

ORDINANCE NO. 275

AN ORDINANCE CLASSIFYING STREETS WITHIN THE TOWN OF RICO, REGULATING THE DEVELOPMENT OF SAID STREETS, AND ADOPTING MAPS IDENTIFYING SAID STREETS AND THEIR CLASSIFICATIONS.

SECTION 1: AUTHORITY AND PURPOSE

Under authority of Colorado Revised Statutes, 1973, Sections 32-23-206, 207, 209, 212, 213, et. seq., the Town of Rico, Colorado, hereby establishes street classifications and regulations providing the Town a mechanism for regulating future development of streets within the Town for the purposes of facilitating street maintenance and promoting good quality streets and acceptable traffic patterns in order to assure the health, safety, and welfare of the residents of Rico.

SECTION 2: ADMINISTRATION AND ENFORCEMENT

A. Administration

1. Enforcing Official: The provisions of this Street Ordinance shall be administered and enforced by the officer(s) or department(s) designated by the Town Board.

B. Enforcement Procedure:

1. An alleged violation of any of the provisions of this Street Ordinance shall be investigated by the enforcing official or officials, either on their own initiative or upon receipt of a signed written complaint from a person or persons who believe a violation exists, or by order of the Town Board.

2. If a violation is found to exist, it shall be corrected in one or more of the following ways:

a. The enforcing official shall notify the property owner and any other persons responsible for the violation, in writing, and order the necessary correction. Said correction shall be completed within a prompt, reasonable period, as ordered by the enforcing official in said notice.

b. The enforcing official may issue a stop work order by notice in writing posted on the property in or upon which such violation is occurring.

c. Any law enforcement officer may cite the property owner and/or any other persons who may be responsible with a violation of an Ordinance of the Town of Rico, as provided in section C herein.

d. Upon the failure of any official to act in the case of a violation of this Ordinance, the necessary notification of violation or stop order may be issued by the Town Board, either upon its own initiative or that of the Planning Commission, or upon receipt of a written complaint from an individual or group of individuals.

C. Violation and Penalty: Failure to comply with any of the provisions of this Ordinance shall constitute a misdemeanor, and upon conviction is punishable by a fine of not less than \$10.00 nor more than \$300.00, or by imprisonment for a period of not less than three (3) days nor more than one (1) month. Each day that such violation continues to exist shall be considered as a separate offense.

SECTION 3: CONTENT

The Ordinance consists of the Present Status Map, Designated Street Use Map, specifications for future road construction, procedures for vacations of street rights-of-way, and approval and permit procedures.

SECTION 4: PRESENT STATUS MAP

A. Street Classifications: The Present Status Map shows the present classification of Rico's Streets. The classifications are as follows:

1. Improved: All roads currently maintained by the Town of Rico, Dolores County, or the State of Colorado.

2. Unimproved: Existing roads or dirt tracks not regularly maintained by any governmental entity, but which have significant seasonal use; or, undeveloped but potentially developable roads between platted town lots, e.g. extensions of platted streets.

a. Questionable for Development: portions of Unimproved platted streets which are not feasible to develop due to unfavorable physical conditions.

B. Platted Streets: Previously unplatted streets which have been platted on the Present Status Map are: West Rico Access, Dump Road, Piedmont Access, Depot Road, Water Tank Road, Jones Mine Road, Burnett Road, Piedmont to West Rico Road, Mill Road to town boundaries, Newman Hill Road.

SECTION 5: DESIGNATED STREET USE MAP

A. The Designated Street Use Map designates streets based on historical uses as follows:

ARTERIAL: Glasgow Avenue/State Highway 145

COLLECTOR: Mantz Avenue, portions of Silver Street, Soda Street, Piedmont Access, Piedmont Street, West Rico Access, Picker Street and Eder Street.

RESIDENTIAL: All streets not designated above.

B. The following prohibitions apply to street use:

1. Residential:

- a. Access to subdivisions, commercial or industrial sties, or multi-unit housing developments is prohibited.
- b. Regular use by trucks with more than two axles is prohibited.
- c. On-street parking for vehicles of more than two axles is prohibited.

2. Collector:

- a. On-street parking for vehicles of more than two axles is prohibited.
- b. On those streets designated as Collector, reasonable care shall be used to protect residential neighborhoods from commercial and industrial traffic, noise, dust and hazardous materials as defined in CRS 43-6-101, et. seq. including, but not limited to, gasoline, diesel fuel and liquified petroleum gas being transported to or from commercial or industrial sites.

