

**TOWN OF RICO
ORDINANCE NO. 2024-03**

**AN ORDINANCE OF THE TOWN OF RICO, COLORADO, ADOPTING
THE TOWN OF RICO CONSTRUCTION RULES AND REGULATIONS
AND PROVIDING FOR PENALTIES FOR VIOLATION OF SAME**

WHEREAS, the Town of Rico, Colorado (the “Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Rico Home Rule Charter (the “Charter”); and

WHEREAS, pursuant to C.R.S. § 29-20-101 *et seq.*, 31-15-101 *et seq.*, and 31-23-101 *et seq.*, the Town has broad authority to ensure the health, safety and welfare of the community and its residents; and

WHEREAS, the Town has the authority to adopt rules and regulations regarding construction activities within the Town as necessary to protect the health, safety and welfare of the community and its residents pursuant to the Charter, Article I § 1.2; and

WHEREAS, the Charter, Article III § 3.1 provides that enactments of the Board imposing fines, penalties or fees shall be made by ordinance; and

WHEREAS, the Board desires to adopt rules and regulations for permitted construction activity within the Town to minimize the impact of such activity on the community and its residents; and

WHEREAS, the Board finds and declares that construction rules and regulations set forth herein are proper in light of the needs and desires of the Town and in the promotion of the public health, safety, and welfare of the Town’s residents.

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

Section 1. The recitals above are hereby adopted as findings and incorporated herein.

Section 2. The Town of Rico hereby adopts the Construction Rules and Regulations attached as **Exhibit A** to this Ordinance, which is incorporated by this reference.

Section 3. This Ordinance shall take effect immediately on final adoption.

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ, AND APPROVED ON FIRST READING, AND ORDERED PUBLISHED BY TITLE ONLY ON MAY 15, 2024.

TOWN OF RICO, COLORADO



Nicole Pieterse, Mayor

ATTEST:



Anna Wolf, Town Clerk

THIS ORDINANCE WAS, FOLLOWING PUBLIC NOTICE, INTRODUCED, READ
ON SECOND READING, PASSED AND ORDERED PUBLISHED BY TITLE ONLY TO BE
EFFECTIVE IMMEDIATELY ON JUNE 19, 2024.

TOWN OF RICO, COLORADO

ATTEST:



Nicole Pieterse, Mayor

Anna Wolf, Town Clerk

Effective Date: June 19, 2024

EXHIBIT A

Town of Rico Construction Rules and Regulations

ARTICLE I **General**

1. Authority. The Town of Rico is a municipality governed by Home Rule Charter adopted May 2nd, 2000. The Town shall have and may exercise all powers, functions, rights and privileges allowed or granted to any municipalities including home rule cities or towns by law except as limited or expressly forbidden by the Charter or the Constitution of the State of Colorado or the United States. All powers of the Town shall be exercised in a manner prescribed by the Charter, or if the manner is not prescribed then as prescribed by ordinance, or if no ordinance exists which is applicable, then as prescribed by statute or other law.

2. Purpose. In order to ensure that any permitted Construction Activity within the Town is done in the most sensitive manner practicable and to minimize Construction Impacts to residents, businesses and guests, these Construction Regulations shall be enforced during Construction Activities. Each developer, architect and/or property owner ("**Owner's Representative**") and owner shall ensure that all Construction Activity subject to a Town permit that is performed on their construction site shall be performed in accordance with the following requirements.

3. Policy. The Board of Trustees of the Town of Rico hereby declares that the Construction Regulations hereinafter set forth will serve a public use and are necessary to promote the health, safety, prosperity, security, and general welfare of the inhabitants of the Town.

4. Intent of Construction. It is intended that these Construction Regulations shall be liberally construed to affect the general purposes set forth herein. No omission or additional material set forth in these Regulations shall be construed as an alteration, waiver or deviation from any grant of power, duty or responsibility, or limitation or restriction, imposed or conferred upon the Board of Trustees of the Town of Rico by virtue of ordinance, now existing or subsequently amended, or under any contract or agreement existing between the Town of Rico and any other entity. Nothing contained herein shall be so construed as to prejudice or affect the right of the Town to secure the full benefit and protection of any rule or regulation which is now enacted or may subsequently be enacted by the Board of Trustees pertaining to the affairs of the Town.

