlawful for the owner, possessor or keeper of any female animal to permit the same to run at large while the animal is in estrus (heat or season), or to permit the same to attract other animals to the premises of such owner, possessor or keeper. If, after notice by an Animal Control Officer, the owner, possessor or keeper of the female animal in heat does not properly confine the female animal, the Animal Control Officer may take and impound the female animal at the cost of the owner, and the female animal shall not be released from impoundment unless the owner, possessor or keeper establishes that he has proper facilities for caring for and confining the female animal. The owner or keeper of the animal may also be fined as provided in Section 1-10. Neither the Town nor any representative thereof shall be held responsible for any pregnancy occurring due to such impoundment.

SECTION 1-7. GENERAL REGULATIONS.

- A. Animal Disturbing the Peace- Unlawful.** It is unlawful for any owner, possessor or keeper of any animal to permit such animal to disturb any person or neighborhood by loud and persistent or habitual barking, howling, yelping, squealing, snorting, grunting, squawking, screeching, caterwauling, wailing, crowing or other loud noise. Such animal may be impounded, at the owner's, keeper or possessor's cost, or the owner or keeper of the animal may be fined as provided in Section 1-10.
- B. Interference with Officials - Unlawful.** It is unlawful for any person to interfere with, molest, hinder or obstruct an animal control officer in the discharge of his official duties under this Title.
- C. Dogs Disturbing Garbage or Trash-Unlawful-Nuisance.** It is unlawful for any owner, keeper or possessor of an animal to allow the animal to disturb or molest any trash or garbage. Such violation shall subject the owner, keeper or possessor of the animal to such additional costs as may be incurred by the disturbance or molestation of such trash or garbage.
- D. Immediate Destruction of Vicious or Other Animal.** Nothing in this Title shall be construed to prevent the immediate destruction of any vicious dog or other animal by the animal control officer or any other law enforcement personnel when deemed necessary in the interest of public safety.
- E. Animal Defecation - Unlawful**
 - (1) The owner, possessor or keeper of any animal shall be responsible for the immediate removal and lawful disposal of fecal matter deposited on any public property or private property of another, or in any waterway.
 - (2) Any owner, possessor or keeper of any animal shall be responsible for the removal and lawful disposal of fecal matter on the owner, possessor or keeper's private property in a timely manner so as not to cause an odor or health violation.

SECTION 1-8. IMPOUNDMENT.

- A. Animal Shelter.** The animal shelter is the Akron Dog Pound, located in Akron, Colorado. An animal shelter may include such temporary facilities as are feasible in the Town or such other facilities outside of the Town as may be selected by the animal control officer.
- B. Notice of Impoundment.** Immediately upon impounding any animal, the Animal Control Officer shall make a reasonable effort to notify the animal's owner when possible and a notice of impoundment and description of the animal shall be posted at the Town Hall.
- C. Release of Impounded Animals.**
 - (1) Any animal impounded for a violation of any section of this Ordinance shall be released to their owner upon the payment of the cost of such penalty as is specified in the Schedule of Fines and Costs as enacted by the Board of Trustees of the Town of Otis, Colorado, impoundment costs and the daily care and feeding charge. The owner who has paid said costs and fines shall obtain from the Town Clerk a letter authorizing the Akron Dog Pound to release an animal to its owner.

- (2) Any owner subsequently found innocent of any violation of this Title shall not be required to pay any penalty, impoundment or daily care and feeding charge. No dog without current Town license and current rabies inoculation tag shall be released to its owner until the owner has purchased the license and made arrangements to have the dog inoculated against rabies.

- D. Disposal of Unclaimed Animals.** If an animal has not been redeemed from impoundment within 5 days, not including the day of impoundment, it shall be deemed abandoned and the animal control officer or such other person who has custody of the animal may humanely euthanize the animal.
- E. Alternative to Impoundment - Notice of Chapter Violation.** In addition to or in lieu of impounding an animal, the Animal Control Officer may issue to the known owner, possessor or keeper of such animal a notice of violation, or may attach such notice on the collar of the animal. Such notice shall impose upon the owner a penalty as specified in Section 1-10.
- G. Immunity.** Neither the Town, nor any representative thereof, nor the impoundment facility, nor any representative thereof, shall be held responsible for any injury or illness occurring during the apprehension or subsequent impoundment of any animal.

SECTION 1-9. CRUELTY TO ANIMALS.

- A. Poisoning of Animals Prohibited.** It is unlawful for any person to poison any animal or animals or to distribute poison in any manner whatsoever with the intent or for the purpose of poisoning any animal within the Town limits, except rodents.
- B. Cruelty to Animals - Abandonment of Animals.** No owner shall fail to provide his animal with sufficient, good and wholesome food, water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person will beat, cruelly treat, torment, overload, overwork or otherwise abuse an animal, or cause or permit any dog fight, cock fight, bull fight or other conflict between animals and humans. No owner of any animal shall abandon any animal.

Section 1-10. PENALTY

All fines and penalties for violations of this Ordinance shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. Effective Date. This Ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue W. Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 156.

AN ORDINANCE TO REPEAL CERTAIN ORDINANCES OF THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, the Town desires to exercise this authority and repeal certain ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Ordinances Repealed.

- (a) Ordinance No. 21, AN ORDINANCE FOR THE PRESERVATION OF THE PUBLIC HEALTH, is hereby repealed.
- (b) Ordinance No.22, AN ORDINANCE RELATING TO STREETS, ALLEYS, AND PUBLIC GROUNDS, is hereby repealed.
- (c) Ordinance No. 53, AN ORDINANCE REGULATING SALE OF FIREWORKS, is hereby repealed.
- (d) Ordinance No. 137, AN ORDINANCE AMENDING ORDINANCE 53, SECTION 1 TO EXTEND THE TIME DURING WHICH FIREWORKS CAN BE SOLD, is hereby repealed.
- (e) Ordinance No. 75, the GREEN RIVER ORDINANCE, is hereby repealed.
- (f) Ordinance No. 89, AN ORDINANCE PROVIDING FOR CONTROL OF DOGS WITHIN THE TOWN OF OTIS, COLORADO, AND PROVIDING PENALTIES FOR FAILURE TO COMPLY THEREWITH, is hereby repealed.
- (g) Ordinance No. 46, AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS WITHIN THE TOWN OF OTIS, COLORADO, FOR THE INOCULATION OF THE SAME AGAINST RABIES AND PROVIDING FOR A PENALTY FOR FAILURE TO COMPLY THEREWITH, is hereby repealed.
- (h) Ordinance No. 119, AN ORDINANCE AMENDING THE TOWN OF OTIS ORDINANCE NO. 89, "CONTROL OF DOGS WITHIN THE TOWN OF OTIS, COLORADO," BY PROVIDING FOR A LEASH LAW, is hereby repealed.
- (i) Ordinance No. 106, AN ORDINANCE RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENSES WITHIN THE TOWN OF OTIS, PROVIDING FOR THE ABATEMENT OF NUISANCES AND PROHIBITING CERTAIN ACTS OR OFFENSES; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING PENALTIES FOR VIOLATION THEREOF, is hereby repealed.
- (j) Ordinance No. 120, AN ORDINANCE AMENDING TOWN OF OTIS ORDINANCE NO. 106 "AN ORDINANCE RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENCES AGAINST THE TOWN OF OTIS . . . ", is hereby repealed.
- (k) Ordinance No. 142, RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENSES AGAINST THE TOWN OF OTIS, Colorado, is hereby repealed.
- (l) Ordinance No. 61, AN ORDINANCE PROVIDING FOR THE ISSUANCE BY THE TOWN OF OTIS, COLORADO, OF ITS NEGOTIABLE COUPON BONDS IN THE AGGREGATE AMOUNT OF

FORTY -FOUR THOUSAND DOLLARS TO BE DENOMINATED "REFUNDING BONDS", FOR THE PURPOSE OF REFUNDING A LIKE AMOUNT OF OUTSTANDING BONDED INDEBTEDNESS OF SAID TOWN, PRESCRIBING THE FORM OF SAID REFUNDING BONDS AND PROVIDING FOR THE LEVY AND COLLECTION OF AN ANNUAL TAX TO PAY THE SAME, PRINCIPAL AND INTEREST, AND DECLARING AN EMERGENCY, is hereby repealed.

- (m) Ordinance No. 62, AN ORDINANCE GRANTING CERTAIN RIGHTS TO THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, ITS SUCCESSORS AND ASSIGNS IN THE TOWN OF OTIS, STATE OF COLORADO, is hereby repealed.
- (n) Ordinance No. 90, AN ORDINANCE GRANTING A NONEXCLUSIVE FRANCHISE TO MIDWEST CABLE TELEVISION, INC. ITS SUCCESSORS AND ASSIGNS TO CONSTRUCT, MAINTAIN AND OPERATE A COAXIAL CABLE SYSTEM IN THE CITY OF OTIS, COLORADO; DEFINING TERMS; SETTING FORTH THE TERMS AND CONDITIONS OF THE GRANT; PROVIDING FOR COMPANY RULES, RATES; TERMINATION AND PENALTIES FOR VIOLATIONS, is hereby repealed.
- (o) Ordinance No. 91, ANNUAL APPROPRIATION BILL AND ORDINANCE ESTABLISHING THE FISCAL YEAR OF THE TOWN OF OTIS, COLORADO, A MUNICIPAL, is hereby repealed.
- (p) Ordinance No. 72, AN ORDINANCE AMENDING ORDINANCE NO. 34 PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO, is hereby repealed.
- (q) Ordinance No. 95, ANNUAL APPROPRIATION BILL AND ORDINANCE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1973, is hereby repealed.
- (r) Ordinance No. 94, AN ORDINANCE GRANTING A FRANCHISE TO Y-W ELECTRIC ASSOCIATION, INC. ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, OPERATE AND MAINTAIN AN ELECTRIC SYSTEM IN THE TOWN OF OTIS AND TO USE THE STREETS OR ALLEYS OF THE TOWN FOR SUCH PURPOSE, is hereby repealed.
- (s) Ordinance No. 96, AN ORDINANCE CREATING A SPECIAL REVENUE SHARING TRUST FUND AND APPROPRIATING MONEY FROM THAT FUND TO DEFRAY EXPENSES IN EXCESS OF THE AMOUNTS BUDGETED FOR THE TOWN OF OTIS, COLORADO, is hereby repealed.
- (t) Ordinance No. 98, ANNUAL APPROPRIATION BILL AND ORDINANCE FOR THE FISCAL YEAR BEGINNING JANUARY 1, 1974, is hereby repealed.
- (u) Ordinance No. 99, AN ORDINANCE TO ESTABLISH REGULATIONS FOR THE CONTROL OF THE OTIS COMMUNITY LANDFILL AND THE OLD TOWN DUMPING GROUNDS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF, is hereby repealed.
- (v) Ordinance No. 100, AN ORDINANCE AMENDING TOWN OF OTIS, COLORADO MUNICIPAL TRAFFIC ORDINANCE NO 93 (THE 1971 EDITION OF THE MODEL TRAFFIC CODE FOR COLORADO); AND PROVIDING PENAL TIES FOR VIOLATION THEROF, is hereby repealed.
- (w) Ordinance No. 101, AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS, COLORADO FOR THE PURPOSE OF PROVIDING A SYSTEM OF TRAFFIC REGULATIONS CONSISTENT WITH STATE LAW AND GENERALLY CONFORMING TO SIMILAR REGULATION THROUGHOUT THE STATE AND THE NATION; ADOPTING BY REFERENCE THE 1973 EDITION OF THE "MODEL TRAFFIC CODE" COLORADO MUNICIPALITIES REPEALING ALL ORDINANCES IN CONFLICT THERWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF, is hereby repealed.
- (x) Ordinance No. 107, AN ORDINANCE AMENDING TOWN OF OTIS ORDINANCE NO. 89 "CONTROL OF DOGS WITHIN THE TOWN OF OTIS, COLORADO" BY SETTING OUT IN FULL THE PENALTY PROVISIONS FOR VIOLATIONS THEREOF, is hereby repealed.
- (y) Ordinance No. 113, AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS, COLORADO ADOPTING BY REFERENCE THE 1977 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO MUNICIPALITIES"; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; AND PROVIDING PENALTIES FOR VIOLATION THEREOF, is hereby repealed.

- (z) Ordinance No. 114, AN ORDINANCE AMENDING THE FRANCHISE GRANTED TO MIDWEST CABLE TELEVISION BEING SECTION 6 "RATES" OF THE MUNICIPAL CODE OF THE TOWN OF OTIS WHICH IS ORDINANCE NO. 90, is hereby repealed.
- (aa) Ordinance No. 115, AN ORDINANCE AMENDING THE TOWN OF OTIS ORDINANCE NO. 89 "CONTROL OF DOGS WITHIN THE TOWN OF OTIS, COLORADO" BY CHANGING THE CHARGE OF IMPOUNDMENT, is hereby repealed.
- (bb) Ordinance No. 106, AN ORDINANCE RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENSES WITHIN THE TOWN OF OTIS, PROVIDING FOR THE ABATEMENT OF NUISANCES AND PROHIBITING CERTAIN ACTS OR OFFENSES; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING PENALTIES FOR VIOLATION THEREOF, is hereby repealed.
- (cc) Ordinance No. 120, AN ORDINANCE AMENDING TOWN OF OTIS ORDINANCE NO. 106 "AN ORDINANCE RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENCES AGAINST THE TOWN OF OTIS . . . ", is hereby repealed.
- (dd) Ordinance No. 142, RELATING TO NUISANCES AND ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENSES AGAINST THE TOWN OF OTIS, Colorado, is hereby repealed .

SECTION 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. Effective Date. This ordinance shall become effective on the date it is adopted. Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 157.

AN ORDINANCE ESTABLISHING VARIOUS OFFENSES RELATED TO PUBLIC MORALS IN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, Section 31 -15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. The following acts relating to public morals shall be regulated in accordance with the following:

SECTION 1-1. *Indecent Exposure.* It shall be unlawful for any person to expose his or her genitals.

SECTION 1-2. *Indecent Acts and Filthy Language.* It shall be unlawful for any person to commit any indecent or filthy act in any place within the Town of Otis, or to utter any filthy word or abusive or filthy language in the hearing of another person publicly or make any obscene gesture to or about any other person publicly.

SECTION 1-3. *Window Peeping.* It shall be unlawful for any person to trespass upon the property owned or occupied by another in the Town of Otis for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building.

SECTION 1-4. *Fines and Penalties.* Any person or business entity in violation of this Ordinance shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 158.

AN ORDINANCE ESTABLISHING CERTAIN ACTS AS MISCELLANEOUS OFFENSES AGAINST THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof; and

WHEREAS, Section 31-15-401(e), C.R.S., authorizes the Board to prevent and suppress riots, routs, affrays, noises, disturbances, and disorderly assemblies in any public or private place.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. The following acts shall be regulated in accordance with the following:

SECTION 1-1. *Disturbing the Peace.* 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, or by loud or unusual noises, or by unseemly, profane, o, 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 person or to permit any such conduct in any house or upon any premises owned or possessed by him or her under his or her management and/or control, when within his power to prevent, so that others in the vicinity are or may be disturbed thereby.

SECTION 1-2. *Police Officers and Code Enforcement Officers.*

- (a) It shall be unlawful for any person to knowingly and willfully obstruct, resist, interfere with or oppose any police officer or Code Enforcement Officer, or other person duly authorized, when such officer is engaged in the performance of his or her duties.
- (b) It shall be unlawful for any person to consul, aid, or assist any person in resisting any Police Officer or Code Enforcement Officer or obstructing the due administration of public justice.

SECTION 1-3. *Rescuing a Prisoner.* It shall be unlawful for any person to rescue or attempt to rescue any prisoner in custody, on lawful process, or in the custody of any officer who is authorized to make arrests.

SECTION 1-4. *Misprision.* It shall be unlawful for any officer of the Town of Otis, Colorado to willfully fail or refuse to perform the duties of his or her office.

SECTION 1-5. *Penalties and Fines.* Any person or business entity in violation of this Ordinance shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted. Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 159.

AN ORDINANCE ESTABLISHING VARIOUS OFFENSES RELATED TO MINORS IN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. The following offenses relating to minors shall be unlawful:

SECTION 1-1. Curfew.

- (a) Parent's Responsibility. It shall be unlawful for any parent, guardian or other person having care or custody of any child under the age of eighteen (18) years to allow or permit any such child to be or remain upon any street, alley or public place subsequent to the hour of 10:00 P.M. or prior to the hour of 5:00A.M., except for lawful employment or unless there exists a reasonable necessity therefore; or unless such child is accompanied by the parent, guardian or other person twenty-one (21) years or older having permission of the parent or guardian to have custody and care of such child, provided that on Friday and Saturday nights the curfew hours for children between the ages of sixteen (16) and eighteen (18) years shall be extended to the hour of 1:00 A.M. with the permission of a parent or guardian.
- (b) Child's Responsibility. It shall be unlawful for any child under the age of eighteen (18) years to be or remain upon any street, alley or other public place subsequent to the hour of 10:00 P.M. or prior to the hour of 5:00A.M., except for lawful employment or unless there exists a reasonable necessity therefore; or unless such child is accompanied by the parent, guardian or other person twenty-one (21) years or older having permission of the parent or guardian to have custody and care of such child, provided that on Friday and Saturday nights the curfew hours for children between the ages of sixteen (16) and eighteen (18) years shall be extended to the hour of 1 :00 A.M. with the permission of a parent or guardian.

SECTION 1-2. Penalties and Fines. Any person or business entity in violation of this Ordinance shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further detennines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. Effective Date. This ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered
Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 160.

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE DISPLAY AND SALE OF FIREWORKS WITHIN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Fireworks within the Town of Otis shall be regulated according to the following:

SECTION 1-1. Definitions.

