

AGENDA
OURAY CITY COUNCIL

January 4, 2021

VIRTUAL MEETING

Join Zoom Meeting

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878
Or dial: 408 638 0968 or 669 900 6833

Work Session 4pm and Regular Meeting 6pm

- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Economic Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

Work Session 4pm Geothermal

Use in the City [Pages 2-8](#)

Regular Meeting 6pm

1. CALL TO ORDER
2. ROLL CALL
3. CEREMONIAL/INFORMATIONAL
4. APPROVAL OF MINUTES - [December 9 & 17](#)
5. CITIZENS' COMMUNICATION
6. CITY COUNCIL REPORTS/INFORMATION
Glenn Boyd, Ethan Funk, Peggy Lindsey, John Wood, and Greg Nelson
7. DEPARTMENT REPORTS
 - a. City Administrator [Page 21](#)
 - b. Public Works Director [Page 23](#)
 - c. Police Chief [Page 25](#)
 - d. City Resources Director [Page 26](#)
8. CONSENT AGENDA - none
9. ACTION ITEMS
 - a. Resolution 1, Series 2021 – Designating the Official Posting Place [Page 29](#)
 - b. Ordinance 1, Series 2021 – Updates to Chapter 10 and Chapter 14 of the Ouray Municipal Code Including 2020 Model Traffic Code Adoption and Changes to Parking, Traffic, and Animal Regulations – First Reading [Page 30](#)
 - c. Resolution 2, Series 2021 – Adopting Ouray Municipal Court Fine Schedule [Page 37](#)
10. DISCUSSION ITEMS
 - a. Schedule Work Sessions
 - b. Future Agenda Items
11. ADJOURNMENT

MEMORANDUM

TO: Ouray City Council

FROM: Viner Law

DATE: December 31, 2020

RE: Work Session on Geothermal Water Use by Private Citizens

There are three issues before you which concerning private use of City geothermal hot water.

Mr. Nixon, 302 Oak St.:

The City has easement for its hot water pipe line through the Nixon property which was reserved in January 25, 1979.

The City entered a separate geothermal agreement with Nixon on April 4, 1988 for an initial 10 year term which then is extended yearly until terminated upon notice no less than 30 days prior to the end of the current one year term. On March 3, 2020, the City sent a termination notice to Nixon. On March 10, 2020, Nixon responded with possible solutions/options and requested to meet with Council. (Exhibit A).

Mr. Howell, 300 Oak St.:

The City has an express easement for its hot water pipeline through Howell's property which was reserved on June 1, 1965. (Exhibit B)

Upon information and belief Mr. Howell uses City hot water for a sauna. The City has notified Mr. Howell that the pipeline through his property will be replaced and he will not be able to use City hot water in the future. Mr. Howell claims he has documentation that he has the right to use this City water but he has failed to produce any h document or agreement to date.

Ms. Ficco, 525 5th St.:

Ms. Ficco has an agreement with the City where she uses City water from Vinegar Hill Spring at 9 g.p.m. to heat and cool her home. This agreement was entered with the City in return for an easement to the City to develop this spring. The agreement ends on June 21, 2021 and Ms. Ficco seeks a renewal of the agreement. (Exhibit C).

3-10-2020

Justin Perry, Mayor Nelson, and members of the Ouray City Council:

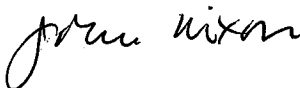
I am in receipt of the letter dated March 3, 2020 from Justin Perry advising me that the City is considering changes to the geothermal water line which crosses my property at 302 Oak St. I am sorry that I will not be able to attend your next council meeting to discuss this matter.

I would however like to offer a suggestion for your consideration. Rather than replace the concrete vault on my property and tear up my driveway to replace the uninsulated line which is buried along the edge of my driveway, I suggest the following. Cut the existing water line a foot or two upstream of the vault and connect the new insulated pipeline to the cut line. Rather than replace the vault, which is sound and does not leak, I will hand excavate around the perimeter of the vault, down to the bottom of the vault, and line the walls with 2" of extruded polystyrene. I will also design a removable insulated cover for the vault which does not weigh the 165# that the existing steel plate cover weighs. Leave the pipeline that exits the vault underground and connect the new insulated pipe to the existing pipe where it surfaces, near my dish receiver. It is true that short approx. 40' section of pipe which is buried does lose heat, but my guess it is not significant. The earth around the pipe does act as insulation.

