

**PLATTEVILLE**

**MUNICIPAL**

**CODE**

2001

A Codification of the General Ordinances  
of the Town of Platteville, Colorado

Published by

**COLORADO CODE PUBLISHING COMPANY**

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Book No. \_\_\_\_\_

**OFFICIALS**  
of the  
**TOWN OF PLATTEVILLE**

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*Mayor Pro Tem*  
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*Board of Trustees*  
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Todd Harris  
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*Town Clerk*  
Leah C. Heneger

SUPPLEMENT NO. 8

PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 638, adopted September 15, 2009.**

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COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado

October 2009

SUPPLEMENT NO. 7

PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 628, adopted September 29 2008.**

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COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado

March 2009

SUPPLEMENT NO. 6

PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 626, adopted July 15, 2008.**

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COLORADO CODE PUBLISHING COMPANY  
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September 2008

SUPPLEMENT NO. 5

PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 613, adopted February 5, 2008.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 2008

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

PLATTEVILLE MUNICIPAL CODE

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COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado

September 2006

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

SUPPLEMENT NO. 3

PLATTEVILLE MUNICIPAL CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 563, adopted February 15, 2005.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

May 2005

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PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 549, adopted September 16, 2003.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

May 2005

SUPPLEMENT NO. 1

PLATTEVILLE MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 542, adopted July 16, 2002.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

August 2002

## SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

## AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

**Additions:** Additions may be made by ordinance to the Code as follows:

The "Platteville Municipal Code" is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Platteville Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

**Revisions:** A revision of the Code may be accomplished as follows:

Section 2-2-90 of the "Platteville Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-2-90 of the "Platteville Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

**Repeal:** Sections, articles and chapters may be repealed as follows:

Section 2-2-90 of the "Platteville Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

## PREFACE

The Town of Platteville, a statutory town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Disposition of Ordinances Table* identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information.

The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

*Supplements* to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

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TOWN OF PLATTEVILLE  
Weld County, Colorado

ORDINANCE NO. 532

AN ORDINANCE OF THE TOWN OF PLATTEVILLE, ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF PLATTEVILLE; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

*Be It Ordained by the Board of Trustees of the Town of Platteville, Colorado:*

*Section 1.* The Code entitled *The Platteville Municipal Code* published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, is adopted.

*Section 2.* All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Platteville Municipal Code, to the extent of such inconsistency, are hereby repealed.

*Section 3.* The repeal established in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

*Section 4.* The following codes were adopted by reference and incorporated in the Platteville Municipal Code. One (1) copy of each are on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado Municipalities*, 1995 edition, published by the State Department of Highways, as adopted and amended in Section 8-1-10 et seq.;

(2) The *Uniform Building Code*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-2-10;

(3) The *Uniform Mechanical Code*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-3-10;

(4) The *Uniform Plumbing Code*, 1997 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted in Section 18-4-10;

(5) The *National Electrical Code*, 1996 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted in Section 18-5-10;

(6) The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-6-10; and

(7) The *Uniform Housing Code*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-7-10.

*Section 5.* The penalties provided by the Municipal Code of the Town of Platteville are hereby adopted as follows:

(1) **Sec. 1-3-110. Altering or tampering with Code; penalty. (Article III, General)**

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with this Code in any manner so as to cause the ordinances

of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof.

**(2) Sec. 1-4-20. General penalty for violation.**

Any person who shall violate or fail to comply with any provision of this Code for which no specific penalty is provided therefor, shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00). In addition, such person shall pay all costs and expenses in the case, including attorney fees. A separate and distinct offense shall be deemed committed upon each day or portion thereof that any violation of this Code or of any ordinance shall occur or continue.

**(3) Sec. 1-4-30. Application of penalties to juveniles. (Article IV, General Penalty)**

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code, shall be punished by a fine of not more than three hundred dollars (\$300.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge.

**(4) Sec. 1-4-40. Penalty for violations of ordinances adopted after adoption of Code. (Article IV, General Penalty)**

Any person who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation.

**(5) Sec. 2-8-170. Contempt power. (Article VIII, Municipal Court)**

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) days.