5. Conflicts. If the provisions of these Construction Regulations conflict with any other provisions of the Rico Land Use Code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

6. Amendment. It is specifically acknowledged that the Town of Rico has the power and authority to amend these Construction Regulations from time to time to reflect those changes determined to be necessary by the Board of Trustees of the Town of Rico in its sole discretion.

ARTICLE II **Definitions**

In addition to any to terms defined in the Rico Land Use Code, Article IX § 910, capitalized terms used in these Construction Rules and Regulations, are defined as follows:

1. **Blasting** shall mean the process of cracking rock material by using a small amount of explosives.
2. **Construction Activity** means activity subject to a town excavation, building or development permit, including but not limited to the disturbance of soils associated with clearing, grading, excavating, road-work, filling, hardscaping, landscaping, operation of chainsaw, or other similar activities, and construction, alteration, and/or repair of a building or other structure and its associated components.
3. **Construction Impact(s)** shall include excessive noise, excessive dust, any windblown trash, and excessive fugitive dirt, mud, aggregate, or concrete from clean out.
4. **Construction Management Site Plan** is a combination of diagrams, documents, drawings, and specifications that clearly define the steps that will be taken to demonstrate how the impacts to the community will be minimized, managed, or mitigated.
5. **Construction Regulations or Regulations** shall mean these Town of Rico Construction Rules and Regulations.
6. **Construction Vehicle** shall mean any private or commercial vehicles or heavy equipment actively involved in the construction process or in the delivery or storage of tools, supplies or materials.
7. **Disturbance** shall be anything that is an interruption of a settled and peaceful condition.
8. **Excessive** shall be anything beyond what is typical or normal.
9. **Hazard** shall mean anything that has the potential for harm.
10. **Material Storage** shall mean any area from which a Construction Activity material is staged or from which a Construction Activity is partially staged and shall include on-site staging areas and off-site staging areas.
11. **Trash or Debris** shall mean any and all trash, refuse, junk, solid waste, recyclable materials, construction materials not used in the Construction Activity, or other debris, which is produced during the Construction Activity, including preparation for construction and cleanup after completion of construction.

ARTICLE III

Construction Activity Regulations

1. **Access and Parking.** Construction Vehicles shall gain access to construction sites only from existing rights-of-way adjacent to the construction site. Parking in the Town right-of-way shall not impede traffic, emergency access, or road maintenance operations unless otherwise provided in the applicable Construction Management Site Plan. Special safety precautions may be necessary for the road including, but not limited to, safety cones, barriers, and/or flagging.
2. **Blasting.** No blasting shall be performed on any site without the Town Building Official's prior consent. Written notification to the Town Building Office shall be provided a minimum of 48 hours in advance of any blasting. Blasting may occur only Monday - Friday between the hours of 10:00 AM and 4:00 PM. Blasting may be subject to certain restrictions, which shall be determined by the Building Official in its sole and absolute discretion, and which may vary from site to site.

3. Construction Equipment and Material Storage. Each owner or Owner's Representatives and their contractors shall ensure that all construction material is stored in a designated Materials Storage area(s) which may be designated on or off site or, if authorized by the Building Official, in the Town right-of-way. Such Material Storage areas shall be indicated on the Construction Management Site Plan approved by the Building Official.

4. Debris and Trash Removal. Owners, Owner's Representatives, and their contractors shall be responsible for debris and trash removal. The requirements are as follows:

a. At the end of each day, all trash and debris on the construction site shall be removed or cleaned up and stored in proper containers or organized piles in a manner that will not be affected by wind.

b. All food trash must either be removed from the site at the end of each workday or securely disposed of in a bear-proof poly-cart, which must be on-site, and may not be disposed of in a construction dumpster.

c. All trash and debris shall be kept off of adjacent property and Town rights-of-way at all times. Dumpsters may be stored in the right-of-way if and as approved as part of the Construction Site Management Plan. Dumpsters in the right-of-way shall not impede traffic, emergency access, or Town road maintenance operations. Dumpster location shall be indicated on the Construction Management Site Plan and only placed in the right-of-way during the timeframe provided.

