

**ORDINANCE NO. 325
TOWN OF RICO**

AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF RICO, COLORADO ADOPTING ACCESS REQUIREMENTS FOR NEW DEVELOPMENT AND FOR CHANGES IN USE OR ADDITIONAL USES ON EXISTING LOTS; AND FURTHER ENACTING A ROAD MAINTENANCE IMPACT FEE ON NEW DEVELOPMENT THAT RESULTS IN THE CONSTRUCTION OF NEW ROADS OR THE EXTENSION OR WIDENING OF EXISTING ROADS.

WHEREAS, the Board of Trustees has determined that it is in the interest of the Town of Rico to ensure that development does not occur unless and until there is an adequate, legal right of vehicular ingress to and egress from any lot on which development is proposed to occur; and

WHEREAS, the Board of Trustees has determined that requiring adequate vehicular access to any lot prior to issuance of a building permit on such lot promotes the health, safety and welfare of the community; and

WHEREAS, the Board of Trustees has further determined that increasing growth and subdivision development in the Town of Rico has increased the demand for maintenance of public rights-of-way; and

WHEREAS, the Board of Trustees has determined that adequate maintenance of public rights-of-way in the Town of Rico, including adequate snow removal, is essential to providing emergency vehicle access; and

WHEREAS, the Board of Trustees has determined that the road maintenance equipment owned by the Town is aging and that the Town of Rico must purchase additional road maintenance equipment to provide adequate maintenance of public rights-of-way in the Town of Rico, including new public rights-of-way, or extensions or widening of existing rights-of-way, to serve new development; and

WHEREAS, the Board of Trustees has determined that adoption of a road maintenance impact fee on all construction that requires or necessitates the construction of new public rights-of-way or the extension or widening of existing public rights-of-way is necessary so that the Town of Rico may adequately maintain public rights-of-way; and

WHEREAS, the Board of Trustees has determined that adoption of a road maintenance impact fee promotes the health, safety and welfare of the community by enabling the Town of Rico to adequately maintain its public rights-of-way.

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

Section 1

Vehicular Access Requirements: Purpose

The purpose of vehicular access requirements is to ensure that a building permit is not issued for any construction within the Town of Rico for any new or additional use, or change of use, unless and until the owner of the lot on which the construction is proposed to occur has an adequate, lawfully established right of vehicular ingress to and egress from such lot.

Section 2

Adequate Vehicular Access Required

No person shall establish any new or additional use, or change the use, located upon a lot unless a lawfully established route of vehicular access to said lot is available. Access to the lot must be of a standard and condition to safely and adequately accommodate the type and volume of traffic that currently uses the access, plus any increase in traffic that may be added by the new or additional use. Adequate vehicular access shall be determined by the Planning and Zoning Commission, whose determination may be appealed to the Board of Trustees within 30 days after a final determination by the Planning and Zoning Commission.

Section 3

Road Maintenance Impact Fee

A. Assessment of Road Maintenance Impact Fee. A road maintenance impact fee shall be assessed upon all construction which requires or results in one of the following:

1. The year-round maintenance of existing public rights-of-way currently maintained on a seasonal basis by the Town; or
2. The extension or widening of existing public rights-of-way as determined by the Planning Commission pursuant to its authority in Section 2 above and any other authority granted to the Planning Commission by the Town of Rico; or
3. The construction of new public rights-of-way dedicated to the public and accepted by the Town of Rico.

B. Adoption of Fee Schedule. The Board of Trustees shall establish, and may from time to

time amend, a road maintenance impact fee schedule by resolution. Road maintenance impact fees shall be assessed based upon the number of linear feet of public right-of-way constructed, or to be maintained on a year-round basis, and further shall be based upon the increase in the Town's maintenance costs for public rights-of-way contributed by such construction, including capital acquisition costs.

C. Payment of Fee. Road maintenance impact fees shall be due and payable as follows:

1. For new construction, including alterations, upgrades and additions to existing buildings, other than construction requiring approval of a subdivision or a planned unit development (PUD), fees shall be due and payable prior to issuance of a building permit.

2. For construction requiring approval of a subdivision or PUD, fees shall be due and payable prior to final approval by the Board of Trustees of such subdivision or PUD

D. Deposit of Fee in Special Account. Road maintenance impact fees shall be held by the Town in a special interest bearing account reserved solely for the purchase, maintenance, repair and replacement of road maintenance equipment.

E. Fee Reimbursement. Road maintenance impact fees for the construction, extension, widening or year round maintenance of seasonally maintained public rights-of-way which benefits property owners other than the party assessed the impact fee may be subject to partial reimbursement pursuant to a reimbursement agreement between the Town and such party. Any reimbursement agreement shall comply with all applicable requirements of the Land Use Code, when adopted by the Board of Trustees, and all amendments thereto.

Section 4

This ordinance shall not have any effect on existing litigation and shall not operate as an abatement of any action or proceeding now pending under or by virtue of the ordinances repealed or amended as herein provided and the same shall be construed and concluded under such prior ordinances.

Section 5

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

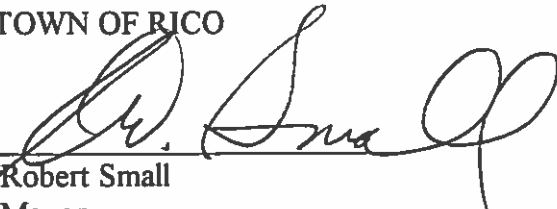
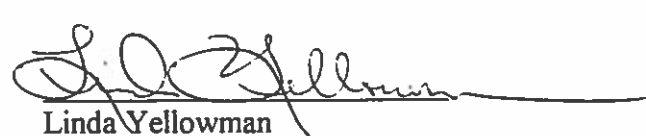
Section 6

This ordinance shall become effective upon the date of publication of notice of its passage in a legal publication of general circulation within the Town of Rico.

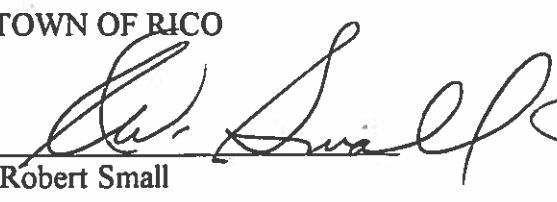
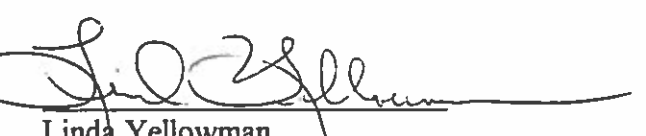
Section 7

A public hearing on the ordinance shall be held on the 12 day of March, 1997, Rico County Courthouse, 2 Commercial Street, Rico, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Board of Trustees of the Town of Rico, Colorado on the 12th day of March, 1997.

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| TOWN OF RICO | ATTEST |
| By:  |  |
| Robert Small Mayor | Linda Yellowman Town Clerk |

HEARD AND FINALLY ADOPTED by the Board of Trustees of the Town of Rico, Colorado this 9th day of April, 1997.

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| TOWN OF RICO | ATTEST |
| By:  |  |
| Robert Small Mayor | Linda Yellowman Town Clerk |