- (a) The term "fireworks" shall include the following: fireworks which shoot into the air, fountains, pinwheel, sparklers or torches.
- (b) The term "business entity" shall include the following: corporation, organization, association, whether for profit or not.

SECTION 1-2. License Requirements. A person or business entity shall not display, offer for sale, nor sell at retail any type of fireworks, without a license issued by the Town of Otis, Colorado. Any such fireworks license may be obtained from the Town of Otis, at Town Hall during regular business hours, by applying for the same by filling out the application provided by the Town of Otis and a payment of the fees as required by the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of application.

SECTION 1-3. Duration of Restriction. A fireworks license is only valid from June 24 to July 5, inclusive, of each year.

SECTION 1-4. Penalties and Fines. Any person or business entity in violation of either Section 1-2 or Section 1-3. shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. Effective Date. This ordinance shall become effective on the date it is adopted. Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 161.

AN ORDINANCE CONCERNING BURNING OF RUBBISH, REFUSE AND TRASH WITHIN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof; and

WHEREAS, Section 31-15-401 (q)(l), C.R.S., authorizes the Board of Trustees of the Town of Otis (the "Board,) to make and publish ordinances to control and limit fires, including but not limited to the prohibition, banning, restriction, or other regulation of fires and the designation of places where fires are permitted, restricted, or prohibited.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Burning of rubbish, refuse and trash within the Town of Otis shall be regulated according to the following:

SECTION 1-1. Definitions. The terms "trash," "refuse," "garbage," and "rubbish" are used interchangeably and shall mean to include, but are not limited to the following: any dead yard residue, grass clippings, leaves, hay, straw, shavings, excelsior, paper, clothing, animal waste, ashes, containers, boxes, glass, cans, bottles, garbage, waste, discarded building and construction materials, and any other worthless or discarded material or object; and any other materials commonly known as rubbish or refuse or trash of any kind or character or by any means known.

SECTION 1-2. Burning. No person shall burn or allow the burning of refuse, rubbish, trash, garbage, wastepaper, wood, or other flammable material on any open premises, or on any public street, alley, or other land adjacent to such premises, or in any barrel or other trash receptacle. Yard residue may be burnt only after obtaining a permit granted by the Town Clerk or its appointed officer, when such burning shall be done under such proper safeguards as the Town Code Enforcement Officer may direct as to time and weather.

SECTION 1-3. Enforcement. Violation of any section of this Ordinance will result in a notice being served upon the owner, tenant, occupant, or user of such property on which the violation occurs. Such notice shall state the violation and fine amount.

SECTION 1-4. Compliance with Notices. It shall be unlawful for any person to fail to comply with the requirements of any notice given pursuant to this ordinance.

SECTION 1-5. Penalty and Fines. Any person who violates or who fails to comply with any notice issued pursuant to the provisions of this ordinance, upon being found guilty of a violation, shall be subject to the Schedule of Fines and Costs as set for by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 1-6. Legal Remedy to Collect Fines. The amount due for a violation of this ordinance shall become a lien against said property until the same is paid; provided that, in case of failure to pay such assessment within thirty days after the same shall be made, the town clerk shall certify such assessment for the current year, to be collected in the same manner as other taxes are collected, with a ten percent (10%) penalty for cost of collection.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 5th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 162.

AN ORDINANCE ESTABLISHING VARIOUS OFFENSES RELATED TO THE PUBLIC ORDER AND SAFETY IN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. The following acts relating to the public order and safety shall be regulated in accordance with the following:

SECTION 1-1 . *False Alarm.* It shall be unlawful for any person, in the Town of Otis, who intentionally makes or gives a false alarm of fire.

SECTION 1-2. *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 for any person to commit an assault on the person of another.

SECTION 1-3. *Vagrancy.* It shall be unlawful for any person to wander about the streets, alleys and public places or upon the private property of another without any visible or lawful business and refuses to identify himself or herself to a police officer.

SECTION 1-4. *Disturbing Religious Worship.* It shall be unlawful for any person to wantonly disturb any religious assembly.

SECTION 1-5. *Concealed Weapons.* It shall be unlawful for any person, except peace officers, to carry concealed a dangerous weapon.

SECTION 1-6. *Displaying a Weapon.* It shall be unlawful for any person, except peace officers, to discharge firearms or air guns, or display in a threatening manner any dangerous weapon.

SECTION 1-7. *Throwing Stones or Missiles.* It shall be unlawful for any person to throw or shoot any stone or other missile at or upon any person, building structure, tree or shrub.

SECTION 1-8. *Dance Security.* It shall be unlawful for any person, firm, or corporation in charge of a dance not to provide security therefore.

SECTION 1-9. *Penalties and Fines.* Any person or business entity in violation of this Ordinance shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, detennines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. *Effective Date.* *This ordinance shall become effective on the date it is adopted.*

Introduced, Read on First Reading this 4th day of April, 2005. Read on Second Reading, Passed and Ordered Published for three weeks this 3rd day of May, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 163.

AN ORDINANCE TO REPEAL ORDINANCE NO. 155 OF THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, the Town desires to exercise this authority and repeal certain ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. *Ordinances Repealed.*

- a. ***Ordinance No. 155***, AN ORDINANCE DEFINING AND REGULATING PUBLIC NUISANCES WITHIN THE TOWN OF OTIS, COLORADO, is hereby repealed.

SECTION 2. Safety Clause. The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. Severability. If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. Effective Date. This ordinance shall become effective on the date it is adopted.

Introduced and Read on First Reading the 1st day of November, 2005. Read on Second Reading and Passed, the 6th day of December , 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 164.

AN ORDINANCE DEFINING AND REGULATING PUBLIC NUISANCES WITHIN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, pursuant to Section 31-15-401(l)(c), the Town possesses the express authority to declare nuisances, abate the same, and impose fines in relation thereto; and

WHEREAS, the Town desires to exercise this authority and regulate public nuisances within the Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Public nuisances located within the Town of Otis shall be regulated according to the following:

SECTION 1-1. Definitions.

- A. "Animals"** are any cow, horse, donkey, mule, sheep, hog, goat, rabbit or any other domestic animal.
- B. "Dangerous Building or Structure"** is any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid which is so decayed, broken down, disintegrated, dilapidated or poorly constructed as to constitute a fire or safety hazard to person and property within its vicinity.
- C. "Inoperable Vehicle"** is a vehicle that is not capable in its present condition of being promptly started and driven under its own power.
- D. "Junk Vehicle"** is a vehicle which is inoperable, or does not have a current license plate, or does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law, or which lacks one or more of the following items which is otherwise standard factory equipment on any particular vehicle model:
 - i. Windshield
 - ii. Side or rear window
 - iii. Door
 - iv. Fender
 - v. Headlamp
 - vi. Muffler
 - vii. Wheel
 - viii. Properly inflated tire
- E. "Poultry"** includes, but is not limited to chickens, ducks, geese, turkeys, and other fowl.

- F. "Public Nuisance"** is a substance, act omission, occupation, condition or use of property which is of such nature and continues for such length of time as to substantially annoy, injure or endanger the comfort, health, repose or safety of the public, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the Town, in any one or more of the following particulars:
- i. By reason of being a menace, threat and/or hazard to the general health, comfort and safety of the community.
 - ii. By reason of being a fire hazard.
 - iii. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
 - iv. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
 - v. By reason of interfering with, obstructing or tending to obstruct or render dangerous for passage any lake, stream, canal or other body of water, public park, street, alley or other public way.
 - vi. By reason of being offenses which are known to the common law of the land and statutes of Colorado as nuisances.
- G. "Vehicle"** means any automobile, truck, trailer, tractor, motorcycle, or any other means of transportation, regardless of method of propulsion, which as originally built contained an engine.
- H. "Weeds"** are those plants identified as noxious weeds by the Commissioner of the Department of Agriculture by rule as provided by the Colorado Noxious Weed Act, C.R.S. § 35-5.5-101 *et seq.*, and any weeds, grasses or other rank, offending or undesired vegetation regarded as a common nuisance or posing a public health or safety hazard which has grown to a height in excess of six (6) inches above ground level. This definition shall not include cultivated plants in flower and vegetable gardens or small grain plots such as those planted with wheat, barley, oats or rye.

SECTION 1-2. Declared Nuisances. The following matters are declared to be public nuisances, regardless of location, except where indicated below:

- A. Junk or Inoperable Vehicles.** A junk vehicle or inoperable vehicle which has remained on the same property for thirty (30) or more consecutive days, unless such vehicle is located in any one of the following locations:
- i. In an enclosed building; or
 - ii. Behind or within a storage structure or a 6 foot tall fence which does not obstruct traffic flow, which completely shields the junked or inoperable vehicle for the view of any other parcel of property, is hereby declared a public nuisance.
- B. Vacant Buildings.** It is declared a public nuisance for the owner of any vacant building to fail to secure means of entry into such building within seventy-two (72) hours after notice is given by the town.
- C. 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 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 hereby declared to be public nuisances.

- D. 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 of Otis is hereby declared a public nuisance.
- E. Stale matter.** The accumulation of any stale, putrid or stinking fat or grease or other matter is hereby declared to be a public nuisance.
- F. 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 inlet or privy vault to become noxious or offensive to others or injurious to public health, are hereby declared to be public nuisances.
- G. Dead animals.** The body of any animal which has died and which is un-disposed of after twenty-four (24) hours after death is hereby declared to be a public nuisance.
- H. Stagnant ponds.** Any cellar, vault, drain, sewer, pond of water or other place in the Town of Otis 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 public nuisance. This applies in all cases for which no other specified provisions are made in this Section or any other Ordinance of the Town of Otis.
- I. Open wells, cisterns or excavations.** It is hereby declared that excavations exceeding five (5) feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five (5) feet. Any well or cistern on any property within the limits of the Town of Otis, whenever a chemical analysis or other proper test or the location of the same shows that the water of the said 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.
- J. Unused appliances.** Any unused refrigerator, washer, dryer, freezer or other appliance within any accessible yard or lot within the limits of the Town of Otis without the door of the same being removed is hereby declared a public nuisance.
- K. Transporting of garbage or manure.** The transport of manure, garbage, swill or offal upon any street in the Town of Otis in a vehicle, which is not fitted with a substantially tight enclosed box thereon allowing no portion of such filth to be scattered or thrown into such street, is hereby declared a public nuisance.
- L. Accumulation of trash, garbage, rubbish or refuse.** Any accumulation of trash, garbage, rubbish, refuse or other waste or discarded material including, but not limited to the following: any dead yard residue, grass clippings, leaves, trees, bushes, hay, straw, shavings, excelsior, paper, clothing, animal waste, ashes, containers, boxes, glass, cans, bottles, garbage, waste, discarded building and construction materials, and any other worthless or discarded material or object; and any other materials commonly known as rubbish or refuse or trash of any kind or character or by any means known, is hereby declared to be a public nuisance.
- M. 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 hereby declared to be a public nuisance. This Section does not apply to a light spread of manure upon lawns or gardens or which is plowed under the surface of the ground.
- N. Animals and Poultry Pens and Enclosures.** All pens, places, or premises in which any number of animals or poultry shall be kept within the Town of Otis so as to be offensive or an annoyance to any person is hereby declared a public nuisance.
- O. Accumulation of metals.** Any piling, storing or accumulation of old iron, brass, copper, tin, lead or other base metals, or any combination of base metals, or any scrap metal such as unused metal machinery, tools, or equipment, that endangers the public health and safety is hereby declared to be a public nuisance.

P. Weeds

SECTION 1-3. *Unlawful Acts.* It shall be unlawful for any owner, lessee, agent, occupant or person in possession or control of all or any portion of an occupied or unoccupied lot or tract of land within the Town of Otis to permit, allow, maintain, or fail to eliminate and remove from such lot or tract of land, a public nuisance.

SECTION 1-4. *Right of Entry.* The Code Enforcement Officer responsible for the enforcement of this ordinance or his or her designee is hereby authorized to enter upon private property for the purpose of ascertaining the existence of a public nuisance when:

- A.** Necessary to make an inspection to enforce any of the provisions of this ordinance, or whenever an authorized representative of the Town of Otis shall have reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance hereunder, the Code Enforcement Officer or his or her designee may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on them. If such building or premises is occupied, the Code Enforcement Officer or his or her designee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the Code Enforcement Officer or his or her designee 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 and demand entry. If entry is refused, such person shall give 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 (24) 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 of Otis or a Judge of any other court having jurisdiction.
- B.** After expiration of said twenty-four (24) hour period from the giving or leaving on notice, the Code Enforcement Officer or his or her designee, may appear before the Municipal Judge of the Municipal Court of the Town of Otis and, upon a showing of probable cause, shall obtain a search warrant entitling the Code Enforcement Officer or his or her designee to enter such building or go upon such premises. Upon presentation of said search warrant and proper credentials, or, possession of the same in the case of an unoccupied premises, said person may enter into said building or go upon said premises, using such reasonable force as may be necessary to gain entry.
- C.** For the purposes of Subsection 1-4(b), a determination of probable cause will be based upon reasonableness, and if a valid public interest justifies 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 in order to obtain a search warrant. It shall be unlawful for any owner or occupant of said building or premises to resist reasonable force used by any authorized agent pursuant to this Subsection 1-4(c).
- D.** An emergency situation exists in relation to the Enforcement of any of the provisions of this Ordinance, the Code Enforcement Officer or his or her designee, upon a presentation of proper credentials or identification in the case of an unoccupied building or premises, or possession of said credential 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 of Otis. In said emergency situation, such Code Enforcement Officer or his or her designee may use such reasonable force as may be necessary to gain entry into said building or upon said premises.
- E.** The Code Enforcement Officer or his or her designee has obtained the consent of the person in possession of the property.

SECTION 1-5. *Abatement.*

- A.** Each and every nuisance declared or defined by any ordinance of the Town of Otis or otherwise is hereby prohibited, and the Code Enforcement Officer or his or her designee, is hereby authorized, in their discretion, to cause the same to be summarily abated in such manner as they may direct, subject to the limitations herein provided. If any nuisance is found to exist on public property, it shall be the duty of the Town of Otis to abate such nuisance.
- B.** Upon authorization by the Code Enforcement Officer or his or her designee, if any nuisance is found to exist shall cause such imminent danger to the life, limb, property or health as to require immediate abatement, any such nuisance may be summarily abated by action of the Code Enforcement Officer or his or her designee.
- C.** If the case of any nuisance not requiring summary abatement, it shall be the duty of the Code Enforcement Officer or his or her designee .. to cause notice to be served upon the person responsible for 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 Code Enforcement Officer or his or her designee may authorize town officials, inspectors or any other appropriate town employee to issue notice of abatement. The reasonable time for abatement shall not exceed fourteen (14) days unless it appears from the facts and circumstances that compliance could not reasonably be made within fourteen (14) days 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 owner or occupant of the premises upon which said nuisance exists or, if not occupied, then by posting 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 Washington County, Colorado, at the address of such owner as therein shown.
- D.** Extension of Time. The Code Enforcement Officer may, upon written application by the owner or occupant within the owner's abatement period as defined by Subsection 1-5(c) above, grant additional time for the owner to effect the abatement of the public nuisance, provided that such extension is limited to a definite period of time, not to exceed thirty (30) days.
- E.** If, after notification, a nuisance is not voluntarily abated, the following procedures shall apply:
 - i. If the person notified in accordance with Subsection 1-S(c) shall neglect or refuse to comply with the requirements of said notice to abate the nuisance within the time specified, such person shall be guilty of a violation of this Ordinance, and the Code Enforcement Officer or other authorized Town official, 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 Code Enforcement Officer 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 said nuisance existed.
 - ii. When any owner has responsibility for a nuisance and such nuisance shall exist or be found and said owner fails to abate the same after the giving of such notice as provided for in Subsection 1-5(c), within the time limited therein, or as extended, then the Town Attorney or Code Enforcement Officer 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 or proper, including but not limited to the costs and expenses of abatement.

- iii. Upon a judicial determination that a nuisance exists, the Code Enforcement Officer or his or her designee may be authorized to abate such nuisance or cause the same to be abated, employing such forces and persons as may be necessary to abate said nuisance or cause the same to be abated, including the employees of the Town of Otis or by contract or otherwise. All other Town officials and employees are hereby authorized and directed to render such assistance to the Code Enforcement Officer as may be required for the abatement of such nuisance and in connection with the Enforcement thereof.
- iv. Any Officer or employee of the Town of Otis who shall be authorized herein to abate any nuisance specified in this ordinance 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 of Otis, 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 said nuisance. It shall also be the duty of the Town of Otis or any of its representatives to proceed in all abatement cases with due care and without any unnecessary destruction of property.

SECTION 1-6. *Costs of Abatement and Collection Thereof.*

- A. The person or persons responsible for any nuisance within the Town of Otis shall be liable for and pay and bear all costs and expenses of the abatement of said nuisance, which costs and expenses may be collected by the Town of Otis in any action at law, referred for collection by the Town Attorney in his or her discretion or collected in connection with an action to abate a nuisance or assessed against the property as hereinafter provided.
- B. The notice required by this Ordinance 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 (described the same) pursuant to the terms of this Ordinance, referring to this Ordinance, 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 Washington County, Colorado, at the address of such owner as therein shown.
- C. If after the expiration of the period of time provided for in said notice, or as extended, costs or expenses are incurred by or on behalf of the Town of Otis in the abatement or in connection with the abatement of a nuisance, and said costs are not otherwise collected, the Town Treasurer may certify to the Town Clerk the legal description of the property upon which such work was done, together with a statement of the work performed, the date of performance and the costs thereof.
- D. Upon receipt of such a statement from the Town Treasurer, the Town Clerk shall mail a notice to the owner of said premises as shown by said tax roll, at the address shown upon the tax rolls, by first class mail, postage pre-paid, notifying such owner that work has been performed pursuant to this Ordinance, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof (as certified by the Town Treasurer), together with five-percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that if said amount is not paid within thirty (30) days after mailing the notice, it shall become an assessment on and a lien against the property of said owner, describing the same, and will be certified as an assessment against such property, together with ten-percent assessment for costs of collection, and the above-mentioned assessments will be collected in the same manner as a real estate tax upon the property.
- E. If the Town Clerk shall not receive payment within the period of thirty (30) days following the mailing of such notice, the Clerk shall inform the Board of Trustees of such fact, and the Board shall thereupon enact a resolution assessing the whole costs of such work, including a charge of five-percent of said 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 said whole costs for costs of collection.