5. Construction Hours. Construction Activity may only take place between 7:00 A.M.- 7:00 P.M. Monday – Friday and 8:00 A.M.-5:00 P.M. on Saturday.

6. Deliveries. Construction Vehicles must obey all posted speed limits and traffic regulations within the Town. During winter months, construction and delivery trucks must be capable of traveling on snow packed roads.

7. Hazards Marked. All hazards should be marked on site and fenced as determined by the Building Official.

8. Fire Protection. At least one 10-pound ABC-rated dry chemical fire extinguisher shall be present and available on site.

9. Prohibited General Practices. All owners are responsible for the conduct and behavior of their contractors, and sub-contractors in the Town. The following practices are prohibited in conjunction with Construction Activities within the Town:

- a. Changing oil on any vehicle or equipment on a construction site;
- b. Allowing concrete suppliers and contractors to clean their equipment on any Town owned lot, roadway, right-of-way, ditch, easement, or property of others;
- c. Removing any rocks, vegetation, topsoil, or similar items from any property of others within Town;
- d. Using disposal methods or units other than those approved by the Town (Ordinance 2009-02);

- e. Working before or after the construction hours set forth in Section 5 above;
- f. Driving trucks with uncovered loads containing material that creates dust or debris; and
- g. Amplifying music that can be heard beyond the construction site.

10. Roadway Maintenance. Except as otherwise expressly approved in the Construction Site Management Plan or other written authorization from the Town, owners, Owner's Representatives and their contractors and sub-contractors shall keep all Town roads and rights-of-way free and clear of all materials, trash, and debris, resulting from Construction Activity and shall repair and revegetate any damage to roads, road rights-of way, landscaping, and other streetscape improvements within the Town caused by Owner's Construction Activity. Construction Sites adjacent to Colorado Highway 145 must keep the site and all adjacent roads, and highway clean from mud, and debris on a daily basis.

11. Dust. Dust suppression shall be addressed on a case by case basis.

12. Sanitary Facilities. If required by the Construction Management Site Plan or otherwise by the Building Official on-site, enclosed, chemical toilets must be available at all times during Construction Activity. Chemical toilets shall be screened from view if practicable and shall be located so as to minimize any adverse impacts on adjacent lots. In no instance shall chemical toilets be placed within any Town right-of-way. Location of chemical toilets shall be indicated on the Construction Management Site Plan.

13. Signage. If required by the Construction Management Site Plan or otherwise by the Building Official one temporary construction sign not to exceed 20 square feet overall shall be located on the site and shall be easily visible from the adjacent roadway. The sign must conform generally to the layout shown below with only the name, address and telephone number of the developer, contractor, and location. All information listed must be shown in uniform type style and color.

<p>PROJECT LOCATION</p> <p>Building Permit #</p> <p>Developer/Owner: [Name and Phone #]</p> <p>Contractor: [Name]</p>
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14. Site Specific Requirements. The Town may impose additional Construction Activity mitigation requirements imposed on a site by site basis as conditions warrant.

15. Violation, liability and penalty. The failure to comply with these Construction Regulations shall constitute a nuisance. The owners of the property upon which such violation occurs shall be jointly and severally liable for the violation. For violations arising from Construction Activity that does not occur on the construction site, the owners of the property associated with the permit applicable to such Construction Activity shall be jointly and severally liable for the violation,

a. Any person who violates any of the provisions of these Construction Regulations shall be fined an amount determined by the Board of Trustees not to exceed \$1,000 for each offense. Each day that such violation continues to exist may be deemed a separate offense.

b. In addition, any person who violates any provision of these Construction Regulations shall be liable to the Town for any expense, loss or damage, including reasonable attorneys' fees, occasioned by reason of such violation.

c. The Town may institute injunction, abatement or any other action to prevent, enjoin or abate any violation of this Article.

d. The remedies provided herein are cumulative and not exclusive, and are in addition to any other remedies provided by law, including but not limited to stop work orders for permit violations, injunctive relief, etc.