**(6) Sec. 6-1-120. License renewals. (Article I, Business Licenses)**

A licensee who desires to renew a license for the succeeding year shall apply and pay the required fee therefor on or before the expiration date of any license or licenses issued for the current year. Whenever any application and license fee payment therefor is not received on or before the expiration of such license, and the licensee continues to engage in the business or activity for which the license was issued, a penalty of ten percent (10%) of the amount of the license fee shall be imposed, and an additional five percent (5%) of the original fee shall be added on the last day of each calendar month after the expiration date. In addition, It is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired..

**(7) Sec. 7-1-120. Correction of violations; lien for costs. (Article I, Administration and Abatement of Nuisances)**

(f) Notice of any assessment made by the Town pursuant to Paragraph (d)(1) above shall be given by recording the same in the records of the County Clerk and Recorder and by serving the same upon the owner or occupant of such property in any manner authorized by Subsection (c) hereof for service of the notice and order to abate or correct. If the assessment is not paid within forty-five (45) days after notice of such assessment is given, it may be certified by the Town Clerk to the County Treasurer, who shall collect the same, together with a ten-percent penalty for costs of

collection, in the same manner as other taxes are collected. State law for assessment and collection of general taxes, including the laws for the sale and redemption of property for taxes, shall apply to the collection of such assessments.

**(8) Sec. 10-7-70. Possession of cannabis. (Article VII, Alcoholic Beverages and Drugs)**

(b) It is unlawful to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

**(9) Sec. 13-2-200. License required; application; penalty. (Article I, Water and Sewer General Provisions)**

(b) Unauthorized connection; penalty. Any person who makes, causes, permits, solicits, aids or abets any other person to make or cause any connection to the Town system without a proper license therefor is subject to a civil penalty in an amount equal to twice the amount of the system investment charge for the connection made, calculated as provided below, in addition to any system investment charge regularly imposed pursuant thereto for the connection when the same is made in conformity with this Chapter.

**(10) Sec. 13-2-470. Billing; late charges and interest; collection (Article II, Water and Sewer General Provisions)**

(b) When any utility charges become delinquent, a late charge of ten dollars (\$10.00) shall be added to the amount thereof. Further, any delinquent amount of one hundred dollars (\$100.00) or more shall draw interest at the rate of one and three-quarters percent (1¾%) per month, compounded monthly, from the date of delinquency until paid. Any person liable for such fees and charges shall also be obligated to pay the costs of collection, including reasonable attorney fees and court costs, actually incurred by the Town.

(c) When any check tendered for and pursuant to this Chapter is returned due to insufficient funds, a service charge of fifteen dollars (\$15.00) will be charged and invoiced on the first monthly statement following the return of the check and shall thereupon be deemed for all purposes to be charges for water service.

**(11) Sec. 16-8-50. Violation; hearing procedure; appeal; penalty. (Article VIII, Special Use Permits)**

(c) Penalty. In the event the Planning Commission, or the Board of Trustees upon appeal, finds that the owner or operator of a special use has violated any condition or provision of the special use permit, it shall impose a penalty in accordance with the following schedule:

First Violation	\$150.00
Second Violation	\$300.00
Third Violation	Revocation of the special use permit

In addition, the owner or operator of the special use shall reimburse the Town for its reasonable costs incurred in investigating, reviewing, preparing, presenting and hearing the violation. Reasonable costs shall include the time, calculated at an hourly rate, spent by the Town's staff and consultants, including the Town Attorney, in connection with the violation.

**(12) Sec. 17-6-140. Violations and penalties. (Article VI, Administrative Provisions)**

(a) Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers, sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision, before such plat has been approved by the Planning Commission and the

Board of Trustees and recorded or filed in the office of the County Clerk and Recorder, shall forfeit and pay a penalty of one hundred dollars (\$100.00) for each lot or parcel so transferred, sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from remedies provided in this Section.

**(13) Sec. 18-2-40. Violations; penalties. (Article II, Building Code)**

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or equipment in the Town, or to cause or permit the same to be done in violation of any of the codes as adopted in this Chapter. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful under any of the codes adopted in this Chapter, if installed after the effective date of the ordinance codified herein, shall constitute a continuing violation. Any person violating any of the provisions of any of the codes as adopted herein shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the codes occurs and/or continues, and upon conviction of any such violation, the violator shall be subject to a fine of not more than three hundred dollars (\$300.00) for each and every offense. In addition to any and all other remedies, the Town may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful erection, construction, reconstruction, alteration, remodeling or use.

*Section 6.* The Platteville Municipal Code is adopted with the amendments set forth on Exhibit A attached hereto and incorporated herein by reference.