I can only imagine that this plan would save the City thousands of dollars for very little loss in BTUHs.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Nixon".

John Nixon

NO. 111686

Filed for Record at 9:05 o'clock A.M., June 1, 1965.

Duly recorded in Book 170, Page 119, 120.

Addie A. Sim, Recorder

WARRANTY DEED

THIS DEED, made this 18th day of May in the year of our Lord one thousand nine hundred and sixty-five between:

CLARA BLOOMFIELD of the County of Sheboygan and State of Wisconsin, of the first part, and

GALEN E. HOWELL and MAY L. HOWELL of the County of Denver and State of Colorado, of the second part;

WITNESSETH, that the said party of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER GOOD AND VALUABLE CONSIDERATION, to the party of the first part in hand paid by the said parties of the second part, the receipt whereof is hereby confessed and acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell, convey and confirm, unto the said parties of the second part, not in tenancy in common but in joint tenancy, the survivor of them, their assigns and the heirs and assigns of such survivor forever, all the following described lot or parcels of land situate, lying and being in the County of Ouray and State of Colorado, to-wit:

ALL of Tract D of Parcel Number One Hundred Fifty Five (155) in the City of Ouray, County of Ouray, and State of Colorado, together with bathhouse and other improvements thereon situated and together with and including any and all right, title, and interest to the use of hot water from the hot water line of the City of Ouray which crosses a portion of said property, that may be construed to arise from the right-of-way contract between one Dossa Smith and the City of Ouray bearing the date of October 27, 1937, as the same may appear in the records of the County of Ouray, and in the records of the City of Ouray, SAVING and EXCEPTING herefrom an easement and right-of-way for the maintaining upon and across part of said property of a hot water pipeline running to the use of the City of Ouray, under the terms of the aforementioned agreement between Dossa Smith and the City of Ouray bearing the date of May 29, 1937, and EXCEPTING herefrom any mineral rights in and to said property which may be owned or claimed lawfully by the owners of adjacent and overlapping lode mining claims and such rights to prospect for minerals as may have been reserved in the exceptions to the patent to the Townsite area of the City of Ouray, Colorado, but including herein any and all rights to minerals and mineral bearing rock in and about said property as said party of the first part and as the grantor herein may be lawfully construed to own at the date of the execution of this deed, and also

A tract of land, being a part of Parcel Number One Hundred Forty Nine (149), City of Ouray, County of Ouray, and State of Colorado, being more particularly described as follows:

Beginning at the southwest corner of Lot 9, Block 3, Beaumont Subdivision, City of Ouray, Colorado, said southwest corner being on the west line of Whippoorwill Lode, thence S. 0° 29' W. along said west line of Whippoorwill Lode to a point where it intersects the north bank of Canon Creek, thence southerly along the north bank of Canon Creek to its junction with Uncompahgre River, thence northeasterly along the west bank of Uncompahgre River to junction of Oak Creek with said River, thence northwesterly along south bank of Oak Creek to the south boundary line of said Block 3, thence west along

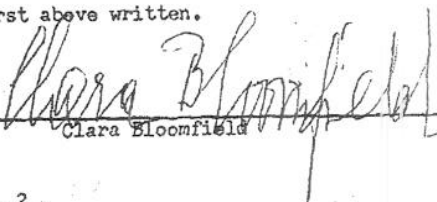
the south boundary line of said Block 3 to the place of beginning, and being in the NW 1/4 of the SW 1/4 of Section 31, Township 44 N., Range 7 W., N.M.P.M., together with cabin located thereon,

RESERVING, however, those certain oil, gas and mineral rights heretofore reserved by The Western Colorado Power Company, and that certain easement reserved by The Western Colorado Power Company for its power lines and structures on and over said premises, as set forth in that certain deed recorded in Book 156 at Page 323 of the books and records of the County Clerk and Recorder of Ouray County, Colorado,

TOGETHER with all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof; and all the estate, right, title, interest, claim and demand whatsoever to the said party of the first part, either in law or equity, of, in and to the above bargained premises, with the hereditaments and appurtenances.

