

ORDINANCE NO. 2015 - 08

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE AMENDING CERTAIN SECTIONS OF THE MOUNTAIN VILLAGE MUNICIPAL CODE: TITLE 9, PUBLIC PEACE, MORALS AND WELFARE; TITLE 8, HEALTH AND SAFETY; TITLE 6 ANIMALS; TITLE 1, GENERAL PROVISIONS: AND ADOPTING NEW SECTION OF THE MOUNTAIN VILLAGE MUNICIPAL CODE; TITLE 9, PUBLIC PEACE, MORALS AND WELFARE AND TITLE 10 PARKING AND IMPOUNDMENT

RECITALS:

- A. The Town of Mountain Village (the "Town"), in the County of San Miguel and State of Colorado, is a home rule municipality duly organized and existing under the laws of the State of Colorado and the Town Charter.
- B. Pursuant to Article II, Section 3.6(e) of the Town Charter the Town Council has the power to enact ordinances that promote the common good of the Town. Under the Town Charter the Town Council shall exercise its legislative power to prescribe reasonable fines, jail sentences, and other sanctions for violations of such ordinances.
- C. Article XX, Section § 6 (h) of the Colorado Constitution grants home rule municipalities the enumerated power necessary, requisite or proper for the government and administration of its local and municipal matters, including power to legislate upon, provide, regulate, conduct and control the imposition, enforcement and collection of fines and penalties for the violation of any of the provisions of its charter, or of any ordinance adopted in pursuance its charter.
- D. The Town Council determines that is in the best interest of the community and the public health, safety and welfare of the citizens of the Town to amend the Town Code as provided for herein.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MOUNTAIN VILLAGE, COLORADO AS FOLLOWS:

Section 1. Legislative Findings.

The recitals to this Ordinance are adopted as findings of the Town Council in support of the enactment of this Ordinance.

Section 2. Amendment of Town Code.

The following Sections of the Town Code shall be amended as reflected on Exhibit A, attached hereto and incorporated herein:

Title 9 - Public Peace, Morals and Welfare

- 9.01.010 Petty Theft
- 9.01.020 Defacing Property; Graffiti
- 9.01.030 Criminal Mischief
- 9.01.040 Theft of Cable Television Services
- 9.01.060 Unauthorized use of a ski pass
- 9.01.070 Unauthorized use of a dumpster
- 9.04.010 Disorderly Conduct
- 9.08.030 Penalties (Provision of Alcohol to Minors)
- 9.12.050 Penalty (Possession or Consumption of Alcohol by a Minor)
- 9.16.010 Collision
- 9.17. Firearms and Weapons
- 9.18.040 Penalties (Regulate Riding Bicycles and Skateboards)
- 9.19.040 Violation/Penalty (A Chapter Prohibiting the Retail Sale, Distribution, Cultivation and Dispensing of Medical Marijuana)
- 9.20.5 Penalty (Prohibiting Recreational Marijuana Businesses)

Title 8 – Health and Safety

- 8.01.180 Penalties (Garbage and Refuse [Cont.])
- 8.020.030 Refuse – handling and collection requirements
- 8.020.070 Commercial recycling collection services
- 8.020.080 Premises excluded from service
- 8.020.090 Refuse and recycling hauling requirements
- 8.020.120 Penalty (Commercial Recycling and Refuse)
- 8.08.010 Definitions (Motor Vehicle Noise)
- 8.08.030 Violations and Penalties (Motor Vehicle Noise)
- 8.12 Public Nuisance
- 8.16.050 Penalties (Fire Protection)
- 8.20.010 Spills and Disposal

Title 6 – Animals

- 6.01.010 Definitions (Title 6 Animals)
- 6.08.060 Vicious Animals
- 6.24 Penalties (Title 6 Animals)

Title 1- General Provisions

- 1.08 General Penalty

Section 3. Adoption of Additional Provisions of the Town Code

The following Sections of the Town Code shall be added as reflected on Exhibit B, attached hereto and incorporated herein:

Title 9 – Public Peace, Morals and Welfare

- 9.13 Prohibition Against Open Containers
- 9.21 Prohibition Against Vagrancy

Title 10 – Parking and Impoundment

- 10.05.010 Vehicle Immobilization Policy

Section 4. Severability.