*Section 7.* Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

*Section 8.* Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

*Section 9.* This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 20th day of November, 2001.

TOWN OF PLATTEVILLE, COLORADO

ATTEST:

(signature) \_\_\_\_\_

Mayor

(signature) \_\_\_\_\_

Rebecca Kunzler, Acting Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 18th day of December, 2001.

TOWN OF PLATTEVILLE, COLORADO

ATTEST:

(signature) \_\_\_\_\_

Mayor

(signature) \_\_\_\_\_

Rebecca Kunzler, Acting Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

Charles A. Kuechenmeister, Town Attorney

EXHIBIT A TO  
ORDINANCE 532

1. - Beginning: The Officials Page was updated to reflect current Trustees.
2. Chapter 1:
  - ✓ 1-4-50, the legislative history of the Prior code 1-1-5 was added to the Section.
3. Chapter 2:
  - ✓ 2-8-100: In (a)(2) and (f), reference to Town Clerk was changed to Town Treasurer. In the preamble the position was expressly designated as an employment position. In(a)(2) *costs* was added as a revenue source subject to the court clerk's control.
  - ✓ Article IX, Planning Commission, was added, with renumbering of Articles. Index was renumbered where necessary. See Attachment A for wording of the Article.
4. Chapter 4:
  - ✓ 4-2-50: The words: *located in the County which have been designated by written resolution of the Board of Trustees* were deleted after *public depositories*.
  - ✓ Original Section 4-3-30, Capital improvement fund created, was deleted and subsequent sections renumbered.
  - ✓ 4-5-110 was amended by deleting Paragraph (b) and amending Paragraph (c) to read: *The amount of this tax for each full calendar year after said initial period shall be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.*
  - ✓ 4-5-200 was amended by replacing the phrase *equal to three dollars and twnty cents (\$3.2) per year* with the phrase *determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.*
  - ✓ The contents of Chapter 5, Emergency Telephone Charge, were moved to Chapter 4 as Article VI.
5. Chapter 6:
  - ✓ Section 6-1-140 regarding suspension of licenses was deleted and subsequent sections renumbered.
6. Chapter 7:
  - ✓ Section 7-1-10, the definitions of *litter* and *refuse* were amended
  - ✓ 7-2-20, Accumulation of litter, was deleted and subsequent sections renumbered.
  - ✓ 7-2-20 (formerly 7-2-30), Deposit and burning restrictions, the words *or litter* were added after the word *refuse* at all locations.
  - ✓ 7-2-60 (formerly 7-2-70), Accumulation of junk equipment or furniture, was amended by adding and blending wording from 7-1-10 prior definition of litter regarding machines, vehicles or parts thereof which would be considered junk.
7. Chapter 8:
  - ✓ 8-1-50, Violations; penalties, was deleted.
8. Chapter 10:
  - ✓ 10-2-110, Duty of citizens to aid officers, was deleted.
  - ✓ 10-4-40, Littering, the words *paper, refuse, garbage or trash of any kind* was changed to *litter* and the definition of *litter* was added as Subsection (d).
9. Chapter 11:
  - ✓ 11-4-30(d) in the last sentence, the word *may* was changed to *will* and the phrase *as directed from time to time by the Board of Trustees* was deleted.
  - ✓ 11-4-60(b) at the end, the phrase *the rules and regulations applicable to the cemetery* was changed to *Appendix A to this Code.*
10. Chapter 13:

- ✓ Rates were deleted from the sections and inserted in Appendix A at the following Sections: 13-2-220, 13-2-430, 13-3-180(1), 13-3-300(b) & (c), 13-3-320(b), 13-3-330, 13-3-340, 13-3-350, 13-4-400(b) & (c) and 13-4-410(b).
11. Chapter 15:
- ✓ In Appendix 15-A, Sample Petition for Annexation, Paragraph 7 was amended. It initially read:
 

7. The Petitioner agrees to reimburse the Town up to a maximum of five thousand dollars (\$5,000.00) for the costs of publication, recording fees, appraisal fees and other reasonable expenses incurred by the Town in reviewing and processing this Petition. A costs deposit in the amount of one thousand dollars (\$1,000.00) is tendered herewith and the Petitioner agrees to deposit additional funds to cover such costs, on demand by the Town, up to the maximum aggregate amount of five thousand dollars (\$5,000.00). The Town may deem this Petition as withdrawn or abandoned in the event of the Petitioner's failure to do so after reasonable notice to the Petitioner.
  - ✓ It currently reads as follows:
 