TO HAVE AND TO HOLD the said premises above bargained and described, with the appurtenances, unto the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor forever. And the said party of the first part, for herself and her heirs, executors, and administrators, does covenant, grant, bargain and agree to and with the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, that at the time of the ensealing and delivery of these presents, she is well seized of the premises above conveyed, as of good, sure, perfect, absolute and indefeasible estate of inheritance, in law, in fee simple, and has good right, full power and lawful authority to grant, bargain, sell and convey the same in manner and form aforesaid, and that the same are free and clear from all former and other grants, bargains, sales, liens, taxes, assessments and incumbrances of whatever kind or nature soever, except the 1965 taxes, due and payable in 1966, which the Grantees assume and agree to pay, and the above bargained premises in the quiet and peaceable possession of the said parties of the second part, the survivor of them, their assigns and the heirs and assigns of such survivor, against all and every person or persons lawfully claiming or to claim the whole or any part thereof, the said party of the first part shall and will WARRANT AND FOREVER DEFEND.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal the day and year first above written.


Clara Bloomfield (SEAL)

STATE OF WISCONSIN
COUNTY OF SHEBOYGAN

} ss

The foregoing instrument was acknowledged before me this 26th day
of May, 1965 by CLARA BLOOMFIELD.

WITNESS my hand and official seal.

My commission expires _____

Notary Public, Sheboygan County, Wis.
My Commission Expires June 5, 1966.

J. K. Johnson
Notary Public



AGREEMENT

THIS AGREEMENT is entered into between the City of Ouray and Alvin Ficco.

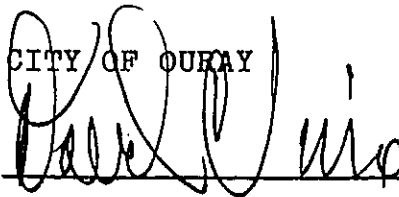
WHEREAS, the parties wish to cooperate in the development of the Vinegar Hill Spring.

NOW THEREFORE, it is agreed as follows: —

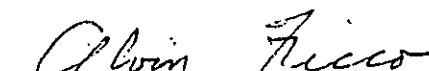
1. Ficco hereby grants the City the right to enter upon his property as reasonably required to obtain a water right, construct diversion facilities and pipelines, and to divert and put the Vinegar Hill Spring to beneficial use by the City.
2. The City grants Ficco the right of non-consumptive use of up to nine gallons per minute of the flow from the Vinegar Hill Spring.
3. The City shall design its diversion structures so that it can reasonably facilitate such use by Ficco. The City will coordinate the design of the diversion structures with Ficco.
4. Ficco agrees to grant the City a permanent easement as may be reasonably required for the construction and maintenance of the diversion structures and any appurtenant pipelines and facilities after the City obtains a legal description of the necessary permanent easement.
5. Ficco shall be responsible for the construction, maintenance and all costs associated with any facilities necessary for him to utilize the nine gallons per minute and to return it to the City system or if the water is exposed to any contaminants to properly discharge it to the river.
6. By this Agreement, the City is not assuming an obligation to acquire the water right, actually install any diversion structures or to continue to use or maintain them after they are installed. If the City does not acquire said water right, this Agreement may be terminated by either party.
7. The term of this Agreement shall be twenty-five years.
8. THIS AGREEMENT is dated 6-24-96.

CITY OF OURAY

by



by


Alvin Ficco



HOCKERSMITH & WHITMORE, LLC
ATTORNEYS & COUNSELORS at LAW

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917 Main Street (2nd Floor)
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marti@ouraylaw.com

Martha P. Whitmore

September 22, 2020

Via Email: cviner@cvinerlaw.com

Carol Viner, Esq.
City Attorney, City of Ouray, Colorado
Viner Law
1104 South Townsend Ave.
Montrose, CO 81401

Dear Carol:

We represent Louise Ficco, who owns property located at 525 5th Street in Ouray. In 1996, her husband, Alvin Ficco, now deceased, entered into an agreement with the City to grant the City an easement for the City to develop what is the Vinegar Hill Spring for which the City obtained a conditional water right (copy attached). As consideration for the easement, the City agreed to allow Mr. Ficco the right to use nine gallons per minutes of the flow of the geothermal spring and to design the City's diversion structure so that Mr. Ficco could use the flow. Mrs. Ficco still uses the water as a heating and cooling source for her home. As provided in the Agreement, the use is non-consumptive.