- F. Following passage of such resolution, the Town 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.

SECTION 1-7. *Cumulative and Nonexclusive Remedies.*

- 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 of Otis, 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 Ordinance shall serve as 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 Ordinance 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.

SECTION 1-8. *Violations and Penalties.*

- A. Whenever in any section of this Ordinance, the doing of any act is required, prohibited or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm or corporation who shall be convicted of a violation of any such section shall be subject to the Schedule of Fines and Costs as set forth by Resolution of the Board of Trustees of the Town of Otis, Colorado, in effect at the time of the violation.
- B. Any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in, or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of twenty-four (24) hours continuance of such nuisance after due notice give to abate the same.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 1st day of November, 2005. Read on Second Reading, Passed and Ordered Published this 6th day of December, 2005.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 165.

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 12 OF THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Ordinance No. 12 shall be amended as follows:

SECTION 1-1. *Repeal of Section 3.* The Board of Trustees hereby repeals Section 3 of Ordinance No. 12.

SECTION 1-2. *New Section 3.* The Board of Trustees hereby enacts the following:

SECTION 3. The-order of business at a meeting shall be as follows:

1. CALL TO ORDER
2. AGENDA
3. GUESTS: CITIZENS RECOGNITION AND INTRODUCTION / PUBLIC COMMENT
4. PUBLIC HEARING
5. MINUTES
6. BILLS
7. REPORTS
 - a. PARKS / REC.
 - b. SUMMER REC.
 - c. FIRE DEPARTMENT
 - d. MAINTENANCE
 - e. CODE ENFORCEMENT/ANIMAL CONTROL
8. UNFINISHED BUSINESS
9. NEW BUSINESS
10. ATTORNEYREPORT
11. TOWN CLERK REPORT
12. MISCELLANEOUS
 - a. Next council meeting:
13. ADJOURNMENT

SECTION 1-3. *Repeal of Section 13.* The Board of Trustees hereby repeals Section 13 of Ordinance No. 12.

SECTION 1-4. *New Section 13.* The Board of Trustees hereby enacts the following:

Section 13. The Mayor at the first regular meeting in April in each year shall appoint members of the Board of Trustees to the following standing committees: Streets and Water; Finance and Insurance; Parks and Recreation; Fireman's Pension; Public Safety; Zoning; County Road and

Streets. Special committees may be appointed from time to time as the needs of the Board may require.

SECTION 1-5. *Repeal of Section 17.* The Board of Trustees hereby repeals Section 17 of Ordinance 12.

SECTION 1-6. *New Section 17.* The Board of Trustees hereby enacts the following:

Section 17. A quorum shall consist of four members of the board of trustees. The board of trustees consists of the mayor and six trustees. No business shall be transacted except when a quorum is present, but a smaller number may adjourn the meeting to another time.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or this application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted.

Introduced, Read on First Reading this 6th day of February, 2007. Read on Second Reading and Passed this 6th day of March, 2007.

Town of Otis, Colorado, a Colorado
Municipal Corporation

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Denise Bernhardt, Town Clerk.

TOWN ORDINANCES

Ordinance No. 166.

AN EMERGENCY ORDINANCE ENACTING A MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ANY APPLICATION FOR A TOWN OF OTIS PERMIT OR LICENSE RELATED TO THE OPERATION OF A BUSINESS OR COOPERATIVE THAT SELLS, DISPENSES, OR CULTIVATES MEDICAL MARIJUANA PURSUANT TO THE AUTHORITY GRANTED BY ARTICLE XVIII, SECTION 14 OF THE COLORADO CONSTITUTION

WHEREAS, the voters of the state of Colorado have previously adopted Amendment 20 of the Colorado Constitution, now codified in Article XVIII, Section 14 of the Colorado Constitution, which creates a limited defense to the criminal prosecution of the possession, sale and use of medical marijuana; and

WHEREAS, the possession, sale and use of marijuana is prohibited pursuant to federal law; and

WHEREAS, the current federal administration recently announced its policy decision not to prosecute possession, sale and use of marijuana when such marijuana is being used to treat a medical condition in states, such as Colorado, which have adopted medical marijuana laws; and

WHEREAS, the text of Article XVIII of the Colorado Constitution and the new policy direction of the federal administration create much room for interpretation as to how the sale of medical marijuana can be safely and effectively regulated; and

WHEREAS, to address the ambiguity created, the Colorado legislature is currently drafting law, anticipated to be adopted by the end of the 2010 legislative session, which is anticipated to create state standards for the sale, dispensing and/or cultivating of medical marijuana; and

WHEREAS, the Board of Trustees ("Board") of the Town of Otis ("Town") believes it is the most prudent course of action to enact a moratorium on the permitting or licensing of any business or cooperative, or any similar organization, that sells or cultivates medical marijuana until the state has adopted any laws on the same subject that it deems necessary and proper; and

WHEREAS, following the close of the 2010 legislative session, the Board will review the issue of imposing Town regulations on the sale of medical marijuana in light of any newly adopted legislation; and

WHEREAS, the Board desires to enact this moratorium which shall be in place until February 3, 2011, unless such date is further amended by subsequent ordinance; and

WHEREAS, the Board declares the subject matter of this ordinance to be an emergency due to the increased public interest in such permits and licenses.

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

Findings and intent. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Board of Trustees of the Town of Otis.

Moratorium on the submission, acceptance, processing or approval of applications for permits and licenses related to businesses that sell, dispense or cultivate medical marijuana. Upon the adoption of this Ordinance, a Town-wide moratorium shall be enacted on the issuance of Town of Otis permits and licenses related to the operation of a business or cooperative (or similar operation) that sells, dispenses or cultivates medical marijuana pursuant to the Authority granted by Article XVIII, Section 14 of the Colorado Constitution. Town staff is directed to refusing to accept for filing, and not to process or review, any new applications for a business or cooperative (or similar operation) that sells, dispenses or cultivates medical marijuana (sometimes known as "medical marijuana dispensaries") during the moratorium period.

SECTION 3. *Emergency Declared.* Pursuant to C. R.S. § 31-16-105 hereby finds, determines, and declares that this Ordinance is necessary for the immediate preservation of public peace, health and safety. Specifically, the immediate effectiveness of this Ordinance is necessary to allow the Board to study and make appropriate rules and regulations concerning businesses or cooperatives that sell, dispense or cultivate medical marijuana.

SECTION 4. *Authority.* The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance pursuant to: (i) the Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.; (ii) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers); (iii) Section 31-15-103, C.R.S. (concerning municipal police powers); (iv) Section 31-15-401, C.R.S. (concerning municipal police powers); and (v) Section 31-15-501, C.R.S. (concerning municipal power to regulate businesses).

SECTION 5. *Severability.* Should any one or more sections or provisions of this Ordinance or of Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

SECTION 6. *Repealer.* Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

SECTION 7. *Effective Date.* This Ordinance shall take effect immediately and be published by title as provided by C.R.S. § 31-16-105.

INTRODUCED, READ, ADOPTED AS AN EMERGENCY ORDINANCE this 2nd day of February, 2010.

Sue Stackhouse. Mayor. TOWN OF OTIS, COLORADO

ATTEST: Brandee Bullard, Town Clerk / Treasurer

TOWN ORDINANCES

Ordinance No. 167.

AN ORDINANCE CONTRACTING RESIDENTIAL WASTE SERVICES.

WHEREAS, pursuant to C.R.S. § 30-15-401 , the Town is authorized to require use of and impose a fee for residential waste services; and

WHEREAS, the Town has completed all necessary statutory procedures to require use of and impose a fee for residential waste services; and

WHEREAS, the Town Council hereby finds that the following amendments to the Otis Municipal Code are necessary to require use of and impose a fee for residential waste services.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF OTIS, COLORADO:

SECTION 1. Trash services located within the Town of Otis shall be regulated according to the following:

SECTION 1-1. Definitions.

Residential waste services means the collection and transportation of ashes, trash, waste, rubbish, garbage, or any other discarded materials from sources other than industrial or commercial establishments or multi-family residences with eight (8) or more units.

Commercial by ordinary definition includes activities as "designed for profit."

Industrial by ordinary definition includes activities as "a department or branch of a craft, art, business, or manufacture."

SECTION 1-2. Rubbish- Collection requirements.

- (a) Rubbish containers shall be provided for each property by the owner, tenant, lessee or occupant of the property, or by the agent or contractor of any of the foregoing. Rubbish containers shall be of a kind suitable for collection purposes, and shall not exceed manufacturer's recommended weight.

SECTION 1-3. Town residential waste services.

- (a) The Town, its contractors, or Town licensed operators shall furnish residential waste services as provided herein for all persons resident within the Town, except those specifically excluded in Section 7-4.
- (b) All residential waste shall be placed in containers as provided in Section 7-2 of this Article by the owner, tenant, or occupant of each residence. Containers shall be placed on a schedule as established by the Town.
- (c) Hazardous or bulky waste material not in conformance with Section 7-2 shall be removed by private arrangement with the Town's residential waste services provider or another licensed provider authorized to haul trash within the Town, or by the resident in accordance with Section 7-6. The Town shall have no obligation to collect or transport hazardous materials, any waste material not in a proper container, or any containers not properly placed for collection.
- (d) It is unlawful for any person to set out or allow to be set out, deposited, or stored for pickup any rubbish other than that which has accumulated from normal usage of the premises upon which such rubbish is set out, deposited, or stored for pickup.
- (e) It is unlawful for any person to place in a container for pickup any rubbish that has not been wrapped tightly and sealed in paper or plastic.

SECTION 1-4. *Exceptions to service.*

- (a) Except as otherwise provided in this Article, the Town shall not provide residential waste service to those premises requiring special equipment or containers.
- (b) All commercial, industrial, and multi-family premises containing eight (8) or more units are excluded from Town residential waste service.
- (c) The Town, or any agent or contractor acting on its behalf, may enter into negotiations with the owners or occupants of any such premises, including out-of-Town users, excluded from service for the purpose of securing a separate agreement and rate of scheduled payments, based upon the average amount of trash and the frequency of collection.

SECTION 1-5. *Duty of contractors to clean premises.*

Nothing in this Article shall relieve any contractor of the obligation to clean up premises after completion of a contract.

SECTION 1-6. *Rubbish hauling.*

Nothing in this Article shall prevent an individual from hauling the individual's own rubbish, providing it is properly disposed of in conformity with all Town and county regulations.

SECTION 1-7. *Residential waste services fee.*

- (a) The Town Council shall, by resolution, establish the fee to be imposed for residential waste services. The fee shall be imposed on all premises receiving water and sewer service not excluded from service pursuant to Section 7-4, regardless of whether the Town's residential waste services are actually utilized by such premises. The fee shall be billed at the same time as the charge for Town water service to the residence, and such fee shall be due and payable at the same time and place as the charge for water service.
- (b) The fee for residential waste services and the charge for water service are hereby declared to be parts of one debt to the Town insofar as the same affect any one customer or consumer, and the refusal or failure to pay any part of such debt for any period of service shall be sufficient cause for the Town to avail itself of any or all remedies as set forth and in accordance with the provisions of Section 7-7 of this Code.

SECTION 5. The Mayor, Town Administrator and Town Staff are hereby authorized and directed to do all things necessary on behalf of the Town to effectuate the provisions of this Ordinance and for the implementation of Town residential waste collection services, including but not limited to billing residential customers for such service.

SECTION 6. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 7. The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

SECTION 8. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED PUBLISHED AND POSTED IN FULL this 11th day of October, 2011.

PUBLIC HEARING AND SECOND HEARING WILL BE THE 8th DAY OF November, 2011, AT 6:30P.M. AT OTIS TOWN HALL, 102 SOUTH WASHINGTON STREET, OTIS, CO.

READ, ADOPTED ON SECOND READING, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 8th day of November, 2011.

TOWN OF OTIS, COLORADO

Justin D. Smith, Mayor.

ATTEST:

Brandee Bullard, Town Clerk / Treasurer

TOWN ORDINANCES

Ordinance No. 168.

AN ORDINANCE PROVIDING FOR THE REGULATION OF THE TOWN TREE PILE

WHEREAS, the Board of Trustees of the Town of Otis finds it necessary and in the best interest of the residents of the Town of Otis to regulate the use of the Town Tree Pile dump location (the “Town Tree Pile”), which is located near Railroad Street and the 800 block of East 1st Ave in Otis.

WHEREAS, the Colorado Air Pollution Prevention and Control Act (C.R.S. § 25-7-101, et seq.) grants the State Air Pollution Control Division (Division) authority to issue open burning permits and enforce State open burning regulations.

WHEREAS, C.R.S. § 25-7-128(5) also states that the application, operation, and enforcement of valid local air pollution laws shall be completely independent of the application, operation, and enforcement of State air quality control regulations.

WHEREAS, the Board of Trustees desires to enact regulations concerning the materials that may be burned in the Town Tree Pile to help protect public health and the environment. Open burning pollutes the air and poses a fire hazard. The air pollution created can cause serious health problems, obscure visibility, soil nearby surfaces, and create annoying odors.

WHEREAS, burning produces an array of harmful chemicals. Carbon monoxide, hydrocarbons, formaldehyde, dioxin and hundreds of additional chemicals are released when wood and other products are burned. Burning plastics, tires, chemically treated wood products and other man-made materials also produces air pollution and releases toxic chemicals into the air. Tiny particles, commonly called particulate matter, are created in the burning process and can be inhaled into our lungs.

WHEREAS, the air pollutants produced by burning can irritate the eyes, nose and lungs and pose a threat to those who suffer from asthma and other respiratory conditions. These pollutants have been linked to several other health problems including nervous system damage, kidney and liver damage, and reproductive and developmental disorders.

WHEREAS, for these reasons, the Board of Trustees desires to prohibit the burning of material that contains food wastes, plastic, coated or treated wood products, rubber, insulation, tires, car bodies, insulated wire, motor oil, aerosol cans, hazardous or toxic materials, or other materials that will produce substantial amounts of smoke and particulates in the Town Tree Pile.

WHEREAS, the Board of Trustees also desires to prohibit the burning of wood residue, which includes bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing in the Town Tree Pile.

WHEREAS, the Board of Trustees also desires to prohibit the burning of construction debris (includes both clean and treated wood), the burning of buildings or structures for demolition purposes, and the burning of material for which a practical alternative method of disposal exists in the Town Tree Pile.

THEREFORE it is hereby ordained by the Board of Trustees for the Town of Otis, Colorado:

Section 1 Authorized Items; Prohibited Items

A. Items which can be placed in the Town Tree Pile are tree limbs and branches from trees and plants that are no larger than six (6) inches in diameter; brush, grass clippings, plant debris from gardens, and the like which do not contain any of the items listed in Subsection C, below.

B. The placement of tree limbs and branches that are larger than six (6) inches in diameter in the Town Tree Pile must first be approved by the Town Clerk and a permit given for the placement of said items within the Town Tree Pile. The Board of Trustees shall establish the permit fee from time to time by resolution.

C. The following items are prohibited from being placed in the Town Tree Pile: material that contains food wastes; plastic; coated or treated wood products; rubber; insulation; tires; car bodies; insulated wire; motor oil; aerosol cans; hazardous or toxic materials; any materials that will produce substantial amounts of smoke and particulates; wood residue, which includes bark, sawdust, slabs, chips, shavings, mill trim, and other wood products derived from wood processing; construction debris (includes both clean and treated wood); buildings or structures for demolition purposes; and any material for which a practical alternative method of disposal exists

Section 2 Authorized Users

Only residents receiving Town services (water, sewer, or trash) may place allowed items within the Town Tree Pile. Non-residents may apply for a permit to dispose of approved items by contacting the Town Clerk and purchasing a permit. The Board of Trustees shall establish the permit fee from time to time by resolution.

Section 3 Commercial Users

The definition of a Commercial User is anyone who is being paid or receiving compensation, money or other consideration, for the purpose of removing trees or vegetation from a resident's property. Commercial Users may apply for permit to dump allowed items into the Town Tree Pile. Permit criteria and fees will be established by the Board of Trustees from time to time by resolution.

Section 4 Fines for Unauthorized Use

Persons convicted of violating this ordinance may be ticketed and fined up to \$1,000 per violation and can be sentenced up to ninety (90) days in jail.

Section 5 Posting of Signage

At the location of the Town Tree Pile, there shall be posted a sign referencing this ordinance including the penalties for unauthorized dumping. However, the absence of any such sign at the Town Tree Pile shall not be a defense to any person violating the provisions of this ordinance.

Section 6 Invalid or Unconstitutional

If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 7 Repeal or Modification

The repeal or modification of any provision of any prior ordinance by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 8 Conflicting Ordinances

All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

READ, ADOPTED, APPROVED, SIGNED, AND ORDERED PUBLISHED BY TITLE this 13th DAY OF November, 2012.

TOWN OF OTIS, COLORADO

Justin D. Smith, MAYOR

ATTEST:

Babette Jamison, TOWN CLERK

TOWN ORDINANCES

Ordinance No. 169.