7. The Petitioner agrees to reimburse the Town for all costs and expenses incurred by the Town in reviewing and processing this Petition, as provided by and pursuant to the provisions of Sections 15-1-110 and 17-6-120 of the Town's Municipal Code.
12. Chapter 16:
- ✓ Article VII, Manufactured Homes, includes the provisions from Ordinance 531, adopted December 4, 2001. In addition, all references to *manufactured home parks* were changed to *manufactured home communities* throughout the Chapter.
  - ✓ 16-8-20(c)(2) regarding the posted notice of hearing, the area code was added to the telephone number for the Town.
  - ✓ 16-8-50(b), the sentence reading *The Board of Trustees shall conduct a de novo hearing on appeal in accordance with the procedural requirements of Section 16-8-20 of this Chapter* was deleted.
  - ✓ 16-8-50(c), the penalties listed were replaced by the wording *to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.*
  - ✓ 16-9-50(a)(3) the application fee amount was replaced by the wording *to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.*
13. Chapter 17:
- ✓ 16-2-10(b) the application fee amount was replaced by the wording *to be determined from time to time by resolution of the Board of Trustees and set forth in Appendix A to this Code.*
  - ✓ 17-3-270, Traffic study, was amended to read: *The subdivider shall provide a traffic study current as of the date of submittal prepared by a qualified traffic engineer showing projected population, and demographics and trip generation information for the project, based upon generally accepted criteria and standards.*
  - ✓ 17-3-560(1)c was amended by adding the words *unless otherwise approved by the Town* at the end.
  - ✓ 17-3-580, Traffic study, was amended to read: *The subdivider shall provide a traffic study current as of the date of submittal prepared by a qualified traffic engineer showing projected population, and demographics and trip generation information for the project, based upon generally accepted criteria and standards.*
  - ✓ 17-3-710 was amended to read as shown on Attachment B.
  - ✓ 17-3-810 was amended to read as shown on Attachment C.
  - ✓ 17-4-60 was amended to read as shown on Attachment D.
  - ✓ 17-4-240 was amended to read as shown on Attachment E.
  - ✓ 17-4-260, at the end of the first sentence, the word *large* was changed to *in size*.
  - ✓ 17-4-270(d), the date of August 8, 2001, was changed to July 17, 2001.
  - ✓ 17-5-10(a), the words *by Section 17-5-40 below, and specifying the type of improvements security to be furnished pursuant to Section 17-5-20 below* were deleted.

- ✓ 17-5-20(c) in the first sentence, the words *Not less than two (2) weeks prior to the Board of Trustees' consideration of the final plat*, were deleted.
- ✓ 17-5-40 in the first paragraph, the sentence was changed from: *The following improvements shall be constructed as specified in the public improvements agreement or by separate contract* to read as follows: *The improvements to be constructed as specified in the public improvements agreement shall include the following:* In addition, Paragraph (1) was amended from *Street grading, traveling and stabilizing, including construction of berms and boulevards* to read: *Street improvements, both on- and off-site*. Paragraph (5), *Permanent street surfacing, including concrete curb and gutter*, was deleted and the subsequent paragraphs renumbered.

14. Appendix A:

- ✓ Numerous changes were made to the Appendix to conform to the Code contents. Changes were made in section numbers which had been amended. Some fees, such as Costs deposit for excavation permit review (11-3-30), Mobile home park license transfer fee (16-7-40), Costs deposit for C & A or reimbursement plan review (17-7-60) were deleted. Others, such as all fees from Chapter 13 to be included in the Appendix; 17-2-10(b), Application fee; and the development impact fees in Section 18-1-20 were added. In the Administrative Fees table, a fee for a color map from the Comprehensive Plan was added.

15. Tables and Index

- ✓ All entries affected by the above changes were made in the Comparison Tables, the Ordinance Table and the Index.

## ATTACHMENT A

### ARTICLE IX

#### Planning Commission

##### **Sec. 2-9-10. Creation.**

Pursuant to state law, there is hereby created a Planning Commission for the Town. The Planning Commission shall consist of seven (7) members, to include the Mayor, two (2) other members of the Board of Trustees, and four (4) other persons who are not otherwise officials of the Town. The Mayor shall be an *ex officio* member of the Planning Commission. The remaining six members shall be appointed by the Mayor, subject to the approval of the Board of Trustees. The terms of the Mayor and other Board of Trustee members shall correspond to their terms on the Board of Trustees. The terms of the non-Board of Trustee members shall be four (4) years. Members of the Planning Commission shall be residents of the Town.