The term of the Agreement was twenty-five years, so the term of the Agreement will end next June 24, 2021. Because Mrs. Ficco still relies on the water for non-consumptive use in her home, we are requesting that the Agreement be renewed for an additional term of twenty-five years. We have some time to negotiate a new agreement, or we could draft a renewal of the original agreement.

I look forward to discussing this with you after you have had an opportunity to consult with your client.

Best regards,

HOCKERSMITH & WHITMORE, LLC

Martha P. Whitmore
Enclosure
xc: Louise Ficco

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, DECEMBER 7, 2020, 6 PM**

Join Zoom Meeting

<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230

Passcode: 491878 or by phone: +1 408-638-0968 +1 669-900-6833

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Special Meeting 4pm

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 4:00 pm.

2. ROLL CALL

Mayor Greg Nelson - present
Mayor Pro Tem John Wood - tardy
Councilor Glenn Boyd - present
Councilor Ethan Funk - present
Councilor Peggy Lindsey – present

Also present were City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, and City Attorney Carol Viner.

3. EXECUTIVE SESSION - For discussion of a personnel matter under C.R.S. 24-6-402(2)(f) for employee direction and priorities and for a conference with the City attorney for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402(4)(b) regarding Bachelor Switch, Mineral Farms, the City's water rights to Crystal Reservoir, Special Use Permit for Geothermal project, and Red Mountain Ditch Bill Easement.

Mayor Pro Tem Wood joined the meeting.

Councilor Funk made a motion to go into executive session at 4:08 pm. Councilor Boyd seconded.

4. ADJOURNMENT

The executive session concluded at 5:44 pm.

Councilor Boyd made a motion to adjourn at 5:45 pm, Councilor Funk seconded the motion. The motion passed unanimously.

Regular Meeting 6pm

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 6:00 pm.

2. ROLL CALL

Mayor Greg Nelson - present
Mayor Pro Tem John Wood - present
Councilor Glenn Boyd - present
Councilor Ethan Funk - present
Councilor Peggy Lindsey - present

Also present were City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, City Resources Director Rick Noll, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Chief Jeff Wood, Administrative Accounting Clerk Julie Lancaster, and City Attorney Carol Viner.

3. CEREMONIAL/INFORMATIONAL – Digital Messaging Update – Markus Van Meter

Mr. Van Meter presented the latest social media statistics for Ouray's tourism pages, and what appear to be the social media trends for 2021. Ouraycolorado.com's domain is not under City control yet, and Mr. Van Meter recommends pivoting to visitouray.com instead, and redirecting traffic from ouraycolorado.com while legal counsel works to regain control of ouraycolorado.com. Council directed staff to pursue regaining control of domain.

4. APPROVAL OF MINUTES – Sept 25 (2 meetings), Oct 5, 6, 19, 26, and Nov 2 & 16

Councilor Boyd made a motion to approve the minutes. Councilor Lindsey seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

5. CITIZENS' COMMUNICATION

Gretchen McArthur said OCRA sent the password to ouraycolorado.com to the City in April and again just now, and would like to know what the issue is.

Michael Kern raised the issue about parking against the direction of traffic, since he has gotten warnings on his cars in front of his house.

Frank Robertson wanted to thank Public Works for the help with making ice for the upcoming season.

Bette Maurer asked if the city could update the residents on what is allowed or not allowed for Yule night.

Jason Perkins wanted to announce that the Tourism Advisory Committee is having a meeting on Wednesday and invited anyone that wanted to present at the meeting to let him or Jen Norvell know.

6. CITY COUNCIL REPORTS/INFORMATION

- a. **Ethan Funk** – OIPI meeting, details to be discussed later in meeting. There is another route for the Ouray Ice Park to get water rights to help solve water shortages in the winter.

- b. **Glenn Boyd** – Joint policy meeting on Thursday. Unified Command is making plans for vaccines that could be here as early as next week.
- c. **Peggy Lindsey** – Beautification committee has taken a break since decorating the City for the Capitol Christmas Tree, but will be meeting again soon.
- d. **John Wood** – IPAT meeting with OIPI and CDPHE and Public Health regarding capacity for the winter. CEDC meeting about Main Street Program. TAC meeting this Wednesday.
- e. **Greg Nelson** – Policy group meetings before Thanksgiving, another one coming up on Thursday.

