

ORDINANCE NO. 271

AN ORDINANCE OF THE TOWN OF RICO, PROVIDING FOR THE SUPPLY, MAINTENANCE AND OPERATION OF MUNICIPALITY OWNED EQUIPMENT TO PRIVATE INDIVIDUALS FOR PRIVATE PURPOSES AND TO GOVERN AND REGULATE THE USE THEREOF PROVIDING FOR PENALTIES THEREFOR, AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, the Town of Rico, Colorado, is an isolated community and the provision of heavy equipment for certain private repairs is in the best interest of the community in providing for the public health and safety of the inhabitants of the town; and

WHEREAS, the Town has for municipal purposes certain items of heavy equipment useful in construction which equipment is not fully employed at all time and on all occasions; and

WHEREAS, it is the duty and obligation of the Town to provide for the public health and safety of the inhabitants of the community;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF RICO:

I. POWER OF THE BOARD

a. The Board of Trustees of the Town of Rico, Colorado, be, and is hereby vested with the power and authority to lease, rent and otherwise provide for the rental and use of equipment to the inhabitants of the Town of Rico when such equipment is not required for municipal purposes. The Board of Trustees shall be vested with full and complete power and authority to provide similar equipment leasing and rental to all adult inhabitants in and about the Town of Rico as determined advisable by the Board of Trustees.

b. The Board of Trustees is hereby vested with full power and authority establish and provide for fees, charges and penalties which it determines reasonable for furnishing said equipment to the inhabitants of the Town of Rico and environs and to establish rules, regulations, and resolutions determined necessary to carry out and fulfill the Board of Trustees' power and authority hereunder.

c. The Board of Trustees shall be further vested with such incidental or collateral power, as deemed necessary, to assist it in carrying out said obligations, and shall have all other incidental powers as enumerated by state law.

SECTION II

a. Any adult citizen of the Town and its environs may request the use of equipment and necessary qualified operators from the Town of Rico by filing a "Request for Equipment and/or Services" from the Town of Rico with the town clerk.

b. Said equipment shall be provided to the citizens of the Town of Rico and its environs on a contractual basis at the rate established by the Town Board and kept on file with the Town Clerk, but only when such equipment is not required for municipal purposes.

c. Applicant shall certify that the applicant has provided insurance insuring the town and holding the town harmless from any and all liability while employed for such private purposes pursuant to this ordinance. Applicant agrees to indemnify and hold the Town of Rico harmless from any claims of liability to persons or property arising out of the private use of equipment which the said claims may arise from the use or the condition of the equipment.

d. If said equipment is required for municipal purposes while engaged in private business, said operations for private purposes shall be suspended and the equipment returned to service for the municipality for as long as shall be necessary.

SECTION III

Payment of Costs

a. Upon completion of any services or use of equipment, applicant shall pay the balance of any fees due and owing. Failure to make timely payment within sixty (60) days of the completion of the work shall subject the applicant to a penalty of five percent (5%) per month additional charge.

b. Upon the failure of any person employing the municipal equipment and operators upon private property to make full payment within 30 days of the substantial completion of such work, said unpaid balance shall become a lien upon the property upon which the work was performed. If said lien remains due and unpaid for 30 days beyond the imposition of the lien, the Board of Trustees may, in its discretion, direct the town attorney to foreclose the lien in any court of law or equity and sell such property for such price as may be necessary to secure payment of the outstanding lien. In the event legal action must be brought for the enforcement of this Ordinance, the foreclosure of any lien or action, the Town shall be entitled to reasonable attorneys fees and costs of collection litigation.

SECTION IV

This ordinance is hereby declared to be severable and in the event any section hereof is declared unconstitutional it shall not affect the validity of any other section or sections.

SECTION V

The provisions of this ordinance shall be in effect on the 13th day of May, 1987 and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 13th day of May, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman
Town Clerk

M.G. Maxwell
Mayor