##### **Sec. 2-9-20. Purpose.**

The Planning Commission is created for the following purposes:

- (1) To prepare and maintain, subject to periodic revision as necessary, a Master Plan as described by state statutes.
- (2) To implement the provisions of Chapters 16 and 17 of this Code, and to perform all functions and powers referred to in said chapters where reference is made.
- (3) To study and recommend to the Board of Trustees amendments to the Zoning Map of the Town.
- (4) To study and recommend appropriate zoning classifications for all annexations to the Town.
- (5) To exchange information with the various governmental agencies charged with planning and zoning responsibilities and with the Board of Adjustment.
- (6) To have all other duties and powers incidental to the above and any and all powers and duties set out by state statute, except that nothing herein shall permit the Planning Commission to make amendments or changes in the zoning of the Town, such powers expressly being reserved by the Board of Trustees.

##### **Sec. 2-9-30. Vacancies.**

Vacancies on the Planning Commission shall be filled by appointment by the Mayor, subject to the approval of the Board of Trustees, within a reasonable time after the vacancy occurs. A person appointed to fill a vacancy shall serve the remainder of the term of the member whose seat is vacant.

##### **Sec. 2-9-40. Powers.**

The Planning Commission shall have all the powers granted and shall perform all the duties imposed by Sections 31-23-201 through 31-23-227, C.R.S.

## ATTACHMENT B

### **PRIOR:**

#### **Sec. 17-3-710. Public improvements agreement.**

The subdivider shall provide a proposed public improvements agreement which provides the mechanism whereby the applicant and his or her successors, heirs and assigns guarantee to make the subdivision improvements required by the Town according to an acceptable time schedule. The public improvements agreement shall further specify the terms of ensuring the quality, performance and maintenance of the above-mentioned improvements. These improvements shall include, but not be limited to, streets, drainage structures and improvements, utilities, landscaping and traffic control devices. The public improvements agreement shall meet the requirements of Article V of this Chapter.

### **CURRENT:**

#### **Sec. 17-3-710. Public improvements cost estimate and construction schedule.**

The subdivider shall furnish a current cost estimate and proposed construction schedule for all public improvements to be furnished, constructed and installed by the subdivider, on- and off-site, to serve the subdivision.

## ATTACHMENT C

### **PRIOR:**

#### **Sec. 17-3-810. Utility requirements.**

(a) Utility availability. The subdivider shall provide letters from gas, electric, telephone, CATV and other necessary utilities and service districts or agencies reaffirming that service will be provided to the subdivision.

(b) Agreements with irrigation ditch companies. The subdivider shall provide, wherever applicable, a copy of agreements signed by agricultural irrigation ditch companies specifying the agreed-upon treatment of the ditch, including fencing, as provided in Section 17-4-220 of this Chapter.

### **CURRENT:**

#### **Sec. 17-3-810. Utility availability.**

The subdivider shall provide letters from gas, electric, telephone, CATV and other necessary utilities and service districts or agencies reaffirming that service will be provided to the subdivision. (Prior code 16-4-3; Ord. 532, 2001)

## **ATTACHMENT D**

### **PRIOR:**

#### **Sec. 17-4-60. Streets.**

(a) Streets are required to be constructed by the subdivider and dedicated to the Town in accordance with the provisions of Article VII of this Chapter and the public improvements agreement provided by Article V of this Chapter.

(b) Off-site road and street improvements shall be required to be constructed in order to accommodate the traffic generated by the project. These requirements shall be based upon the traffic studies submitted as a part of the project.

### **CURRENT:**

#### **Sec. 17-4-60. Streets.**

(a) A safe, efficient internal roadway system shall be constructed by the subdivider and dedicated to the Town in accordance with the provisions of Article VII of this Chapter and the public improvements agreement provided by Article V of this Chapter.

(b) The subdivider shall construct and convey to the Town in accordance with the provisions of Article VII of this Chapter such off-site road and street improvements, including paving and up-sizing of existing streets, connecting the property with the existing and planned roadway system of the Town as may be required to accommodate the traffic generated by the subdivision. These requirements shall be based upon the traffic studies submitted as a part of the project.