SECTION 6: STREET IMPROVEMENTS AND EXTENSIONS

A. Application and Review: Any person or group of persons wishing to improve or construct a street or alley within the Town of Rico shall first appear before the Rico Planning Commission and submit a written application and drawing identifying: location and extent of the work to be performed, proposed design specifications, copy of a certified survey, proposed parking plan, proposed snow removal plan, and statement as to the intended use of the road. The Planning Commission shall make its recommendation to the Town Board based on the applicant's compliance with the intent of the Street Plan and the requirements of this Ordinance.

B. Permit: Upon approval of the proposed street improvement by the Board of Trustees, the Town Clerk shall issue a permit valid for one year. Application and fees shall be established by the Town Board.

C. Design Specifications: New streets or improvements to or extensions of Unimproved Streets or Streets Questionable for Development within the Town of Rico shall be constructed according to the following design specifications.

1. Width: Residential rights-of-way shall be a minimum of 40 feet in width and Collector rights-of-way shall be a minimum of 60 feet in width. Arterial rights-of-way shall be a minimum of 80 feet in width. Street surfaces are to be a minimum of 24 feet wide with a six-inch crown.

2. Base: Road base shall consist of a minimum of 5 inches of 4-inch or smaller aggregate topped by a minimum of 4 inches of 1-inch or smaller road mix if the street is to be unpaved.

3. Drainage: All water diversions shall be installed in such a manner as to prevent flooding downhill, erosion of the shoulder, and water runoff from the drainage system flowing onto private property.

a. Culverts: Culverts shall be installed wherever water runoff crosses the roadway and at every intersection. Culverts are to be a minimum of 12 inches in diameter, and large enough to accommodate expected maximum runoff. Culverts shall be installed with sufficient slope to prevent clogging.

b. Curbs and Gutters: All paved streets shall be installed with curbs and gutters.

c. Bar ditch: Unpaved streets shall include a bar ditch sufficient to provide adequate drainage.

4. Grade: Streets shall be constructed with a grade not to exceed 10 percent.

5. Roadcuts: Any roadcuts higher than six vertical feet measured from the crown of the street which are created during construction and which are composed of loose rock or soil material adjacent to the street shall not exceed a 35% slope. A retaining wall shall be built in any case where the vertical distance between the street crown and the top of a cut would exceed fifteen vertical feet. Toe of the road shall not exceed 45 degrees. The vertical distance between the street crown and the tow may not exceed 15 feet without provision of a retaining wall to protect the downslope.

6. Exceptions: The Town Board shall have the right to waive any of the above design specifications for good cause during the review process. The Town Board shall have the right to impose any additional requirements necessary to ensure the public health, safety, welfare and convenience.

SECTION 7: VACATIONS OF STREET RIGHTS-OF-WAY

A. Authority and Purpose: The Town Board shall have the right to vacate street and alley rights-of-way pursuant to CRS 31-15-702 (1)(a)(I). Cause for vacation may include but shall not be limited to the following:

1. Promotion of health, safety, convenience, or general welfare of the citizens of Rico.

2. Existence of a street on topography which does not allow development of the street to meet design specifications required by this Ordinance.

3. Availability of alternate access to all outlying property which would ordinarily be served by said part of the

street.

B. Requirements

1. The Town Board shall enact the street vacation by ordinance.

2. The Town shall retain sufficient easements or rights-of-way for utilities.

3. Alternate access to other property served by the street shall be documented.

4. The vacated right-of-way shall be divided at the midpoint and title shall pass to the adjoining property owners.

5. Vacated rights-of-way shall be subject to the provisions of the Rico Zoning Ordinance, and the Zoning District designation shall be dictated by the adjoining Zoning District. If the street served as a dividing line for different Zoning Districts, the midpoint of the street shall serve as the new boundary for adjoining Zoning Districts.

6. The vacation ordinance shall specifically amend the Street Plan and this Ordinance including the Present Status Map and the Designated Street Use Map.

7. The Town may not receive monetary compensation in return for any vacated street right-of-way.

SECTION 8: SEVERABILITY

If any part or parts of this ordinance are for any reason to be held invalid or unconstitutional, such decision shall not affect the validity or constitutionality or the enforceability 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 may be declared invalid or unconstitutional.

SECTION 9: EFFECTIVE DATE

The provisions of this ordinance shall be in effect on the 8th day of December, 1987, and thereafter until repealed.

READ, PASSED, APPROVED AND ADOPTED by the Board of Trustees of the Town of Rico on this 8th day of December, 1987.

ATTEST:

TOWN OF RICO:

Linda Yellowman
Town Clerk

Mike Maxwell
Mayor