AN ORDINANCE REPEALING AND REENACTING ORDINANCE NO. 118 CONCERNING THE CREATION OF A MUNICIPAL COURT OF RECORD WITHIN THE TOWN OF OTIS

WHEREAS, the Board of Trustees of the Town of Otis previously adopted Ordinance No. 118, which created a municipal court of record within the Town; and

WHEREAS, the Board of Trustees desires repeal and reenact that ordinance and update the provisions thereof.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

SECTION 1. The Board of Trustees hereby adopts the following provisions regarding its municipal court, which provisions may be referred to as the “Municipal Court Ordinance of the Town of Otis:”

Municipal Court

- Section 1. Creation**
- Section 2. Jurisdiction and powers**
- Section 3. Municipal Judge**
- Section 4. Qualifications**
- Section 5. Oath**
- Section 6. Compensation of Judge; operating expenses**
- Section 7. Court Clerk**
- Section 8. Record of proceedings**
- Section 9. Rules of procedure**
- Section 10. Contempt power**
- Section 11. Sentencing alternatives**
- Section 12. Court costs**
- Section 13. Transcript costs**
- Section 14. Penalties and violations**

SECTION 1-1. Creation

A Municipal Court in and for the Town is hereby created and established and is hereby designated as a qualified municipal court of record as provided in Section 13-10-102(3), C.R.S.

SECTION 1-2. Jurisdiction and powers.

The Municipal Court shall have original jurisdiction of all cases arising under the ordinances of the Town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as are prescribed by law, ordinances or court rule. The Municipal Court shall have the power to compel the attendance of witnesses and to punish for contempt of court by a fine or a jail sentence, or both, and shall have all the powers incident to a court of record in relation to same. It shall have the power to enforce subpoenas issued by any board, commission, hearing officer or other body or officer of the Town authorized by law or ordinance to issue subpoenas.

SECTION 1-3. Municipal Judge.

- (a) The Board of Trustees, after each biennial election in accordance with state statute, shall appoint a

Municipal Judge. The Municipal Judge shall preside over the Municipal Court until the next biennial election. In case of a vacancy, the Board of Trustees shall appoint a qualified person to serve as Municipal Judge until the next biennial election.

- (b) Any Municipal Judge may be removed by a majority vote of all members of the Board of Trustees during his or her term of office only for cause, as set forth in Section 13-10-105(2), C.R.S.

SECTION 1-4. Qualifications.

The Municipal Judge shall be a qualified attorney who is currently admitted to and licensed in the practice of law in the State.

SECTION 1-5. Oath.

Before entering upon the duties of his or her office, the Municipal Judge shall take and be authorized to administer oaths, and file with the Board of Trustees an oath or affirmation that he or she will support the Constitution of the United States, the Constitution of the State and the ordinances of the Town and will faithfully perform the duties of his or her office.

SECTION 1-6. Compensation of Judge; operating expenses.

- (a) The approved compensation of the Municipal Judge shall be an amount of \$500.00 for one (1) to four (4) cases and \$750.00 for five (5) or more cases per month, subject to applicable deductions.
- (b) The Board of Trustees shall from time to time budget and appropriate such moneys as it deems fit for the operation of the Municipal Court.

SECTION 1-7. Court Clerk.

- (a) The position of Municipal Court Clerk is hereby established and shall be appointed by the Municipal Judge and shall have such duties as are delegated by the Municipal Judge, law, or court rule. If the business of the Municipal Court is insufficient to warrant a separate full-time or part-time clerk, the Municipal Judge may serve as ex officio Clerk.
- (b) The approved compensation of the Municipal Court Clerk shall be an amount of the hourly wage of the Town Clerk, subject to applicable deductions, except that if the Municipal Judge serves as ex officio Clerk, he or she shall not receive any additional compensation.
- (c) The Municipal Court Clerk shall post bond as may be required by state statute.

SECTION 1-8. Record of proceedings.

All proceedings and evidence at trials before the Municipal Court shall be recorded verbatim through the use of an electronic recording device or stenographic means. In the event either the defendant or the Town desires a stenographic record, the cost of making such a record shall be assessed as a court cost by the Municipal Judge against the party making the request.

SECTION 1-9. Rules of procedure.

The procedures of the Municipal Court shall be in accordance with state statutes and with the Colorado Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court. The presiding Municipal Judge shall have authority to issue local rules of procedure not inconsistent with any rules of procedure adopted by the Colorado Supreme Court.

SECTION 1-10. Contempt power.

- (a) Any person who fails to appear in response to any summons or subpoena served on such person commits contempt of court and upon proof thereof, in a hearing appropriate to the case, is subject to a fine of not more than one thousand dollars (\$1,000.00), a sentence of not more than ninety (90) days in jail or both such fine and imprisonment.
- (b) The Municipal Judge may punish other contempts of court by a fine of not more than one thousand dollars (\$1,000.00), imprisonment of not more than twenty days in jail or both such fine and imprisonment upon proof thereof, after a hearing appropriate to the case.

SECTION 1-11. Sentencing alternatives.

Within the limitations of the penalties provided for the offense of which a person is found guilty or pleads guilty or no contest and subject to the provisions of this Ordinance, the Municipal Court has the following alternatives, which are not mutually exclusive, in entering judgment and imposing sentence:

- 1) The defendant may be sentenced to pay a fine, within the minimum and maximum sentence authorized.
- 2) All or part of the sentence may be suspended upon such terms and conditions as may be ordered by the Municipal Court.
- 3) The Municipal Court, with the consent of the defendant and the prosecution, may defer judgment and sentence for a term not longer than one (1) year.

SECTION 1-12. Court costs.

The Municipal Court shall have the power to assess the following court costs and fees, in addition to fines, penalties and sentencing alternatives set forth in Section 10 above:

- 1) Court costs in the amount of thirty dollars (\$30.00).
- 2) Jury trial costs in the amount of fifty dollars (\$50.00).
- 3) An outstanding judgment warrant fee in the amount of thirty dollars (\$30.00).
- 4) A bench warrant fee in the amount of thirty dollars (\$30.00).
- 5) A default judgment fee in the amount of thirty dollars (\$30.00).
- 6) Upon the entry of any deferred prosecution, deferred judgment and sentence, or where the defendant is placed on probation, the Municipal Court may assess a supervision fee in the amount of twenty-five dollars (\$25.00).
- 7) For any stay of execution entered by the Municipal Court, the Municipal Court may assess an administrative fee in the amount of ten dollars (\$10.00).

SECTION 1-13. *Transcript costs.*

Upon request for a transcript of proceedings of the Municipal Court, the Municipal Court Clerk shall be responsible for causing preparation of the same. The actual cost for preparation of the transcript shall be paid by the person making such request.

SECTION 1-14. *Penalties and violations.*

- (a) No person shall violate any of the provisions of the ordinances of the Town. Except in cases where a different punishment is prescribed by any ordinance of the Town, any person who violates any of the provisions of the ordinances of the Town shall be punished by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.
- (b) Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Town is committed, continued or permitted by any such person, and he or she shall be punished accordingly.
- (c) A child under 18 years of age convicted of violating a municipal ordinance, found to be in violation of lawful order of the Municipal Court, may be confined as provided in state law.

SECTION 2. Ordinance No. 118 is hereby repealed in its entirety.

SECTION 3. If any portion of this Ordinance is held to be invalid for any reason, such decisions shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

SECTION 4. The repeal or modification of any portion of any ordinance of the Town of Otis by this Ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

SECTION 5. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL, by the Board of Trustees of the Town of Otis, Colorado this 13th day of November, 2012.

Justin D. Smith, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN ORDINANCES

Ordinance No. 170.

AN ORDINANCE CONCERNING THE POSITION OF THE COMMUNITY SERVICE OFFICER

WHEREAS, the Board of Trustees desires to create the position of Community Service Officer; and

WHEREAS, the Board of Trustees desires to clarify and delineate the responsibilities of the Community Service Officer.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

SECTION 1. The Board of Trustees hereby adopts the following provisions regarding the Community Service Officer position, which provisions may be referred to as the “Community Service Officer Ordinance of the Town of Otis:”

Community Service Officer

- | | |
|-------------------|---------------------------|
| Section 1. | Selection; removal |
| Section 2. | Compensation |
| Section 3. | Oath |
| Section 4. | Powers and duties |

SECTION 1. *Selection; Removal.*

The Board of Trustees may hire a Community Service Officer who shall serve at will for an indefinite term at the pleasure of the Board of Trustees. The Community Service Officer may be removed at any time without cause by a majority vote of the entire Board of Trustees. The Community Service Officer need not be a “peace officer” as defined by Title 18, C.R.S.

SECTION 1-2. *Compensation.*

The compensation of the Community Service Officer shall be as established by the Board of Trustees.

SECTION 1-3. Oath.

Prior to assuming office, the Community Service Officer shall take an oath or affirmation to faithfully enforce the ordinances of the Town.

SECTION 1-4. Powers and duties.

- A.** The duties of the Community Service Officer shall be to respond to and/or investigate complaints regarding the violations of the Town’s ordinances regulating the following matters:

- 1) Animals
- 2) Burning of Refuse and Trash
- 3) Curfew
- 4) Fireworks
- 5) Nuisances; Weeds
- 6) Tree Pile
- 7) Water Use and Restrictions

- B.** In addition to the responsibilities set forth in subsection A of this section, the Community Service Officer shall perform such other duties as required by the Board of Trustees.
- C.** The Community Service Officer shall be empowered to issue verbal and/or written warnings for violations of the Town's ordinances and may issue summonses and complaints commanding violators to appear in the Municipal Court. Solely for the purpose of the issuance of a summons and complaint or penalty assessment notice for offenses within the scope of the Community Service Officer's responsibilities pursuant to subsection A of this section, and for no other purpose, the Community Service Officer shall be deemed to be a "peace officer" within the meaning of the Colorado Municipal Court Rules of Procedure.
- D.** The Community Service Officer shall not have any arrest power and shall not be authorized to carry any firearm.
- E.** Nothing in this ordinance shall be construed to limit the authority of or to deprive any police officer of the power to enforce any of the ordinances listed in subsection A of this section.

SECTION 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. The repeal or modification of any provision of the Municipal Code of the Town of Otis by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this 13th day of November, 2016.

Justin D. Smith, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN ORDINANCES

Ordinance No. 171.

AN ORDINANCE CONCERNING THE CREATION OF THE TOWN MARSHAL'S OFFICE

WHEREAS, the Board of Trustees desires to create the office of the Town Marshal pursuant to its authority in C.R.S. § 31-4-306; and

WHEREAS, the Board of Trustees desires to clarify and delineate the responsibilities of the Town Marshal's office.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

SECTION 1. The Board of Trustees hereby adopts the following provisions regarding the Town Marshal's Office, which provisions may be referred to as the "Town Marshal's Office Ordinance of the Town of Otis:"

Town Marshal's Office

| | |
|--------------------|--|
| Section 1. | Creation; composition. |
| Section 2. | Office regulations. |
| Section 3. | Town Marshal; appointment and qualifications. |
| Section 4. | Term; removal. |
| Section 5. | Powers and duties of the Town Marshal. |
| Section 6. | Deputy marshals; appointment and duties. |
| Section 7. | Oath. |
| Section 8. | Compensation. |
| Section 9. | Uniforms. |
| Section 10. | Mayoral appointment of deputy marshals. |

SECTION 1-1. *Creation; composition.* There is hereby created a Town Marshal's office for the Town, which shall consist of one (1) Town Marshal and such number of deputy marshals as may from time to time be deemed necessary by the Board of Trustees for the safety and good order of the Town.

SECTION 1-2. *Office regulations.* The Town Marshal's office shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the Board of Trustees.

SECTION 1-3. *Town Marshal; appointment and qualifications.* The Board of Trustees may appoint a Town Marshal who shall be the head of the Town Marshal's office. The Town Marshal shall be certified as a peace officer in accordance with Colorado law and shall be selected on the basis of such other qualifications as are determined by the Board of Trustees. The Board, if desired, may appoint one person to hold the positions of Town Marshal and Community Service Officer. Vacancies shall be filled in the same manner as original appointments.

SECTION 1-4. *Term; removal.* The Town Marshal shall serve an indefinite term, and he or she may be removed by a majority vote of all the members of the Board of Trustees.

SECTION 1-5. *Powers and duties of the Town Marshal.*

- A.** The Town Marshal shall have and exercise all the authority and powers within the Town conferred on such position pursuant to State statutes and Town ordinances. It shall also be the duty of the Town Marshal to:
- 1) See that the ordinances of the Town and the laws of the State are duly enforced and that the peace of the Town is preserved.
 - 2) Be responsible for the administration and direct the operations of the Town Marshal's office, subject to the rules and regulations thereof.
 - 3) See that the rules and regulations governing the operations of the Town Marshal's office are properly administered and obeyed.
 - 4) Exercise general supervision and control over the work of all members of the Marshal's office and prescribe the number of hours and the time of day or night deputy marshals (if any) shall be on duty.
 - 5) Attend all meetings of the Board of Trustees and report to the Board of Trustees the transactions of his or her office.
 - 6) Perform such other duties and responsibilities as required by the position description, any ordinance or resolution, or as otherwise assigned by the Board of Trustees.
- B.** The Town Marshal shall have the same power that sheriffs have by law, coextensive with the county, in cases of violation of the Town's ordinances, for offenses committed within the limits of the Town. The Town Marshal shall execute all writs and processes directed to him or her by the Municipal Judge in any case arising under a Town ordinance and receive the same fees for his services that sheriffs are allowed in similar cases.
- C.** The Town Marshal shall investigate, make arrests, issue summonses, sign complaints, and assist in the prosecution for violations of state or federal statutes and Town ordinances. The Town Marshal shall suppress all riots and breaches of the peace and apprehend persons fleeing from justice.

SECTION 1-6. *Deputy marshals; appointment and duties.* The Town Marshal may, subject to approval of the Board of Trustees, appoint such deputy marshals as required to adequately discharge the functions of his or her office. Every person appointed to serve as a deputy shall be certified as a peace officer in accordance with Colorado law at the time of his or her appointment. All deputy marshals shall have the following power and duties:

- (a) They shall perform all duties required by the Town Marshal.
- (b) Enforce Town ordinances and the laws of the State within the jurisdictional limits of the Town.
- (c) Execute and return all writs and processes directed to them by a Municipal Court Judge in any case arising under the ordinances of the Town and serve and enforce such warrants as authorized under state law.
- (d) Investigate, make arrests, issue summonses, sign complaints, and assist in prosecution for violations of state or federal statutes and municipal ordinances; suppress all riots and breaches of the peace and apprehend persons fleeing from justice.

SECTION 1-7. *Oath.* Prior to assuming office, the Town Marshal and all deputy marshals shall take and subscribe to an oath that he or she will support the Constitution of the United States, the Constitution and laws of the State, and ordinances of the Town and that he or she will faithfully perform the duties of the office upon which he or she is about to enter.

SECTION 1-8. *Compensation.* The compensation of the Town Marshal and deputy marshals shall be as established by the Board of Trustees.

SECTION 1-9. *Uniforms.* The Town Marshal and deputy marshals shall wear at all times while on duty, a uniform of the type and quality prescribed by the rules and regulations of the Town Marshal's office.

SECTION 1-10. *Mayoral appointment of deputy marshals.* The Mayor may, upon any emergency or riot, or at any time when he or she shall deem it necessary for the peace, good order or health of the Town, appoint deputy marshals for a specified time, but not exceeding two days without further action by the Board of Trustees.

SECTION 2. If any section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

SECTION 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

SECTION 4. The repeal or modification of any provision of any ordinance of the Town of Otis by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 201__.

Justin Smith, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO

ORDINANCE NO. 172

AN ORDINANCE VACATING PORTIONS OF HUSTON COURT AND DUNGAN STREET IN THE TOWN OF OTIS

WHEREAS, the Otis School District R-3 (the “School District”) is the owner of certain real property in the Town of Otis, including portions of Blocks 6, 7, and 8 of the Town of Otis, Washington County, Colorado and plans to construct a new school on its property; and

WHEREAS, the School District has requested the Board of Trustees vacate 330 feet of Huston Court and 430 feet of Dungan Street at the connection of Huston Court and Dungan Street near Airport Court and 4th Avenue to enable the construction of the school; and

WHEREAS, the Board of Trustees has determined that those portions of Huston Court and Dungan Street at the connection of Huston Court and Dungan Street near Airport Court and 4th Avenue are not needed for any public use, and a vacation as requested will not result in any lot or tract being without access.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

Section 1. That portion of Huston Court totaling 330 feet and that portion of Dungan Street totaling 430 feet at the connection of Huston Court and Dungan Street near Airport Court and 4th Avenue, Town of Otis, Washington County, Colorado, as shown on Exhibit A attached hereto, are

hereby vacated, and title thereto shall vest as provided by law. The Town hereby reserves from such property vacated rights-of-way and easements for the use and installation, construction, reconstruction, operation, repair, placement, replacement, use, and maintenance of water, sewer, gas and similar pipes, appurtenances, lines, conduits, mains, or other facilities now or hereafter located in the portions of Huston Court and Dungan Street vacated by this Ordinance, for ditches, drainage and appurtenances, and for electric, telephone, cable and similar lines and appurtenances, together with the right of ingress and egress in and to, over, under and across the portions of Huston Court and Dungan Street vacated by this Ordinance.

Section 2. This Ordinance shall be recorded in the office of the Washington County Clerk and Recorder.

Section 3. The Mayor or Mayor Pro Tem is hereby authorized to execute such documents as may be necessary to evidence the vacation of those portions of Huston Court and Dungan Street as set forth herein.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this 22nd day of July, 2013.

Damon M Gale, Mayor Pro Tem. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO

ORDINANCE NO. 173

AN ORDINANCE OF THE TOWN OF OTIS PROHIBITING THE OPERATION OF MARIJUANA CULTIVATION FACILITIES, MARIJUANA PRODUCT MANUFACTURING FACILITIES, MARIJUANA TESTING FACILITIES, MARIJUANA SOCIAL CLUBS OR RETAIL MARIJUANA STORES WITHIN THE TOWN OF OTIS UNTIL THE GENERAL ELECTION ON NOVEMBER 4, 2014.