## ATTACHMENT E

### PRIOR:

#### Sec. 17-4-240. Public sites, parks and open space.

Public sites, parks and open spaces shall be provided by each subdivision for the recreational and amenity purposes of the Town in accordance with the following design and dedication criteria.

(1) Land dedication. Dedication of land, free of all liens and encumbrances, for park and recreation areas, public building sites and other public uses may be required in each new subdivision.

(2) Reservation of open space by covenant. Reservation by covenant, in lieu of dedication of land or a payment of cash in lieu of land dedication, may be permitted by the Planning Commission and the Board of Trustees in some cases such as planned unit development where land is to be used for recreational or amenity purposes by the property owners.

(3) Approval of sites. Specific sites to be dedicated or reserved by covenant for parks or other public uses shall be subject to approval by the Planning Commission and the Board of Trustees upon consultation with appropriate public agencies having jurisdiction.

(4) Cash in lieu of land dedication. The subdivider shall pay to the Town in cash a park development fee of one hundred fifty dollars (\$150.00) for each dwelling unit to be developed. Said park fee shall become due and payable upon the sale, lease or rental of fifty percent (50%) of the subject property.

(5) Cash in lieu of land dedication for nonresidential development. The subdivider shall pay to the Town in cash a park development fee of one hundred dollars (\$100.00) for each acre or portion thereof which is to be developed for nonresidential uses. Said park fee shall become due and payable upon the sale, lease or rental of fifty percent (50%) of the subject property.

(6) Planned unit development open space requirement. In addition to the cash park development fee required by Subsections (4) and (5) above, the developer of a planned unit development shall set aside twenty-five percent (25%) of the gross land area of the subdivision for common open space. Such open space shall not include streets, alleys, bicycle paths, easements or rights-of-way. Such open space shall be subject to Planning Commission and Board of Trustees approval.

(7) Maintenance of planned unit development open space. Maintenance of common open space or facilities reserved by covenant as part of a planned unit development shall be the responsibility of the subdivider until seventy-five percent (75%) of the units have been sold, at which time such maintenance shall become the responsibility of the homeowners' association, as outlined in Section 17-3-720 of this Chapter.

(8) Temporary reservation of additional land to be acquired by a public entity. Additional reservation of land within a subdivision may be required for the duration of the preliminary plan approval in order to afford the appropriate public agency an opportunity to acquire land within the subdivision. An agreement shall be entered into between the subdivider and the public agency regarding the timing and method of acquisition of such land.

(9) Public access to open space and public sites. All public sites and common open space shall be served by vehicular, pedestrian or bicycle access.

**CURRENT:**

**Sec. 17-4-240. Public sites, parks and open space.**

(a) Land dedication. Subject to the provisions of Subsection (e) below, and except as provided otherwise for PUDs in Subsection (b) below, the subdivider shall dedicate and in the subdivision for park, recreation, open space and public building sites to the Town, free of all liens and encumbrances. The area and location of such areas shall be determined by the Town in accordance with the planning standards and methods adopted for such purposes by the Town and set forth on Appendix 17-E to this Chapter.

(b) Reservation of open space by covenant. Reservation by covenant, in lieu of dedication of land or a payment of cash in lieu of land dedication, may be permitted by the Planning Commission and the Board of Trustees in some cases such as planned unit development where land is to be used for recreational or amenity purposes by the property owners.

(c) Payments in lieu. If the Town determines that its requirements for dedication of land within the subdivision exceed the area that would be required to be dedicated based upon the planning standards and methodology, or that the location of the subdivision is not suitable for a park, recreation, open space or public building site, and if the subdivider and the Town do not enter into a written agreement for reservation of land within the subdivision as provided in Subsection (d) below, the subdivider shall be required to make a payment of cash in lieu of dedication ("In-lieu payment") in an amount determined by the Town in accordance with the planning standards and methodology adopted for such purposes by the Town and set forth in Appendix 17-E to this Chapter.

(d) Reservations. If the Town and the subdivider enter into a written agreement for the reservation of land within the subdivision to be acquired by the Town at some time in the future, the Town shall not approve the final plat for the subdivision or any portion of it unless such plat shows the parcel reserved as a specific ownership parcel and restricts the future use thereof in accordance with the terms of the reservation agreement.

(e) Public access to open space and public sites. All public sites and common open space shall be served by vehicular, pedestrian or bicycle access.

**TOWN OF PLATTEVILLE**

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