7. DEPARTMENT REPORTS

a. City Administrator

Written report in packet on meetings held so far. Meeting individually with department heads. Felt welcomed so far and is learning the local ropes and is excited to be here.

Ms. Drake reported on the Economic Recovery Specialist Position shared by the City, County and Town. A meeting was held earlier in the day, and a member of Council is invited to be on the work group. Since Councilor Boyd was already in the group as County Emergency Manager, it was determined that he would also represent City Council in his attendance of those meetings.

b. Police Chief

Summarized November service calls. Held annual Stuff a Cruiser food drive and delivered 25 meals to less fortunate families in the area. Working on public education and awareness with warnings instead of citations for a period of time while policies are being newly enforced. Chief Wood said that parking against the flow of traffic requires the driver to drive against/through the flow of traffic when parking, and again when pulling out, and it is a safety issue.

c. Public Works Director

Working closely with Zander from OIPI to manage water supply for the City and OIPI.

d. City Resources Director

Reached capacity limit at pool over Thanksgiving weekend multiple times, instituted new protocols for wait lists. Working with ROCC to get new LED lights in the bath house.

8. CONSENT AGENDA – None

9. ACTION ITEMS

a. Resolution 12 – Adopting 2021 Budget

Councilor Lindsey made a motion to approve the resolution, Councilor Boyd seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			

Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

b. Resolution 13 – Appropriating 2021 Expenditures

Councilor Funk made a motion to approve the resolution, Councilor Boyd seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

c. Resolution 14 – Setting 2021 Mill Levy

Councilor Boyd made a motion to approve the resolution, Mayor Pro Tem Wood seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

d. Ratification of Mayor's Rescission of Stage 1 Fire Restrictions

Councilor Boyd made a motion to ratify the decision, Councilor Funk seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

e. Massage Space Lease Renewal

Councilor Lindsey believes the \$250 rent is very low. Mayor Pro Tem Wood suggested changes for the renewal section, including a built-in increase in the rent year-over-year. Mayor Nelson stated he was not comfortable with a built-in increase because of the uncertain state of the economy right now. Ms. Drake said the rent is where it's at because the space had been sitting vacant, and that amount was the deal that was negotiated. Councilor Funk agrees with Mayor Nelson about the uncertainty of the world being a

reason to not add automatic increases at this time and just renew the lease for the next year with the two year renewal option. Ms. Simpson, the lessee, would like to just renew for the next year and discuss more in future years. Council decided to remove section 24 regarding renewal options and any mentions to it. Mayor Pro Tem Wood would also like to remove the last sentence from paragraph 20 since it is not measurable.

Councilor Funk made a motion to approve the lease with stated changed, Councilor Lindsey seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

f. Digging Deadline Extension Request from Forethought/Brainstorm Internet

Councilor Lindsey recused herself since her son-in-law is the owner of Ouraynet.

Mr. Coleman stated he was concerned about the gas lines in town during any digging in cold weather.

Sid Arnold said he understands Mr. Coleman's concerns but believes the contractor will handle the project professionally. This project will be crucial to turning on the fiber connection to roughly 85% of the town. Mr. Arnold believes the work can be completed in one week.

Councilor Funk disclosed that he does business with all the internet service providers in town, and shares a tower with Ouraynet, which makes a small income, and stated his concerns with this decision because of previous requests from Clearnetworx that were approved last month.

Mayor Pro Tem Wood stated concerns about the digging location because of other utilities in the area, and that this wasn't presented to council sooner.

Mr. Arnold said the information needed to determine the route wasn't available right away, leading to the lateness of the request.

Councilor Boyd requested an emergency executive session.

Ms. Viner suggested a motion under C.R.S. 24-6-402(4)(b) for legal advice concerning digging in city right-of-ways.

Mayor Pro Tem Wood made a motion to go into executive session at 7:27 pm. Councilor Boyd seconded.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey			X	

The motion passed on unanimous roll call vote.

Executive session concluded at 7:40 pm.