WHEREAS, the Town has broad authority to exercise its police powers to promote and protect the health, safety and welfare of the Town and its inhabitants, including the power to regulate the nature and type of businesses allowed within the Town pursuant to state statutes, including but not limited to C.R.S. § 31-15-401 and § 31-15-501; and

WHEREAS, at the 2012 general election, the voters of Colorado approved Amendment 64, which was codified as Section 16 of Article XVIII of the Colorado Constitution, concerning the personal use and regulation of marijuana and which allows for the retail sale and cultivation of marijuana in the State of Colorado; and

WHEREAS, despite the adoption of Amendment 64, marijuana is still classified as a controlled substance under federal law, and has the potential for abuse that should be closely monitored to the extent possible; and

WHEREAS, Article XVIII, § 16(5)(f) of the Colorado Constitution specifically authorizes municipalities “to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, or retail marijuana stores [collectively, “retail marijuana establishments”] through the enactment of an ordinance or through an initiated or referred measure; provided any initiated or referred measure to prohibit the operation of [retail marijuana establishments] must appear on a general election ballot during an even numbered year;” and

WHEREAS, the Colorado Legislature adopted H.B. 13-1317, H.B. 13-1318, and S.B. 13-283 late in the legislative session, and the Colorado Department of Revenue adopted rules concerning retail marijuana; and

WHEREAS, although Amendment 64 permits the personal use of marijuana and marijuana products by persons twenty-one (21) years of age or older, Amendment 64 provides that nothing contained in said amendment shall permit consumption that is “conducted openly and publicly or in a manner that endangers others,” but said terms are not defined; and

WHEREAS, neither the statutes concerning retail marijuana establishments nor the rules adopted by the Department of Revenue define “openly and publicly” or “in a manner that endangers others” or specifically regulate marijuana social clubs; and

WHEREAS, until some of these fundamental interpretations of State law are resolved or clarified, attempts by the Town to regulate retail marijuana establishments and where marijuana can be used or consumed are fraught with possible inherent conflicts that could raise doubts as to any regulatory scheme adopted by the Town; and

WHEREAS, the Board of Trustees finds that existing Town of Otis ordinances do not adequately address the potential impacts of retail marijuana establishments or marijuana social clubs because existing ordinances do not regulate such businesses, their locations within the Town, their location relative to schools and other areas frequented by minors, their hours of operation, or other matters necessary to ensure that such businesses are legitimately operating in a manner compliant with Amendment 64 and other applicable law; and

WHEREAS, the Board of Trustees may choose to refer to the Town's registered electors the question of whether retail marijuana establishments should be prohibited, but such question cannot be referred to the voters until the November 2014 general election; and

WHEREAS, for the forgoing reasons, the Board of Trustees finds and determines that a prohibition on the operation or establishment of marijuana establishments and marijuana social clubs, which prohibition will be automatically repealed on November 4, 2014 unless further legislative action is taken, will allow Town Staff and the Board of Trustees the opportunity to study the issues and develop regulations and recommendations pertaining to such businesses or to prohibit such businesses.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

Section 1. The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Board of Trustees.

Section 2. Upon the effective date of this ordinance, and until November 4, 2014, it is unlawful for any person to establish, operate, cause to be established or operated, or permit to be established or operated in the Town any retail marijuana cultivation facility, retail marijuana product manufacturing facility, retail marijuana testing facility, or retail marijuana store (collectively "retail marijuana establishments") or any marijuana social club.

Section 3. Any person who violates any provision of this ordinance shall be punished by fine or imprisonment as specified in C.R.S. § 13-10-113, as amended from time to time. Each act or omission in violation of one or more of the provisions of this ordinance shall be deemed a separate violation for each and every day that such act(s) or omissions(s) occur.

Section 4. The establishment or operation of a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, retail marijuana store, or marijuana social club in violation of the terms of this ordinance may be enjoined by the Town in an action brought in a court of competent jurisdiction.

Section 5. During the period this ordinance remains in effect, Town Staff shall monitor the State's regulatory efforts and judicial interpretations of Amendment 64, research the applicable legal and land use issues connected to the regulation of retail marijuana establishments and marijuana social clubs, and

study, develop, review and evaluate appropriate regulations or recommendations pertaining to such businesses for presentation to and consideration by the Board of Trustees.

Section 6. This ordinance shall cease to have effect after November 4, 2014 and shall be automatically repealed at such time unless sooner repealed or further legislative action is taken to extend the effective date of this ordinance.

Section 7. For purposes of this ordinance, “marijuana,” “retail marijuana cultivation facility,” “retail marijuana establishment,” “retail marijuana product manufacturing facility,” “marijuana product,” “retail marijuana testing facility,” “retail marijuana store” and “marijuana social clubs” shall have the meanings ascribed to them in Article XVIII, §16(2) of the Colorado Constitution, C.R.S. § 12-43.4-103, any rules adopted by the Colorado Department of Revenue, and such definitions are hereby incorporated into this ordinance by reference. “Marijuana social club” shall be defined as a business that permits or invites private assembly for the purpose of the use or consumption of marijuana or marijuana products.

Section 8. If any portion of this ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Trustees hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared invalid.

Section 9. The repeal or modification of any provision of any ordinance of the Town of Otis by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

Section 10. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

INTRODUCED, READ, PASSED AND ADOPTED this 27th day of August, 2013.

Damon M Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

ORDINANCE NO. 174

AN ORDINANCE GRANTING A FRANCHISE TO VYVE BROADBAND-J, LLC TO MAINTAIN A CABLE COMMUNICATIONS SYSTEM IN THE TOWN OF OTIS; SETTING FORTH CONDITIONS ACCOMPANYING THE GRANT OF THE FRANCHISE; PROVIDING FOR REGULATION AND USE OF THE SYSTEM; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS

The Town of Otis ordains:

FINDINGS

In the review of VYVE BROADBAND-J, LLC ("Grantee"), the Town of Otis makes the following findings:

- 1.) The Grantee's technical ability, financial condition, legal qualifications, and character were considered and approved in a full public proceeding after due notice and a reasonable opportunity to be heard;**
- 2.) Grantee's plans for operating the System were considered and found adequate and feasible in a full public proceeding after due notice and a reasonable opportunity to be heard; and**

3.) **The Franchise granted to Grantee by Grantor complies with the existing applicable laws and regulations.**

SECTION 1.

SHORT TITLE AND DEFINITIONS

4.) **Short Title. This Franchise Ordinance shall be known and cited as the Cable Communications Ordinance.**

5.) **Definitions. For the purposes of this Franchise, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The word "may" is directory and discretionary and not mandatory.**

(a) **"Basic Cable Service"** means any service tier which includes the lawful retransmission of local television broadcast signals and any public, educational, and governmental access programming required by the franchise to be carried on the basic tier in analog and/or digital format. Basic Cable Service as defined herein shall not be inconsistent with 47 U.S.C. §543(b)(7).

(b) **"Cable Programming Service"** means any Video Programming provided over a Cable System, regardless of service tier, including installation or rental of equipment used for the receipt of such Video Programming, other than:

- (1) Video Programming carried on the Basic Service Tier;
- (2) Video Programming offered on a pay-per-channel or pay-per-program basis; or
- (3) A combination of multiple channels of pay-per-channel or pay-per-program Video Programming offered on a multiplexed or time-shifted basis so long as the combined service:
 - a. consists of commonly-identified Video Programming; and
 - b. is not bundled with any regulated tier of service.

Cable Programming Service as defined herein shall not be inconsistent with the definition as set forth in 47 U.S.C. §543(l)(2) and 47 C.F.R. 76.901(b) (1993).

(c) "Cable Service" means the one-way transmission to Subscribers of Video Programming, or other programming service, and Subscriber interaction, if any, which is required for the selection of such Video Programming or other programming service.

(d) "Cable System" or "System" means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include:

(1) a facility that serves only to retransmit the television signals of one or more television broadcast stations;

(2) a facility that serves Subscribers without using any public right-of-way;

(3) a facility of a common carrier which is subject, in whole or in part, to the provisions of 47 U.S.C. §§201 et seq., except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. §541 (c) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) an open video system that complies with 47 U.S.C. §653; or

(5) any facilities of any electric utility used solely for operating its electric utility systems.

(e) "City" means Town of Otis, acting by and through its Town Council.

(f) "Drop" means the cable that connects the ground block on the Subscriber's residence to the nearest tap of the System.

(g) "FCC" means the Federal Communications Commission and any legally appointed, designated or elected agent or successor.

(h) "Franchise" means an initial authorization, or renewal thereof (including a renewal of an authorization which has been granted subject to 47 USC §546 issued by a franchising authority, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a Cable System.

(i) "Franchise Area" means the area within the legal boundaries of City.

(j) "Grantee" is VYVE BROADBAND-J, LLC

- (k) “Grantor” is the Town of Otis.
- (l) “Gross Revenue” means all monthly revenue received from Basic Cable Service, Cable Programming Service, and Pay Television directly by Grantee from the operation of its System within Franchise Area. The term “Gross Revenues” shall not include Installation fees, disconnection fees, upgrade and downgrade of service fees, fees for telecommunications or information services, if any, fees for the sale, leasing, or servicing of equipment, franchise fees, advertising revenues, late fees, insufficient funds checking fees, FCC regulatory fees, tower rent, network capacity and facilities rent for the provision of non-cable services (voice or data services), investment income, any fees itemized and passed through as a result of Franchise imposed requirements, or any taxes or fees on services furnished by Grantee imposed directly on any Subscriber or user by any municipality, state, or other governmental unit and collected by Grantee for such governmental unit.
- (m) “Installation” means the connection of the System from feeder cable to the point of connection, including Standard Installations and custom installations.
- (n) “Lockout Device” means an optional mechanical or electrical accessory to a Subscriber's terminal which inhibits the viewing of a certain program, certain channel, or certain channels provided by way of the Cable System.
- (o) “Multichannel Video Program Distributor” or “MVPD” means a person such as, but not limited to, a cable operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available for purchase, by subscribers or customers, multiple channels of video programming.
- (p) “Open Video Services” or “OVS” means any Video Programming Services provided to any person in the Franchise Area by a Person certified by the FCC to operate an Open Video System pursuant to Section 47 USC §573, as may be amended, regardless of the facilities used.
- (q) “Pay Television” means the delivery over the System of pay-per-channel or pay-per-program audio-visual signals to Subscribers for a fee or charge, in addition to the charge for Basic Cable Service or Cable Programming Services.
- (r) “Person” is any person, firm, partnership, association, corporation, company, or other legal entity.
- (s) “Standard Installation” means any residential installation which can be completed using a Drop of one hundred twenty five (125) feet or less.
- (t) “Street” means the surface of, and the space above and below, any public street, road, highway, freeway, lane, alley, path, court, sidewalk, parkway, or drive, or any easement or right-of-way now or hereafter held by Grantor.

- (u) "Subscriber" means any Person who lawfully receives Cable Service.
- (v) "Video Programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station.

SECTION 2.

GRANT OF AUTHORITY AND GENERAL PROVISIONS

6.) Franchise Required. It shall be unlawful for any Person to construct, operate or maintain a Cable System or to provide Cable Service or other competing MVPD services, including OVS, in the Franchise Area without a Franchise in the form of a Franchise Agreement as required by Section 2.3.(c) herein.

7.) Grant of Franchise. This Franchise is granted pursuant to the terms and conditions contained herein.

8.) Grant of Nonexclusive Authority.

(a) Grantee shall have the right and privilege to construct, erect, operate, repair and maintain, in, upon, along, across, above, over and under the Streets, alleys, public ways and public places now laid out or dedicated and all extensions thereof, and additions thereto in the Franchise Area, poles, wires, cables, underground conduits, manholes, and other television conductors and fixtures necessary for the maintenance and operation in the Franchise Area of a Cable System as herein defined.

(b) Grantee shall have the right to conduct direct selling in the Franchise Area, including door to door sales, notwithstanding any peddler or solicitor laws or regulations to the contrary.

(c) This Franchise shall be nonexclusive, and Grantor reserves the right to grant a similar use of said Streets to any MVPD at any time during the period of this Franchise, provided, however, that any additional Franchise shall contain the same substantive terms and conditions as this Franchise in order that one MVPD is not granted a competitive advantage over another. In the event a MVPD commences operation without a Franchise or is granted a Franchise or permit to operate by Grantor, the terms and conditions of which do not comply with this Ordinance, Grantee shall have the right either (i) to accept the material terms of the competitor's Franchise by providing ten (10) days prior written notice to Grantor, which shall then act to amend this Franchise within thirty (30) days; or (ii) to petition Grantor for modifications to this Franchise, in which case Grantor shall work in good faith with Grantee to review and adopt the modifications

which Grantee deems necessary, and such review and approval by Grantor shall not be unreasonably denied or withheld. A MVPD is not an entity that provides direct broadcast satellite services for purposes of this Section. Notwithstanding any provisions of this Section to the contrary, if Grantor does not possess authority under applicable laws to require a Franchise of a Person, the provisions of this Section shall not apply.

9.) Franchise Term. This Franchise shall be in effect for a period of ten (10) years from the date of acceptance by Grantee, unless renewed, revoked, or terminated sooner as herein provided.

10.) Previous Franchises. Upon acceptance by Grantee as required by Section 9 herein, this Franchise shall supersede and replace any previous Ordinance or Agreement granting a Franchise to Grantee to own, operate and maintain a Cable System within the Franchise Area.

11.) Rules of Grantee. Grantee shall have the authority to promulgate such rules, regulations, terms and conditions governing the conduct of its business as shall be reasonably necessary to enable said Grantee to exercise its rights and perform its obligation under this Franchise.

12.) Territorial Area Involved. This Franchise is granted for the corporate boundaries of Grantor, as it exists from time to time. In the event of annexation by Grantor, or as development occurs, any new territory shall become part of the area covered, provided, however, that Grantee shall not be required to extend service beyond its present System boundaries unless there is a minimum of forty (40) homes per cable mile as measured from the tap from which Grantee would extend service. Grantee shall be given a reasonable period of time to construct and activate cable plant to service annexed or newly developed areas.

8.) Written Notice. All notices, reports, or demands required to be given in writing under this Franchise shall be deemed to be given (i) when delivered personally to any officer of Grantee or Grantor, (ii) forty-eight (48) hours after it is deposited in the United States mail in a sealed envelope, with registered or certified mail postage prepaid thereon, addressed to the party to whom notice, report or demand is being given, or (iii) on the next business day if sent by express mail or nationally recognized overnight air courier addressed to the party to whom notice, report or demand is being given, in each case, as follows:

If to Grantor: TOWN OF OTIS

 102 S. Washington

 P.O. Box 95

 Otis, CO 80743

If to Grantee: VYVE BROADBAND-J, LLC

 Four International Dr.

 Ste. 330

 Rye Brook, NY 10573

 Attn: General Counsel

Such addresses may be changed by either party upon notice to the other party given as provided in this Section.

SECTION 3.

CONSTRUCTION STANDARDS

13.) Construction Codes and Permits.

- (a) Grantee shall obtain all required permits from Grantor before commencing any construction upgrade or extension of the System, including the opening or disturbance of any Street, or private or public property within Franchise Area.
- (b) Grantor shall impose no permit fees upon Grantee.
- (c) Grantor shall have the right to inspect all construction or installation work performed pursuant to the provisions of the Franchise and to make such tests at its own expense as it shall find necessary to ensure compliance with the terms of the Franchise and applicable provisions of local, state and federal law; provided any such testing must be coordinated with Grantee to avoid service disruption to Subscribers.

14.) Repair of Streets and Property. Any and all Streets or public property which are disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance or reconstruction of the System shall be promptly restored by Grantee, at its expense, to a condition as good as that prevailing prior to Grantee's work.

15.) Conditions on Street Use.

- (a) If at any time during the period of this Franchise Grantor shall elect to alter, or change the grade or location of any Street, alley or other public way, Grantee shall, at its own expense, upon reasonable notice by Grantor, remove and relocate its poles, wires, cables, conduits, manholes and other fixtures of the System, and in each instance comply with the standards and specifications of Grantor. Grantor shall reimburse Grantee for the actual cost of any such relocation. Grantee shall not be required to relocate for any telecommunications system or Cable System.
- (b) Grantee shall, on request of any Person holding a moving permit issued by Grantor, temporarily move its wires or fixtures to permit the moving of buildings with the expense of such temporary removal to be paid by the Person requesting the same, and Grantee shall be given not less than thirty (30) days advance notice to arrange for such temporary changes.
- (c) Grantee shall have the authority to trim any trees upon and overhanging the Streets, alleys, sidewalks, or public easements of Grantor so as to prevent the branches of such trees from coming in contact with the wires and cables of Grantee.
- (d) Nothing in this Franchise relieves a Person from liability arising out of the failure to exercise reasonable care to avoid injuring Grantee's System or facilities while performing work in, on, under or over a Street or public place.

16.) Undergrounding of Cable.

- (a) In areas where all other utility lines are placed underground, Grantee shall construct and install its cables underground.
- (b) In any area where one or more public utilities are aerial, Grantee may construct and install its cables, wires and other facilities aerially or above ground.

SECTION 4.

SYSTEM PROVISIONS

17.) Technical Standards. The System shall comply, at minimum, with the technical standards promulgated by the FCC found in Title 47, Section 76.601 to 76.617, as may be amended or modified from time to time.

18.) Lockout Device. Upon the request of a Subscriber, Grantee shall provide by sale or lease a Lockout Device.

SECTION 5.

SERVICES PROVISIONS

19.) Subscriber Inquiry and Complaint Procedures. Grantee shall have a publicly listed toll-free telephone number and be operated so as to receive Subscriber complaints and requests on a twenty-four (24) hour-a-day, seven (7) days-a-week basis.

20.) Refund Policy. In the event a Subscriber establishes or terminates service and receives less than a full month's service, Grantee shall prorate the monthly rate on the basis of the number of days in the period for which service was rendered to the number of days in the billing.