If any provision, clause, sentence or paragraph of this Ordinance or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Ordinance which can be given effect without the invalid provision or application, and, to this end, the provisions of this Ordinance are declared to be severable.

Section 5. Ordinance Effect.

Existing ordinances or parts of ordinances covering the same matters as embraced in this Ordinance are hereby repealed and any and all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed, provided however, that the repeal of any ordinance or parts of ordinances of the Town shall not revive any other section of any ordinance or ordinances hereto before repealed or superseded and further provided that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this Ordinance.

Section 6. Safety Clause.

The Town Council finds and declares that this Ordinance is promulgated and adopted for the public health, safety and welfare of the citizens of the Town.

Section 7. Effective Date.

This Ordinance shall take effect July 25, 2015.

Section 8. PUBLIC HEARING.

A public hearing on this Ordinance was held on the 25th day of June, 2015, in the Town Council Chambers, 455 Mountain Village Boulevard, Mountain Village, Colorado.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Mountain Village, Colorado on the 21st day of May, 2015.

TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY



By: _____
DAN JANSEN, Mayor

ATTEST:



JACKIE KENNEFICK, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Mountain Village, Colorado, this 25th day of June, 2015.

TOWN OF MOUNTAIN VILLAGE,
COLORADO, A HOME-RULE
MUNICIPALITY



By: _____
DAN JANSEN, Mayor

ATTEST:



JACKIE KENNEFICK, Town Clerk

Approved As To Form:



James Mahoney, Assistant Town Attorney

I, Jackie Kennefick, the duly qualified and acting Town Clerk of the Town of Mountain Village, Colorado ("Town"), do hereby certify that:

1. The attached copy of Ordinance No. 2015-08 ("Ordinance") is a true, correct and complete copy thereof.
2. The Ordinance was introduced, read by title, approved on first reading with minor amendments and referred to public hearing by the Town Council of the Town ("Council") at a regular meeting held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on May 21, 2015 by the affirmative vote of a quorum of the Town Council as follows:

| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Dan Jansen, Mayor | | | X | |
| Martin McKinley | X | | | |
| Jonette Bronson | X | | | |
| John Howe | X | | | |
| Michelle Sherry | X | | | |
| Cath Jett, Mayor Pro Tem | X | | | |
| Dave Schillaci | | | X | |

3. After the Council's approval of the first reading of the Ordinance, notice of the public hearing, containing the date, time and location of the public hearing and a description of the subject matter of the proposed Ordinance, was posted and published in the Telluride Daily Planet, a newspaper of general circulation in the Town, on May 29, 2015, in accordance with Section 5.2b of the Town of Mountain Village Home Rule.

4. A public hearing on the Ordinance was held by the Town Council at a regular meeting of the Town Council held at Town Hall, 455 Mountain Village Blvd., Mountain Village, Colorado, on June 25, 2015. At the public hearing, the Ordinance was considered, read by title, and approved without amendment by the Town Council, by the affirmative vote of a quorum of the Town Council as follows:

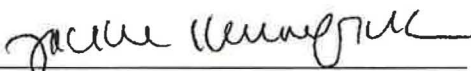
| Council Member Name | "Yes" | "No" | Absent | Abstain |
|--------------------------|-------|------|--------|---------|
| Dan Jansen, Mayor | X | | | |
| Martin McKinley | X | | | |
| Jonette Bronson | X | | | |
| John Howe | X | | | |
| Michelle Sherry | | | X | |
| Cath Jett, Mayor Pro Tem | X | | | |
| Dave Schillaci | X | | | |

5. The Ordinance has been signed by the Mayor, sealed with the Town seal, attested by me, as Town Clerk, and duly numbered and recorded in the official records of the Town.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 25th day of June, 2015.

(SEAL)




 JACKIE KENNEFICK, Town Clerk