Mayor Pro Tem Wood suggested watching in the spring to maybe approve digging before April 1st.

Councilor Boyd made a motion to deny the request. Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson		X		
Mayor Pro Tem Wood		X		
Councilor Boyd	X			
Councilor Funk		X		
Councilor Lindsey			X	

The motion failed on a 3-1 vote.

Mayor Pro Tem Wood made a motion to approve the request if Mr. Coleman believes the weather is permissible for digging. Councilor Boyd seconded to discuss further. Councilor Boyd asked for Mr. Clarke's and Mr. Coleman's opinions. Mr. Coleman had reservations about digging because of the number of utility lines in that alleyway. Mr. Arnold said he will follow Mr. Coleman's recommendation and defer to him on choosing an appropriate time to dig.

Mayor Pro Tem Wood retracted his motion. Councilor Boyd retracted his second. Councilor Boyd made another motion to deny the request since Mr. Arnold is willing to defer to Mr. Coleman's expertise on the matter. Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey			X	

The motion passed on unanimous roll call vote.

Councilor Lindsey rejoined the meeting.

g. OIPI Request for LOT Fund

Mr. O'Neil is requesting LOT funds to film the Ice Fest Competition that will expand the audience to millions more. Various State offices are willing to contribute, but want to ensure that the City "has some skin in the game" too.

Councilor Funk spoke in favor of using LOT funds in this way, and asked who would own the rights to the footage after the live stream. Mr. O'Neil said he believes it would be public domain, but will follow up to be sure.

Mayor Pro Tem Wood suggested using the guide service fees that the Ice Park already pays to the City annually instead of LOT funds.

Mayor Nelson asked if there was revenue potential if it was televised. Councilor Funk said if it was in the public domain, no further revenue would be made, but the film would be widely available to audiences.

Councilor Boyd believes this is would be promotional material for the City as a whole, and should be paid for with LOT funds. Councilor Lindsey believes this needs to be done, and it doesn't matter if the money comes out of LOT or OIPI funds.

Frank Robertson spoke on behalf of the board to say they are behind this idea 100% once funding is secured from all the various sources, and the City and businesses will have access to the footage.

Councilor Boyd made a motion to fund \$20,000 to film the Ice Festival, either from tourism funds if the footage is public domain, or from OIPI guide fees if it will be licensed footage. Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

h. Appoint Silas Clarke as Policy Liaison for Unified Command

Mayor Pro Tem Wood made a motion to appoint Mr. Clarke as policy liaison, Councilor Lindsey seconded.

Councilor Boyd suggested making Ms. Drake and Mr. Clarke, at least initially, co-liaisons. Mr. Clarke said he and Ms. Drake had already discussed that idea and were in favor of it. Mayor Pro Tem Wood amended his motion to make them co-liaisons. Councilor Lindsey amended her second.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

10. DISCUSSION ITEMS

a. Response to CDPHE Regarding Ice Park Operations During COVID-19 Pandemic

OIPI has a recommended strategy for social distancing that needs to be approved by CDPHE. Council directed Mr. Clarke to bring their support for the strategy as newly appointed liaison to the policy group meetings with CDPHE.

b. Noise Ordinance Revision

Mayor Nelson is concerned about the timeline on rewriting the noise ordinance because of limited gatherings to determine decibel volumes. Councilor Funk believes that the session could be held outdoors effectively, visiting different venues and listening from different locations, to allow public input.

c. Schedule Work Sessions

1. Community plan – 12/18 1 pm
2. Geothermal use – 12/21 10 am
3. Caps on sewer taps – 12/21 10 am
4. Noise ordinance – wait to schedule

d. Future Agenda Items

Councilor Boyd added to his council report that there is a County wide testing event on December 16th at the 4-H Center.

11. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 8:42 pm, Councilor Funk seconded the motion. The motion passed on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on December 7, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 11th day of December, 2020.