3.) Public Educational and Government Access Channel(s). Grantee may make available to Grantor one (1) channel to be used only for public, educational and governmental (³PEG²) access programming (³PEG Channel²) on a channel location in Grantee¹'s sole discretion. The PEG Channel(s) shall be shared with other municipalities receiving programming from a common headend and all municipalities shall receive the same programming at the same time. Grantee shall have no obligations whatsoever beyond making the PEG Channel available and shall have no obligation to provide any PEG Channel equipment or any financial or technical support or services. Upon sixty (60) days prior written notice, Grantee may move the PEG Channel to another channel location or discontinue making the PEG Channel available in its sole discretion.

SECTION 6.

OPERATION AND ADMINISTRATION PROVISIONS

1.) Indemnification of Grantor. Grantee shall indemnify, defend, and hold harmless Grantor from and against all liability, damages, and penalties which it may be legally required to pay as a result of the exercise of this Franchise, except for (i) claims covered by worker's compensation insurance or other insurance coverage, (ii) claims arising directly or indirectly from, or related to, the negligence or misconduct of Grantor or its employees, contractors, representatives or agents, and (iii) claims arising directly or indirectly from, or related to, the programming, programming content, administration, operation or other use of the PEG Channel(s).

2.) Indemnification of Grantee. Grantor shall indemnify, defend and hold harmless Grantee from and against any liability, damages and penalties which it may be legally required to pay as a result of the programming, programming content, administration, operation or other use of the PEG Channel(s), except for any claims arising directly or indirectly from the negligence or misconduct of Grantee or its employees, contractors, representatives or agents.

3.) Notice and Process for Indemnification. In order for either party to assert its rights to be indemnified, defended, and held harmless, the party seeking indemnification must with respect to each claim:

- (1) Promptly notify the indemnifying party in writing of any claim or legal proceeding which gives rise to such right; the failure to provide timely notice shall not affect the rights to indemnification hereunder, except to the extent that the indemnifying party is prejudiced or demonstrates actual damage caused by such failure;
- (2) Afford the indemnifying party the opportunity to fully control any compromise, settlement or other resolution or

disposition of any claim or proceeding. If a settlement will result in any continuing obligations of the party seeking indemnification hereunder, then the indemnifying party shall not be entitled to settle any claim without the indemnified party's consent, which shall not be unreasonably withheld, delayed or conditioned; and

(3) Fully cooperate with reasonable requests of the indemnifying party in its control, compromise, settlement or resolution or other disposition of such claim or proceeding.

4.) Limitation of Liability. NEITHER PARTY SHALL BE LIABLE TO THE OTHER FOR ANY INDIRECT, CONSEQUENTIAL, EXEMPLARY, SPECIAL, INCIDENTAL OR PUNITIVE DAMAGES ARISING IN CONNECTION WITH THIS FRANCHISE OR THE PROVISION OF SERVICES HEREUNDER, UNDER ANY THEORY OF TORT, CONTRACT, WARRANTY, STRICT LIABILITY OR NEGLIGENCE, EVEN IF THE PARTY HAS BEEN ADVISED, KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY OF SUCH DAMAGES.

5.) Insurance. Grantee shall maintain in full force and effect at its sole expense, a comprehensive general liability insurance policy, including contractual liability coverage. The policies of insurance shall be in the sum of not less than Three Hundred Thousand Dollars (\$300,000) for personal injury or death of any one Person, and One Million Dollars (\$1,000,000) for personal injury or death of two or more Persons in any one occurrence, Three Hundred Thousand Dollars (\$300,000) for property damage to any one Person and One Million Dollars (\$1,000,000) for property damage resulting from any one act or occurrence.

SECTION 7.

REVOCATION, ABANDONMENT, AND SALE OR TRANSFER

1.) Grantor's Right to Revoke. In addition to all other rights which Grantor has pursuant to law or equity, Grantor reserves the

right to revoke, terminate or cancel this Franchise, and all rights and privileges pertaining thereto, if after strictly following the procedures required by Section 7.2 herein, it is determined that Grantee has violated any material provision of this Franchise and has failed to substantially cure said violation.

2.) Procedures for Revocation.

(a) Grantor shall provide Grantee with written notice of a cause for revocation and the intent to revoke and shall allow Grantee sixty (60) days subsequent to receipt of the notice in which to substantially cure the violation or to provide adequate assurance of performance. Together with the notice required herein, Grantor shall provide Grantee with written findings of fact which are the basis of the revocation.

(b) Grantee shall be provided the right to a public hearing affording due process before the Grantor elected body prior to revocation, which public hearing shall follow the sixty (60) day notice provided in paragraph (a) above. Grantor shall provide Grantee with written notice of its decision together with written findings of fact supplementing said decision.

(c) After the public hearing and upon written determination by Grantor to revoke the Franchise, Grantee may appeal said decision with an appropriate state or federal court or agency.

(d) During the appeal period, the Franchise shall remain in full force and effect; provided, however, Grantee may elect to discontinue offering Cable Service or terminate the franchise in its sole discretion at any time during the appeal period.

(e) Upon satisfactory correction by Grantee of the violation upon which said notice was given, the initial notice shall become void.

3.) Sale or Transfer of Franchise. No sale or transfer of this Franchise shall take place without the written approval of Grantor, which approval shall not be unreasonably withheld. All of the rights, privileges, obligations, duties, and liabilities created by this Franchise shall pass to and be binding upon the successor or assign of Grantee. Notwithstanding the foregoing, no approval shall be required for (i) a transfer or assignment of any right, title or interest of Grantee in this Franchise or the System to secure indebtedness, or (ii) a transfer or assignment of this Franchise or the System to an entity that through one or more intermediaries,

owns or controls, or is owned or controlled by, or under common ownership or control with, Grantee.

4.) Grantee Termination of Franchise. In the event Grantee elects to terminate this Franchise and discontinue providing Cable Service, Grantee shall provide ninety (90) days prior written notice to Grantor. Upon the expiration of the ninety (90) day notice period, this Franchise shall be deemed to be rescinded and Grantee shall be deemed to be released from any further obligations to Grantor with no further action required by Grantee or Grantor.

SECTION 8.

MISCELLANEOUS PROVISIONS

4.) Franchise Renewal. Any renewal of this Franchise shall be done in accordance with applicable federal, state and local laws and regulations.

5.) Amendment of Franchise Ordinance. Grantee and Grantor may agree, from time to time, to amend this Franchise. Such written amendments may be made at any time if Grantor and Grantee agree that such an amendment will be in the public interest or if such an amendment is required due to changes in federal, state or local laws. Grantor shall act pursuant to local law pertaining to the ordinance amendment process.

6.) Subscriber Privacy. Grantee shall comply with the terms of 47 USC §551 relating to the protection of Subscriber privacy.

4.) Force Majeure. Grantee shall not be held in default under, or in noncompliance with, the provisions of this Franchise, nor suffer any enforcement or penalty relating to noncompliance or default (including termination, cancellation or revocation of this Franchise), where such noncompliance or alleged faults occurred or were caused by riot, war, earthquake, flood, tidal wave, unusually severe rain or snow storm, hurricane, tornado or other catastrophic act of nature or judicial order or regulation or fiber cut or other damage to the Cable System or other event that is reasonably beyond the Grantee's ability to anticipate or control. This provision also covers work delays caused by waiting for utility providers to service or monitor their own utility poles on which Grantee's cable and/or equipment is attached, as well as unavailability of materials and/or qualified labor to perform the work necessary and delays caused by limited access to easements, poles or Streets.

5.) Integration. This Franchise Agreement constitutes the sole and entire understanding and agreement of Grantor and Grantee with respect to the subject matter contained herein and supersedes all prior or contemporaneous understandings and agreements, both written and oral, with respect to such subject matter.

6.) Severability. If any provision of this Franchise is for any reason held illegal or invalid, or is preempted by any Federal law, rule or regulation, such provision shall be deemed to be separate and distinct and such holding or preemption shall not affect the validity of the remaining provisions of this Franchise.

SECTION 9.

PUBLICATION, EFFECTIVE DATE AND ACCEPTANCE

7.) Publication; Effective Date. If applicable, this Franchise shall be published in accordance with law. The effective date of this Franchise shall be the date of acceptance by Grantee in accordance with the provisions of Section 9.2.

8.) Acceptance.

(a) Grantee shall accept this Franchise by executing same. Such acceptance by the Grantee shall be deemed the grant of this Franchise for all purposes. With its acceptance, Grantee shall also deliver any insurance certificates required herein that have not been previously delivered.

(b) Upon acceptance of this Franchise, Grantee shall be bound by all the terms and conditions contained herein.

Passed and adopted this ____ day of _____, 2014.

GRANTOR _____

By: _____

Its: _____

GRANTEE ACCEPTANCE

This Franchise is accepted and we agree to be bound by its terms and conditions.

VYVE BROADBAND-J, LLC

By: _____

Its: _____

Dated: _____

TOWN OF OTIS, COLORADO

ORDINANCE NO. 175

**An Ordinance Regarding the use of Golf Carts and Off-Highway Vehicles within the Town of Otis,
Colorado.**

WHEREAS; pursuant to C.R.S. 33-14.5-110, the Town of Otis, Colorado, acting by governing body, may regulate the operation of golf carts and off-highway vehicles on public lands, waters, and property under its jurisdiction and on the streets and highways within its boundaries; and

WHEREAS; it is necessary for the Town of Otis to provide for the safe operation of golf carts and off-highway vehicles within the Town limits; and

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

1. Golf Carts and Off-Highway Vehicle Defined.

(1) Golf Cart and Off-Highway vehicle shall mean any self-propelled vehicle which is designed to travel on wheels in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes, as further defined in Article 14.5 of Title 33, C.R.S. and Article 1 (39.5, a-d) of Title 42, C.R.S.

2. Operation of Golf Carts and Off-Highway Vehicles Authorized.

Subject to the provisions of this Article, and except as prohibited herein, the operation of Golf Carts and Off-Highway Vehicles within the Town's corporate limits shall be permitted; provided, however, that this authorization does not permit the operation of Golf Carts and Off-Highway Vehicles on county roads outside of the city.

3. Golf Carts and Off-Highway Vehicles, Restricted Operations.

The following restrictions shall apply to the operation of Golf Carts and Off-Highway Vehicles within the Town:

- (1) No Golf Carts and Off-Highway Vehicles shall be operated by any person under the age of sixteen (16) years.
- (2) No Golf Carts and Off-Highway Vehicles shall be operated upon any sidewalk, pedestrian trail or recreational facility within the Town, whether or not such trail or recreational facility is operated under authority of the Town.
- (3) No Golf Carts and Off-Highway Vehicles shall be operated upon any portion of U.S. Highway 34 or U.S. Highway 61 within the Town's corporate limits.
- (4) No Golf Carts and Off-Highway Vehicles shall be operated between sunset and sunrise or at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the street are not clearly discernible at a distance of one thousand (1,000) feet ahead, unless such golf car is equipped and illuminated with head lamps, tail lamps stop lamps and turn signals as required under Par5 2 of Article I of the Model Traffic Code.
- (5) Every Golf Carts and Off-High Vehicles operated upon any road within the Town shall at all times display the slow-moving vehicle emblem as required under Article I, Section 234 of the Model Traffic Code.
- (6) No Golf Carts and Off-Highway Vehicles shall be operated by an unlicensed driver carrying a passenger who is under twenty-one years of age.
- (7) No Golf Carts and Off-Highway Vehicles shall be operated within the Town without first obtaining a permit from Town Hall, which shall be visibly displayed at all times while vehicle is under operation.
- (8) No Golf Carts and Off-Highway Vehicles shall exceed 20 miles per hour within town limits.

4. Golf Carts and Off-Highway Vehicles, Operation Within Roadway. Golf Carts and Off-Highway Vehicles shall be operated as close to the right side of the roadway as practicable, exercising due care when approaching, overtaking or passing a standing vehicle or one proceeding in the same direction, or when approaching, overtaking or passing a pedestrian or bicyclist.

5. Violations. A violation of this ordinance shall be punishable by a fine as specified in the Town of Otis fee schedule.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this 14th day of October, 2014.

Damon M Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

**TOWN OF OTIS, COLORADO
ORDINANCE NO. 176**

AN ORDINANCE REGULATING ANIMALS WITHIN THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the “Town”) is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law;

WHEREAS, Section 31-15-103 C.R.S., authorizes the Board of Trustees of the Town of Otis, (the “Board”) to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof;

WHEREAS, Section 31-15-401(l)(m), authorizes municipalities to regulate and control animals and fowl; and

WHEREAS, the Town desires to exercise this authority and regulate animals within the Town of Otis, Colorado.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF OTIS, COLORADO:

Section 1. Ownership presumed.

“Owner” means a person who owns, possesses, controls, maintains, keeps or harbors an animal or knowingly permits an animal to remain for a minimum of 7 days on or about property or premises owned, controlled or occupied by such person.

Section 2. Certain animals—Keeping prohibited.

A. It is unlawful to keep, harbor, own or in any way possess, within the corporate limits of the town, the following:

- 1.** Any warm-blooded, carnivorous or omnivorous wild or exotic animal, including but not limited to non-human primates, raccoons, skunks, foxes, and wild and exotic cats, but excluding fowl, ferrets and small rodents used for laboratory purposes;
- 2.** Any animal, insect or snake having poisonous bites or stings;

B. Hogs, Sheep and Goats Prohibited. It is unlawful for any person to keep or harbor within the limits of the Town of Otis any hogs, pigs, swine, sheep or goats.

C. Livestock Prohibited. It is unlawful for any person to own, keep, harbor, or possess any livestock within the limits of the Town of Otis, except where such use is permitted by applicable zoning ordinances or as provided in this chapter.

Section 3. Fowl and rabbits restrained.

It is unlawful for any person who owns, harbors or keeps within the limits of the Town of Otis any chickens, ducks, geese, turkeys or other domestic fowl, or any hare or rabbits, to fail to keep the same securely enclosed in a pen or building, or to permit the same to run at large or to go upon the premises of another.

Section 4. Premises to be kept clean.

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

Section 5. Maltreatment unlawful.

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

Section 6. Confinement of animals running at large—Costs.

If any animal shall be found running at large contrary to the provisions of this chapter, it is made the duty of the chief of police to take up and confine the same in a secure place or other place provided for that purpose and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the officer having such animals in his keeping the sum of one dollar and fifty cents (\$1.50) for the taking up of such animal together with the sum of one dollar and fifty cents (\$1.50) per day for each and every day such animal shall be kept by the officer aforesaid unless otherwise provided in this code and the same shall be turned in to the treasurer.

Section 7. Sale of animals—Notice of sale—Payment of excess money to owner.

A. If the owner or person entitled to the possession of an animal does not pay the charges and take it away within five days from the time it is taken into custody, the chief of police may sell such animal at public auction after having given at least five days' notice of the time and place of such sale by publishing or by posting the notice in five public places in the town as well as serving a copy of the notice upon the owner or possessor of the animal, if known. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his assistant of any fees, expenses and charges herein provided.

B. In case an animal sold pursuant to the provisions of this chapter is sold for more than is sufficient to pay the fees and charges aforesaid, such expenses shall, by the officer or his assistant making the sale, be deposited with the clerk, who shall pay such excess, upon order of the board of trustees to the owner of such animal or animals or to the person entitled to the possession of the same upon claim and proper proof within one year from date of the sale.

C. In the event such animal is infected or cannot be sold, it may be disposed of in the manner provided for unclaimed or infected dogs.

Section 8. Grazing upon public thoroughfares.

It is unlawful for any person to picket, lead or hold any horse, cattle or other livestock on or along any street, sidewalk or alley in this town in such a manner that any such animal may graze upon the grass, herbage, or trees growing upon or along any of the streets, sidewalks or alleys; for any person to picket, lead or hold any horse, cattle or other livestock in such a manner as to obstruct or impede the full use of the streets, sidewalks or alleys

Section 9. Hitching animals to public and private property.

It is unlawful for any person to hitch a horse or any other animal to any ornamental fence or railing, tree or bush, whether private or public, without the permission of the owner thereof. It is unlawful for any person to hitch any such animal to any lamp post or fire hydrant of this town.

Section 10. Definitions.

“Dangerous dog” means the following:

1. Any dog with a known propensity, tendency or disposition to attack, unprovoked, to cause injury to or otherwise endanger the safety of humans or other domestic animals;
2. Any dog which attacks a human being or other domestic animal without provocation.

“Dog,” as used in this chapter, means any dog, bitch or whelp over the age of three months.

“Potentially dangerous dog,” as used in this chapter, means any dog that, when unprovoked, **(a)** inflicts bites on a human or a domestic animal on either public or private property, **(b)** chases or approaches a person upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack, or **(c)** has any known propensity, tendency or disposition to attack unprovoked or cause injury or otherwise threaten the safety of humans or domestic animals.

Unconfined. A dangerous dog is “unconfined” if such dog is not securely confined indoors or confined in a securely enclosed or locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than one foot.

Section 11. License required.

The owner, possessor or keeper of any dog within this town shall secure a license for such dog from the town clerk within **thirty (30)** days after the dog reaches the age of three months. Dogs purchased, obtained or otherwise acquired subsequent to June in any calendar year shall be licensed within **thirty (30)** days after such acquisition. New residents of this town shall have **thirty (30)** days after becoming such residents to secure a license hereunder.

Section 12. Dangerous dogs and potentially dangerous dogs.

A. Certificate of Registration.

1. It is declared unlawful for any owner to have a dangerous dog or potentially dangerous dog within the town limits without having a certificate of registration on the dog issued to its owner under subsection (A) (2) of this section.