Melissa M. Drake, City Clerk

**OURAY CITY COUNCIL VIRTUAL MEETING
SUMMARIZED MINUTES
MONDAY, DECEMBER 21, 2020, 1 PM**

Join Zoom Meeting
<https://zoom.us/j/9349389230>

Meeting ID: 934 938 9230 Passcode: 491878

Or dial: 408 638 0968 or 669 900 6833

- Electronic copies of the Council Packet are available on the City website at www.cityofouray.com. A hard copy of the Packet is also available at the Administrative Office for interested citizens.
- Action may be taken on any agenda item
- Notice is hereby given that a majority or quorum of the Planning Commission, Community Development Committee, Beautification Committee, and/or Parks and Recreation Committee may be present at the above noticed City Council meeting to discuss any or all of the matters on the agenda below for Council consideration

1. CALL TO ORDER

Mayor Nelson called the meeting to order at 1:00 pm.

2. ROLL CALL

Mayor Greg Nelson - present
Mayor Pro Tem John Wood - present
Councilor Glenn Boyd – present
Councilor Ethan Funk - present
Councilor Peggy Lindsey - present

Also present were City Administrator Silas Clarke, Finance and Administration Director Melissa Drake, Public Works Director Joe Coleman, Community Development Coordinator Aja Tibbs, Police Chief Jeff Wood, and City Attorney Carol Viner.

3. CEREMONIAL/INFORMATIONAL

4. CITIZENS' COMMUNICATION

Josh Smith asked for an update on the silver mine workforce housing project. Mr. Smith also commented that he believes the topic wasn't noticed well by the City.

5. CITY COUNCIL REPORTS/INFORMATION

- a. **Glenn Boyd** – Working on vaccine distribution. Joint Policy Group meeting on Wednesday this week due to Christmas Eve, and a MAC meeting next week.
- b. **Ethan Funk** – Ouray Ice Park Board meeting: Board thanks council for their contribution to the competition streaming costs, reviews opening weekend and competition plans. Moving forward with legal and engineering studies about water rights. Would like to set up a work session with Council. EcoAction Partners and Mt. Sneffels Energy board met to update sustainability action plan.
- c. **Peggy Lindsey** – Beautification committee has not met, nothing to report.

- d. **John Wood** – CEDC met, organized and scheduled for next month. CEDC is looking to get more members on the committee. TAC meeting: reviewed old information and got update from Markus Van Meter on website issue.
- e. **Greg Nelson** – Two Region 10 meetings: economic recovery meeting about affordable workforce housing, and yearly board meeting presenting a clean audit report. Broadband project is on track to be completed by 2021 deadline. Colorado Municipal League state meeting on 5 star restaurant program. Finally, Mayor Nelson wanted to report that the New Year’s Eve fireworks would be happening.

Councilor Boyd added that there will be PPE available for businesses for pickup at the 4-H Center on January 6th and 7th.

6. DEPARTMENT REPORTS

a. City Administrator

Working on individual issues, hoping to visit pool and water departments to better understand their operations soon. Geothermal water leak in Box Canon causing water temperature issues at the pools, looking at solutions. Mr. Clarke reported that Ouray County is not eligible for Small Business Relief Program funds because the county was not in Red or Purple, which was the eligibility requirement.

b. Finance and Administration Director

- i. **Sales Tax** - up 18% YTD
- ii. **LOT** - LOT fund has recovered from earlier in the year
- iii. **Financial Report** - all funds are ending the year higher than they started with a few exceptions, including the parks fund that includes the pool, and the refuse/recycle fund from a known issue.

c. Community Development Coordinator

Actively processing renewals for short term rentals. Building inspector is keeping very busy with short term rentals, code enforcement, and backflow prevention. Lots of preliminary building applications, but they are not guaranteed to happen, it’s just a conversation with developers. Working on updating community plan.

7. CONSENT AGENDA – 2021 Council Calendar

Councilor Boyd made a motion to approve the consent agenda. Councilor Funk seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

8. ACTION ITEMS

a. Resolution 15, 2020 – Budget Amendment

Ms. Drake reported that this takes care of a calculation discrepancy in the refuse/recycle fund.

Councilor Funk made a motion to approve Resolution 15. Councilor Boyd seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

b. PSA Renewal with Markus Van Meter for Digital Messaging

Mayor Pro Tem Wood clarified that this contract is through May 31st, 2021 and TAC has already approved renewal. Councilor Lindsey made a motion to approve the agreement. Mayor Pro Tem Wood seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

c. PSA with Markus Van Meter for Website Design

Mayor Pro Tem Wood made a motion to approve the agreement. Councilor Lindsey seconded the motion.