2. The town clerk, police officers of the town, or other animal-control officer shall issue a certificate of registration on a dangerous dog or a potentially dangerous dog to its owner only upon compliance with the registration requirements for a dog and upon presentation to the town clerk or other issuing authority by the owner of sufficient evidence of the following:

B. A proper enclosure to confine the dangerous dog or potentially dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the premises, and the conspicuous displaying on the premises of a sign with a warning symbol that informs children of the presence of a dangerous dog or a potentially dangerous dog;

C. An insurance policy or certificate of insurance issued by an insurer qualified under the laws of the state of Colorado in a form acceptable to the town, which insurance policy or certificate of insurance shall also provide that it cannot be canceled or terminated until ten days' notice by registered mail of such cancellation or termination shall have been received by the town in the sum of at least one hundred thousand dollars (\$100,000.00) payable to any person injured by a dangerous dog or potentially dangerous dog;

D. A policy of liability insurance, such as homeowner's insurance, issued by an insurer qualified to do business in the state of Colorado, in the amount of at least one hundred thousand dollars (\$100,000.00) covering any damage or injury which may be caused by his dangerous dog or potentially dangerous dog, which policy shall contain a provision naming the town as an additional insured.

E. Requirements for Restraint. It is unlawful for an owner of a dangerous dog or potentially dangerous dog to permit the dog to be outside its proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and is under physical restraint of a responsible person. The

muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

F. Confiscation. The animal-control officer or any police officer is authorized to immediately confiscate a dangerous dog or potentially dangerous dog: **(1)** which is not validly registered with the town; **(2)** whose owner does not secure the liability-insurance policy or certificate of insurance required under the municipal code of the town; **(3)** which is not maintained in a proper enclosure for a dangerous dog or potentially dangerous dog; or **(4)** which is outside the owner's dwelling or a proper enclosure of a dangerous dog or potentially dangerous dog and not under the proper restraints as set forth in this code.

G. Not Declared Dangerous. Dogs shall not be declared dangerous or potentially dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner of the dog or was tormenting, abusing or assaulting the dog or has, during the past, been observed or reported to have tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

Section 13. License fees.

The annual license fee for dogs within this town shall be five dollars (\$5.00) per animal. No household shall keep or maintain more than three dogs.

Section 14. Rabies vaccination required.

A. The owner, possessor or keeper of every dog within the town shall have such dog inoculated against rabies before June of each year. Dogs purchased, obtained or otherwise acquired or brought into the town subsequent to the first day of March in any calendar year shall be inoculated within **thirty (30) days** after such acquisition or being brought into the town.

B. The inoculation required by the preceding section shall be made by any veterinarian licensed to practice veterinarian medicine in this state.

Section 15. Application requirements.

Upon application for a dog license, the applicant shall exhibit to the town clerk a certificate from a licensed veterinarian that the dog has been inoculated against rabies as required by this section. All applications for licenses shall be made on forms provided by the town clerk.

Section 16. Tag issuance.

It shall be the duty of the town clerk to deliver or cause to be delivered to each person making application for a license, paying the license fee provided for in this chapter and presenting the certificate of inoculation required by this chapter a dog tag for each dog licensed and inoculated.

Section 17. Tag possession.

Only those persons who own, possess or keep a dog duly licensed and inoculated in accordance with the provisions of this chapter shall be permitted to possess a dog tag as herein provided for.

Section 18. Tag description.

The dog tag provided for in this chapter shall be of such size, shape, color and materials as may be deemed expedient and suitable by the town clerk; provided, however, that the color thereof shall be changed each year. Such tag shall contain a number stamped thereon in numerical order beginning with number one and shall also indicate the year for which the same is issued and the word "Otis."

Section 19. Tag attachment to dog's collar or harness.

Every owner, possessor or keeper of a dog within the town shall place upon such dog a collar or harness made of durable material to which the dog tag herein provided for shall be attached.

Section 20. Tag to be worn only by licensed dogs.

No person shall affix to the collar or harness of any dog or permit to remain so affixed a tag evidencing licensing and rabies inoculation except the dog tag issued to that dog at the time of issuance of its license.

Section 21. Tag issuance - Records, duplicates and transfers.

The town clerk shall keep a record of the date of issue of each dog tag provided for in this chapter and the person to whom such tag is issued and the number thereof. If the dog tag herein provided for is lost or destroyed, a duplicate tag may be obtained from the town clerk upon the payment fee of five dollars (\$5.00) In the event that the ownership or possession of a dog is changed, a new dog tag must be obtained and such new dog tag shall be issued by the town clerk upon proof being presented that the inoculation and licensing requirements of this section have been complied with and upon the payment of the fee of five dollars (\$5.00).

Section 22. Impoundment generally.

It shall be lawful for the dog catcher and all police officers to impound any dog which is not wearing a dog tag as herein provided and any dog which they reasonably feel to be in violation of any of the provisions of this section, whether such dog is wearing a dog tag or not. It shall be lawful for the dog catcher or any police officer to go upon private property for the purpose of catching any dog to be impounded.

Section 23. Establishment and operation of pound.

The town administrator shall have the right to establish a dog pound for this town to be operated by town personnel, or at his election, he may, subject to the approval of the board, contract with a public or private person or organization for the operation of a dog pound for and on behalf of the town.

Section 24. Filing of complaint against owner or keeper of impounded dog.

If a dog is impounded, it shall be the duty of the dog catcher or any police officer to immediately institute proceedings in the municipal court on behalf of the town against the owner, possessor or keeper of such dog if know, charging the owner, possessor or keeper with a violation of the appropriate section of this section. Nothing herein contained shall be construed as preventing the dog catcher, any police officer or any citizen from instituting a proceeding in the municipal court in the town for violation of this section where there is no impoundment.

Section 25. Impoundment notice to owner or keeper of dog.

As soon as practicable after the date of impoundment, the dog catcher shall notify the owner of the dog, if he can be ascertained, in the most expeditious manner, but shall also send by regular mail a written notice of such impoundment to the owner, possessor or keeper of such dog if the address of such person be known; if the owner, possessor or keeper of such dog is not known or if his address cannot be determined, the dog catcher shall cause to be posted in a conspicuous place in the town for five consecutive days a notice of impoundment. Whether the notice herein provided be mailed or posted, it shall describe the dog, set forth the date of impoundment and set forth the location from which the dog was taken up.

Section 26. Procedure for release of impounded dog - Authority of municipal judge to order destruction of dog.

If complaint has been filed in the municipal court of the town against the owner, possessor or keeper of any impounded dog for a violation of this chapter, then such dog shall not be released from impoundment except on order from a municipal judge. In addition to any penalties which may be provided for in this code for a violation of this chapter, the municipal judge shall require such owner, possessor or keeper to pay the fees provided for in the Town of Otis Fee Schedule and shall have the authority, upon making a finding that such dog constitutes a nuisance or that such dog is a vicious dog or that such dog constitutes a clear and present danger to the citizens of the community, to order that such dog be destroyed in a humane manner by the dog catcher or by persons authorized to do so by the town administrator.

Section 27. Disposal of dog whose owner or keeper cannot be located.

If a complaint has not been filed in municipal court because the owner, possessor or keeper of an impounded dog is not known or cannot be located and such dog has not been claimed within five days from the date of impoundment, not counting the first day of impoundment, the dog may be disposed of in any humane manner prescribed by the dog catcher or by persons so authorized to do so by the town administrator.

Section 28. Redemption fees.

Any owner, possessor or keeper of a dog desiring to redeem such dog from the pound shall pay the city the sum of fifteen dollars (\$15.00) as an impoundment fee together with the sum of five dollars (\$5.00) for each day of impoundment for room and board and any and all license or rabies inoculation fees provided for in this section beginning with the day of impoundment.

Section 29. Interference with dog catcher or policeman.

It is unlawful for any person to interfere with, molest, hinder or obstruct the dog catcher or any police officer in the discharge of their official duties under this chapter.

Section 30. Instigating or encouraging dog fights prohibited.

No person shall cause, instigate or encourage any dog fight within the town.

Section 31. Confinement or muzzling of dogs during rabies danger.

Whenever the mayor shall be of the opinion that any danger exists from hydrophobia in the town or other danger exists from dogs running at large within the town, he shall issue his proclamation requiring every owner, possessor or keeper of any dog within the town to confine or securely muzzle the same for such time as he may designate, during which time it shall be unlawful for any dog to be within the town unless so securely muzzled within a good and substantial wire or leather muzzle securely fastened and put on so to prevent any such dog from biting. It shall be the duty of the dog catcher and all police officers of the town to take up and impound any dog that may be found during the time so designated by the mayor as aforesaid unless muzzled or confined as herein provided.

Section 32. Female dogs in heat.

Any unspayed female dog, while in heat, shall be securely confined during such period in the owner's yard, pen or other enclosure. Such yard, pen or enclosure shall be so constructed or situated as to prevent other dogs from gaining access to such yard, pen or other enclosure.

Section 33. Running at large prohibited.

It is unlawful for any owner, possessor or keeper of any dog in the town to permit the same to run at large within the town. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the control of such owner, possessor or keeper or his agent or servant or a member of his immediate family, either by leash, cord or chain, not more than ten feet in length.

Section 34. Vicious dogs.

It is a civil offense to own or possess a dog which, upon investigation, the animal-control officer or any policeman employed by the town determines that: **(1)** is either a potentially dangerous dog or a dangerous dog; and **(2)** has inflicted a bite upon a human or domestic animal or has engaged in any other activity characterizing a potentially dangerous dog or a dangerous dog, pursuant to this chapter.

The fine for failure to comply with the terms of this chapter shall be the fines set per the Town of Otis Fee Schedule.

Section 35. Notice or knowledge of violation not necessary for prosecution of owner or keeper.

For the purpose of prosecution for violations of this chapter, it shall not be necessary in order to obtain a conviction to prove notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this chapter at the time and place charged, it being the purpose and intent of this chapter to impose strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog.

Section 36. Barking, howling and noise making.

Any dog shall be deemed to be a public nuisance if such dog is permitted to engage in excessive barking, howling or making a noise which tends to be annoying to adjacent residents or inhabitants of property near the premises where such animals are kept or harbored. Barking, howling or making a noise shall be deemed to be annoying if it is repetitive or loud, and offensive to nearby residents or inhabitants.

Section 37. Identification and control of cats.

Every person residing in the town, and owning or having in his possession any cat, shall have the cat bear identification, either by tag or ear tattoo

Section 38. Disease control.

Every person residing in the town, and owning or having in his possession any cat, shall be required to have the cat inoculated for rabies, distemper or other dangerous disease.

Section 39. Parent's liability.

The parent or guardian of any minor claiming ownership of any cat shall be deemed to be the owner of such animal, and shall be charged for all penalties and pound fees imposed by this chapter.

Section 40. Licensing and fees.

It is unlawful for any person to harbor or permit to remain about the premises any cat more than five months of age for which no license exists. The fee for the license shall be five dollars (\$5.00) for each cat.

Section 41. License application.

Application for licenses shall be made to the town clerk and shall include the name and address of applicant, description of the animal, the appropriate fee, information as to whether or not the animal is spayed or neutered, and a rabies certificate or tag issued by a licensed veterinarian or anti-rabies clinic. Application for the required cat license shall be obtained by June of each year except the year during which the cat attains five months of age, and then within **thirty (30) days** from the date such cat becomes five months of age.

Section 42. Impoundment.

If a cat is impounded, it shall be the duty of the police officer doing the impounding to immediately institute proceedings in the municipal court on behalf of the town against the owner, possessor or keeper of such cat, if known, charging the owner, possessor or keeper with a violation of the appropriate section of this chapter. Nothing herein contained shall be construed as preventing the police officer, or any citizen, from instituting proceedings in municipal court in the town for violation of this section where there is no impoundment.

Section 43. Notice to owner or keeper of impoundment.

As soon as practicable after the date of impoundment, the town clerk shall cause to be sent by regular mail a written notice of such impoundment to the owner, possessor or keeper of such cat if the address of such person is known. If the owner, possessor or keeper of such cat is not known, or if his address cannot be determined, the town clerk shall cause to be posted in a conspicuous place in the town, for a term of five consecutive days, a notice of impoundment. Whether the notice herein is provided by mail or posted, it shall describe the cat, set forth the date of impoundment, and set forth the location from which the cat was taken up

Section 44. Release upon payment.

Any owner or person having custody of a cat impounded may reclaim such cat by paying the minimum penalty imposed herein and additional penalty of fifteen dollars (\$15.00), together with five dollars (\$5.00) per day.

Section 45. Disposal of cat whose owner or keeper cannot be located.

If a complaint has not been filed in municipal court because the owner, possessor or keeper of an impounded cat is not known or cannot be located, and such cat has not been claimed within five days from the date of impoundment, not counting the first day of impoundment, the cat may be disposed of in any humane manner prescribed by the town clerk or by some other person authorized by the town clerk to make the decision.

Section 46. Noise.

All persons owning, possessing or harboring a cat shall prevent such cat from whining or making other sounds common to its species in excessive, continuous or untimely fashion.

Section 47. Violation - Penalty.

Any person, firm or corporation, upon violation of any provision of this chapter, shall be fined not less than five dollars (\$5.00) or more than one hundred dollars (\$100.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 48. Potbellied Pigs.

Requirements. Any person who owns, keeps, harbors or possesses a potbellied pig in the Town shall comply with the requirements set forth below:

- A.** No more than two (2) potbellied pigs shall be kept on any property within the Town:
- B.** Male potbellied pigs shall be castrated prior to the age of four (4) months.
- C.** Female potbellied pigs shall be spayed prior to the age of four (4) months.
- D.** All potbellied pigs shall be licensed with the Town of Otis. The annual license fee shall be five dollars (\$5.00) per animal.
- E.** All potbellied pigs must wear a harness except when inside the owner, possessor or keeper's dwelling.
- F.** No potbellied pig shall exceed the weight of 200 pounds.

Section 48. **Safety Clause.** The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

Section 49. **Severability.** If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or its application to other persons or circumstances.

Section 50. **Repealer.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 51. **Effective Date.** This Ordinance shall become effective on the date it is adopted.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED this 14th day of October, 2014.

Damon M Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO
ORDINANCE NO. 177

TITLE: AN ORDINANCE TO PROHIBIT RETAIL MARIJUANA IN THE TOWN OF OTIS, COLORADO.

WHEREAS, in the November 2012 general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution, found at Article XVIII, section 16 of the Colorado Constitution, that authorizes and regulates the personal use of marijuana within the State of Colorado; and

WHEREAS, the Board finds that the possession and sale of marijuana violates federal law and the proliferation of unregulated marijuana cultivation, manufacturing, and sale may have a correlation with criminal activity; and

WHEREAS, the Board of Trustees finds that currently there are no persons or entities seeking application for Town services such as water taps, site development, sign permits, licenses, or other permits or authorizations in connection with Amendment 64 marijuana activities; and

WHEREAS, the Board of Trustees has the authority to exercise all municipal powers for the incorporated areas within the Town of Otis pursuant to Colorado Revised Statutes section 31-15-101; and

WHEREAS, pursuant to article V, section 1(4), Amendment 64 became effective upon the official declaration of the vote by the December 10, 2012, proclamation of the Governor; and

WHEREAS, the article XVIII, section 2(e) to the Colorado Constitution, Amendment 64 defines a “locality” to include a municipality; and

WHEREAS, article XVIII, section 5(f) to the Colorado Constitution, Amendment 64 provides that a locality may prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana clubs, or retail marijuana stores through the enactment of an ordinance; and

WHEREAS, In a coordinated election with the County of Washington, Colorado, on November 4, 2014, the Voters of the Town of Otis voted against permitting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within Town limits.

WHEREAS, consistent with the authority granted to the Board in Amendment 64 and the will of the Town’s voters, the Board desires to adopt this Ordinance prohibiting the operation of

marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana clubs, or retail marijuana stores within the Town of Otis, Colorado.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF OTIS, COLORADO , THAT :

Section 1. Findings and Legislative Intent. The Board of Trustees makes the following legislative findings”

(1) The Board of Trustees finds and determines that Amendment 64 to the Colorado Constitution, found at article XVIII, section 16, specifically authorizes the Board of Trustees of the Town of Otis by ordinance to prohibit the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana clubs, or retail marijuana stores.

(2) The Board of Trustees finds and determines after careful consideration of the provisions of Amendment 64; article XVIII, section 16 to the Colorado Constitution; and the results of the November 2014 election; and after evaluating, inter alia, the potential secondary impacts associated with the retail sale, distribution, cultivation, manufacturing, and testing of marijuana through the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana clubs, or retail marijuana stores, that such land uses have an adverse effect on the health, safety, and welfare of the Town and the citizens thereof.

(3) The Board of Trustees therefore finds and determines that as a result of the votes of the November 2014 election and as a matter of the Town’s local land use, zoning authority, and police powers as a statutory town pursuant to Colorado law and consistent with the authorization provided by Amendment 64, that no suitable location exists within the corporate limits of the Town of Otis for the cultivation, manufacture and sale of marijuana by the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, marijuana clubs, or retail marijuana stores.

Section 2. Authority. The Board of Trustees hereby finds, determines, and declares that it has the power and authority to adopt this Ordinance pursuant to:

- (1) Amendment 64 to the Colorado Constitution, found at article XVIII, section 16.
- (2) The results of the November 2014 election.
- (3) The police powers authority granted to statutory towns. Colo. Rev. Stat. § 31-15-401.
- (4) The Local Government Land Use Control Enabling Act. Colo. Rev. Stat. § 29-20-101, et seq.
- (5) Municipal zoning powers. Colo. Rev. Stat. § 31-23-101, et seq.
- (6) Municipal ordinance powers. Colo. Rev. Stat. § 31-15-103.
- (7) Municipal authority to regulate businesses. Colo. Re. Stat. § 31-15-501.

Section 3. Definitions. For purposes of this Ordinance, unless otherwise specified or the context otherwise requires, any terms used herein shall have the same meanings as provided in article

XVIII, section 16 to the Colorado Constitution. These definitions include, but are not limited to the following:

(1) “Marijuana” or “Marihuana” means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. “Marijuana” or “Marihuana” does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seeds of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(2) “Marijuana club” means an organization that allows members and their guests to consume marijuana or marijuana products on the premises in a commercially zoned area.

(4) “Marijuana cultivation facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(5) “Marijuana establishment” means a marijuana cultivation facility, marijuana testing facility, a marijuana product manufacturing facility, or a retail marijuana store.

(6) “Marijuana product manufacturing facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to customers.

(7) “Marijuana products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(8) “Marijuana testing facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

(9) “Medical marijuana center” means an entity licensed by an agency of the State of Colorado to sell marijuana and marijuana products pursuant to Amendment 64 and the Colorado Medical Marijuana Code.

(10) “Retail marijuana store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

Section 4. Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities, Marijuana Testing Facilities, Marijuana Clubs, or Retail Marijuana Stores Prohibited. It is unlawful for any person to operate, cause to be operated, or permit to be operated a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana club, or retail marijuana store within the Town, and all such uses are hereby prohibited in any location within the Town now within any area hereinafter annexed to the Town.

Section 5. Marijuana Prohibitions. The use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility, marijuana club, or retail marijuana store within the Town are all uses prohibited in any zoning district.

Section 6. Penalty.

(1) A violation of the provisions of this Ordinance shall be punishable by a fine of not more than \$1,000.00, jail for not more than one year, or by both such fine and jail.

(2) Each and every day a violation of the provisions of this Ordinance is committed, exists, or continues shall be deemed a separate offense.

(3) The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin abate, or remove the violation.

(4) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Section 7. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Safety Clause and Immediate Effect. The Board of Trustees finds, determines, and declares that the Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Otis, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED
PUBLISHED by the Board of Trustees of the Town of Otis, Colorado on December 9, 2014.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO
ORDINANCE NO. 178

TITLE: AN ORDINANCE TO PROHIBIT THE OPERATION OF MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS' LICENSES WITHIN THE TOWN OF OTIS, COLORADO.

WHEREAS, in the November 2000 general election, the voters of the State of Colorado adopted Amendment 20 to the Colorado Constitution, found at article XVIII, section 14, that authorizes and limits the sale of medical marijuana for use in the treatment of debilitating medical conditions; and

WHEREAS, The Board previously adopted Ordinance No. 166 imposing a "[m]oratorium on the submission, acceptance, processing or approval of applications for permits and licenses related to businesses that sells, dispenses, or cultivates medical marijuana;" and

WHEREAS, during the pendency of the Moratorium Ordinance, the Colorado Legislature during the 2010 legislative session considered and adopted House Bill 10-1284 that, in pertinent part, added a new article 43.3 to title 12 of the Colorado Revised Statutes, now known as the Colorado Medical Marijuana Code; and

WHEREAS, Colorado Revised Statutes Section 12-43.3-106 authorizes the governing body of a municipality to vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses; and

WHEREAS, Colorado Revised Statutes Section 12-43.3-310 of the Colorado Medical Marijuana Code further specifically authorizes a municipality to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana that are more restrictive than the Colorado Medical Marijuana Code; and

WHEREAS, Colorado Revised Statutes Section 12-43.3-308(1)(c) of the Colorado Medical Marijuana Code also provides that the State and local licensing authorities shall not receive or act upon a new application pursuant to the Colorado Medical Marijuana Code for a location in an area where the cultivation, manufacture, and sale of medical marijuana as contemplated is not permitted under the applicable zoning laws of the municipality, city and county, or county; and

WHEREAS, The Board of Trustees has carefully considered the provisions of the Colorado Medical Marijuana Code; article XVIII, section 14 of the Colorado Constitution; and the impact of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses on the health, safety and welfare of the

Town and the inhabitants thereof, and has determined as an exercise of its local land use authority that such medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses shall not be located within the corporate limits of the Town; and

WHEREAS, the Town of Otis Board of Trustees, pursuant to its Police Power as provided for in its ordinances, Colorado Revised Statutes Section 31-15-401, and House Bill 10-1284 may ban applications pertaining to medical marijuana or medical marijuana dispensaries, including, but not limited to, water taps, sales and use tax, amendments to the official zoning map of the Town of Otis, site development, liquor license, sign permit, or building permit; and

WHEREAS, In a coordinated election with the County of Washington, Colorado, on November 4, 2014, the Voters of the Town of Otis voted against permitting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within Town limits.

WHEREAS, consistent with the authority granted to the Board Colorado Revised Statutes Section 12-43.3-103(2)(a) and the will of the Town's voters, the Board desires to adopt this Ordinance prohibiting the operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities, and retail marijuana stores within the Town of Otis, Colorado.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES FOR THE TOWN OF OTIS, COLORADO THAT:

Section 1. Findings and Legislative Intent. The Board of Trustees makes the following legislative findings:

(1) The Board of Trustees finds and determines that the Colorado Medical Marijuana Code, Colorado Revised Statutes Section § 12-43.3-101, et seq., clarifies Colorado law regarding the scope and extent of Amendment 20 to the Colorado Constitution.

(2) The Board of Trustees finds and determines that the Colorado Medical Marijuana Code specifically authorizes in part that the governing body of a municipality may vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses.

(3) The Board of Trustees finds and determines that the Colorado Medical Marijuana Code further specifically authorizes a municipality in part to prohibit the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses based on local government zoning, health, safety, and public welfare laws for the distribution of medical marijuana.

(4) The Board of Trustees finds and determines after careful consideration of the provisions of the Colorado Medical Marijuana Code; article XVIII, section 14 of the Colorado Constitution; and after evaluating, inter alia, the potential secondary impacts associated with the retail sale, distribution, cultivation and dispensing of medical marijuana through medical

marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses, that such land uses have an adverse effect on the health, safety, and welfare of the Town and the citizens thereof.

(5) The Board of Trustees therefore finds and determines that as a matter of the Town's local land use, zoning authority, and police powers as a statutory town pursuant to Colorado law and consistent with the authorization provided by the Colorado Medical Marijuana Code, that no suitable location exists within the corporate limits of the Town of Otis for the cultivation, manufacture, and sale of medical marijuana by the operation of medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturers' licenses.

Section 2. Authority. The Board of Trustees hereby finds, determines and declares that it has the power and authority to adopt this Ordinance pursuant to:

- (1) The Colorado Medical Marijuana Code. Colo. Rev. Stat. § 12-43.3-101, et seq.
- (2) The police powers authority granted to statutory towns. Colo. Rev. Stat. § 31-15-401.
- (3) The Local Government Land Use Control Enabling Act. Colo. Rev. Stat. § 29-20-101, et. seq.
- (4) Municipal zoning powers. Colo. Rev. Stat. § 31-23-101, et seq.
- (5) Municipal ordinance powers. Colo. Rev. Stat. § 31-15-103.
- (6) Municipal authority to regulate businesses. Colo. Rev. Stat. § 31-15-501.

Section 3. Definitions. For purposes of this Ordinance, the following terms shall have the following meanings:

(1) Medical marijuana means marijuana that is grown and sold for a purpose authorized by article XVIII, section 14 of the Colorado Constitution.

(2) Medical marijuana center means a person authorized to be licensed to operate a business as described in the Colorado Medical Marijuana Code that sells medical marijuana to registered patients or primary caregivers as defined in article XVIII, section 14 of the Colorado Constitution, but is not a primary caregiver, and which municipality is authorized to prohibit as a matter of law.

(3) Medical marijuana-infused products manufacturer means a person licenses pursuant to the Colorado Medical Marijuana Code to operate a business pursuant to a medical marijuana-infused products manufacturing license, and that a municipality is authorized to prohibit as a matter of law.

(4) Optional premises cultivation operation means a person licensed pursuant to the Colorado Medical Marijuana Code to operate a business known as an optional premises grow facility in order to grow and cultivate marijuana for a purpose authorized by article XVIII section 14 of the Colorado Constitution, and that a municipality is authorized to prohibit as a matter of law.

(5) Person means a natural person, partnership, association, company, corporation, limited liability company, or organization, or a manager, agent, owner, director, servant, officer, or employee thereof.

(6) Patient has the meaning provided in article XVIII, section 14 (1)(c) of the Colorado Constitution.

(7) Primary caregiver has the meaning provided in article XVIII, section 14(1)(f) of the Colorado Constitution.

Section 4. Medical Marijuana Centers, Optional Premises Cultivation Operations, and Medical Marijuana-Infused Products Manufacturers' Licenses Prohibited. It is unlawful for any person to operate, cause to be operated, or permit to be operated as a medical marijuana center, optional premises cultivation operation, or facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained within the Town, and all such uses are hereby prohibited in any location within the Town, or within any area hereinafter annexed to the Town.

Section 5. Medical marijuana prohibitions. The use of property as a medical marijuana center, optional premises cultivation operation, or a facility for which a medical marijuana-infused products manufacturers' license could otherwise be obtained within the Town are all uses prohibited in any zoning district.

Section 6. Patients and Primary Caregivers. Nothing in this Ordinance shall be construed to prohibit, regulate, or otherwise impair the use of medical marijuana by patients as defined by the Colorado Constitution or the provision of medical marijuana by a primary caregiver to a patient in accordance with the Colorado Constitution and consistent with the Colorado Revised Statutes Section 25-1.5-106 and rules promulgated thereunder, as the statute and rules may be amended from time to time.

Section 7. Penalty.

(1) A violation of the provisions of this Ordinance shall be punishable by a fine of not more than \$1,000.00, jail for not more than one year, or by both such fine and jail.

(2) Each and every day a violation of the provisions of this Ordinance is committed, exists, or continues shall be deemed a separate offense.

(3) The Town is specifically authorized to seek an injunction, abatement, restitution, or any other remedy necessary to prevent, enjoin abate, or remove the violation.

(4) Any remedies provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law or in equity.

Section 8. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 9. Safety Clause & Immediate Effect. The Board of Trustees finds, determines, and declares that this Ordinance is necessary to the immediate preservation of the public peace, health, and safety in the Town of Otis, Colorado. Therefore, this Ordinance shall take effect upon adoption.

INTRODUCED, READ, ADOPTED, APPROVED, PASSED, AND ORDERED
PUBLISHED by the Board of Trustees of the Town of Otis, Colorado on December 9, 2014.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

**TOWN OF OTIS, COLORADO
ORDINANCE NO. 179**

**AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE TOWN OF OTIS,
COLORADO; ADOPTING BY REFERENCE THE 2010 EDITION OF THE “MODEL
TRAFFIC CODE” REPEALING ALL ORDINANCES AND CONFLICT THEREWITH;
AND PROVIDING PENALTIES FOR VIOLATION THEREOF.**

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

Section 1. Adoption.

Pursuant to parts 1 and 2 of article 16 of title 31 and part 4 of article 15 of title 30, C.R.S., there is hereby adopted by reference Articles I and II, inclusive, of the 2010 edition of the “Model Traffic Code” promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4021 East Arkansas Avenue, EP 700., Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City, Town, and County. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with the state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the Clerk of the Town of Otis, Colorado, and may be inspected during regular business hours.

Section 2. Deletions.

The 2010 edition of the Model Traffic Code is adopted as set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted:

None.

Section 3. Additions or Modifications.

The said adopted Code is subject to the following additions or modifications:

- (a) Section 1101 of the Model Traffic Code, entitled “**Speed Limits,**” is hereby modified to **reflect that the maximum speed limit on all roads within the Town of Otis shall be twenty (20) miles per hour**, with the exception of United States Highway 34. The maximum speed limit on United States Highway 34 shall be thirty-five (35) miles per hour.
- (b) Section 508 of the Model Traffic Code, entitled “Gross weight of vehicles and loads,” is modified by the addition of the following Subsection (2), to read in its entirety as follows:

"(2) When official signs are erected giving notice thereof, no vehicle shall be moved or operated on any streets or parts thereof when the gross weight thereof exceeds the limit posted on the official sign; provided, however, that provisions of this subsection (2) shall not apply to emergency vehicles, school buses. Vehicles reaching a destination which occurs on such streets are also exempt from this subsection (2), provided any such vehicle enters such streets at the intersection nearest the destination of the vehicle, proceeds thereon no farther than the nearest intersection thereafter, and does not park on such street for longer than one (1) hour.

Section 4. Penalties.

The following penalties, herewith set forth in full, shall apply to this ordinance:

- (a) It is unlawful for any person to violate any of the provisions adopted in this ordinance.
- (b) Every person convicted of a violation of any provision adopted in this ordinance shall be punished by a fine not exceeding \$1,000.00, or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

Section 5. Application.

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

Section 6. Validity.

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

Section 7. Repeal.

Town Ordinance No. 152 is hereby repealed. Furthermore, existing or parts of ordinances covering the same matters as embraced in this ordinance are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for

any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

Section 8. Interpretation.

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

Section 9. Certification.

The Town Clerk shall certify to the passage of this ordinance and make not less than three copies of the adopted Code available for inspection by the public during regular business hours.

PASSED BY THE BOARD OF TRUSTEES AFTER A PUBLIC HEARING AND SIGNED
THIS 10TH DAY OF FEBRUARY, 2015.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO
ORDINANCE NO. 180

TITLE: AN ORDINANCE AUTHORIZING THE CERTIFICATION OF DELINQUENT CHARGES, ASSESSMENTS, AND TAXES TO THE WASHINGTON COUNTY TREASURER.

WHEREAS, C.R.S. § 31-20-105 permits a municipality to cause any or all delinquent charges, assessments, or taxes made or levied to be certified to the treasurer of the county and be collected and paid over by the treasurer of the county in the same manner as taxes are authorized to be collected under Title 31.

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

Any charge, assessment, or tax not paid on or before the date on which it becomes due is delinquent. Pursuant to the authority granted under C.R.S. § 31-20-105, the Town Clerk may certify any such delinquent charges, assessments, or taxes to the Washington County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent (10%) of the amount thereof and penalties due thereon in addition thereto to defray the cost of collection. The lien of such delinquent charges, assessments, taxes, and penalties when so certified by the Town Clerk as aforesaid shall be on a parity with the lien of the general taxes on the property.

PASSED BY THE BOARD OF TRUSTEES AFTER A PUBLIC HEARING AND SIGNED
THIS 10th DAY OF MARCH, 2015.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN OF OTIS, COLORADO
ORDINANCE NO. 181

TITLE: AN ORDINANCE AMENDING TOWN ORDINANCE NO. 105 OF THE TOWN OF OTIS, COLORADO.

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

WHEREAS, Ordinance No. 105 of the Town of Otis governs the building permitting system and procedures for the Town of Otis, and

WHEREAS, said Ordinance No. 105 provides that no person, firm, or corporation may erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure without first obtaining a permit from the Town Clerk, and

WHEREAS, the Town of Otis does not desire to require persons, firms, or corporations to obtain a permit prior to repairing or improving a building or structure.

Now, Therefore, be it Resolved by the Town Board of Otis, Colorado, as Follows:

Section 1. Amendment.

The Second Paragraph of Ordinance No. 105 is hereby deleted and its place the following is inserted:

WHEREAS, the Town of Otis desires to require any person, firm, or corporation to obtain a separate building permit from the Town Clerk before erecting, constructing, enlarging, altering, moving, or demolishing any building or structure.

Section 2. Full Force and Effect of Town Ordinance No 105.

Except as in herein amended, all other portions of Town Ordinance No. 105 remain in full force and effect.

Section 3. Effective Date.

The Ordinance shall become effective thirty days after its post-adoption publication.

INTRODUCED, PASSED ON FIRST READING, AND ORDERED PUBLISHED ON THIS 12th DAY OF JANUARY, 2016.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk

TOWN ORDINANCES

Ordinance No. 182.

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE NO. 165 OF THE TOWN OF OTIS, COLORADO

WHEREAS, the Town of Otis (the "Town") is a municipal corporation and body politic, organized under the laws of the State of Colorado and possessing the maximum powers, authority, and privileges to which it is entitled under Colorado law; and

WHEREAS, Section 31-15-103, C.R.S., authorizes the Board of Trustees of the Town of Otis, (the "Board") to make and publish ordinances which are necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the morals, order, comfort and convenience of the Town and the inhabitants thereof.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF OTIS, WASHINGTON COUNTY, COLORADO, THAT:

SECTION 1. Ordinance No. 165 shall be amended as follows:

SECTION 1-1. *New Section 3.* The Board of Trustees hereby enacts the following:

SECTION 3. The-order of business at a meeting shall be as follows:

1. CALL TO ORDER
2. AGENDA
3. GUESTS: CITIZENS RECOGNITION AND INTRODUCTION / PUBLIC COMMENT
4. PUBLIC HEARING
5. MINUTES
6. BILLS
7. REPORTS
 - a. FIRE DEPARTMENT
 - b. PARKS / MAINTENANCE
 - c. PUBLIC WORKS
 - d. FINANCE
8. UNFINISHED BUSINESS
9. NEW BUSINESS
10. MAYOR REPORT
11. TOWN CLERK REPORT
12. EXECUTIVE SESSION
13. GUESTS: CITIZENS RECOGNITION AND INTRODUCTION/PUBLIC COMMENT
12. MISCELLANEOUS
 - a. Next council meeting:
13. ADJOURNMENT.

SECTION 2. *Safety Clause.* The Board of Trustees hereby finds, determines and declares that this ordinance is promulgated under the police powers of the Town of Otis, that it is promulgated for the health, safety, morals and general welfare of. the public and that this ordinance is necessary for the preservation of the public health and safety and for the protection of public convenience and welfare. The Board of Trustees further determines that this ordinance bears a rational relationship to the proper legislative objective sought to be attained.

SECTION 3. *Severability.* If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be judged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance or this application to other persons or circumstances.

SECTION 4. *Effective Date.* This ordinance shall become effective on the date it is adopted.

Introduced, Read and Adopted this 13th day of December, 2016.

Damon M. Gale, Mayor. TOWN OF OTIS, COLORADO

ATTEST: Babette Jamison, Town Clerk