Council Member	For	Against	Abstain	Absent
Mayor Nelson	X			
Mayor Pro Tem Wood	X			
Councilor Boyd	X			
Councilor Funk	X			
Councilor Lindsey	X			

The motion passed on unanimous roll call vote.

9. DISCUSSION ITEMS

a. Future Agenda Items

Waste Management has stopped picking up non-Waste Management bear resistant trash cans recently without explanation. Administrator Clarke will investigate.

Mayor Pro Tem Wood brought up that code and EQR rates incentivize short term rentals instead of long term rentals by way of lower water bills for a short term rental, and this should be amended to incentivize long term rentals.

Councilor Boyd would like to ask staff to create a list of businesses as an interim measure before implementing official business licenses.

10. ADJOURNMENT

Councilor Boyd made a motion to adjourn at 1:49 pm, Mayor Pro Tem Wood seconded the motion. The motion passed on unanimous vote.

ATTEST:

Greg Nelson, Mayor

Date

Melissa M. Drake, City Clerk

CERTIFICATION

I, Melissa M. Drake, do hereby certify that I am the City Clerk of the City of Ouray, Ouray County, State of Colorado, and that the above minutes are a true and correct summary of the meeting of the Ouray City Council held on December 21, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 31st day of December, 2020.

Melissa M. Drake, City Clerk



City Administrator

Report for January 4, 2020 City Council

December 21 – January 1, 2021:

Over the last two weeks, I have continued reviewing utility infrastructure with a focus on the drinking water system. I also spent time working with the Community Development Coordinator on the zoning ordinance, building permit process, platting process, backflow prevention program and sewer tap allocation ordinance.

Meetings Attended:

Unified Command
COVID Recovery Working Group
Multi-Agency Coordination Group
City Council Meeting
City Council Work Session (Sewer Tap Allocation)
Water Infrastructure & Rights Overview Meeting with Peter Foster of Wright Water Engineers, Inc.
Governor's Office SW Regional Meeting
JVA (Waste Water Treatment Facility Bi-Weekly Project Meeting)
Joint Policy Group Work Session (Ouray; Ridgway; County of Ouray)
Human Resources Meeting (Colorado Healthy Families & Workplaces Act)
Ouray Silver Mine Leadership Meeting
Ouray Tourism Advisory Committee (TAC) Meeting
Tourism Advisory Committee (TAC) Leadership meeting concerning Draft Strategic Plan and Visitors Center follow-up

Projects:

- New Employee Posters were sent to Directors to display within their employee's work spaces to meet the requirements of the Colorado Healthy Families & Workplaces Act (HFWA) 2021 updates. Most notably, the City already meets requirements for sick time leave allowances for both full-time and part-time employees. An additional 80 hours, within a separate leave bank, is being supplied for any "Public Health Emergency."
- City will be advertising for board appointment/reappointment applications available for 2021 appointments by the City Council (i.e. Planning Commission; Beautification Committee; Community Economic and Development Committee; Tourism Advisory Committee; Parks and Recreation Committee). Due to a review of each committee's membership, appointment timing, the creation of a master appointment list and future solicitation of applications, appointments will take place in February of 2021.
- Working with TAC leadership on solutions for reopening the Visitor's Center by early spring.
- After jetting the Box Canon geothermal line two weeks ago, flows to the Hot Springs Pool have remained at 200 gallons per minute (gpm). This is positive news, as flows prior to jetting decreased to +170 gpm which caused heat issues. Solutions to repair the "dips" in the current geothermal line within Box Canyon are being discussed. The current budget allocation for Phase III geothermal line replacement with insulated piping is being reviewed to determine the best use of these funds for 2021.
- Working with "5 Guys and a Sign" to install a plaque, weather permitting, along Main Street with the story of the recently refurbished Box Canon sign. Two plaques are being placed, one at the base of the sign and one along Main Street.
- Beginning to work with Community Development Coordinator and City Attorney to update Sewer Tap Ordinance based on past City Council Work Session.

Public Works December Update

Water

- Water Usage Numbers for **November**:
 - Influent (Water from spring) – 25,926,528 Gallons
 - Effluent (Water to town) – 12,240,720 Gallons
 - Ice Park – 3,312,424 Gallons
 - Mineral Farms – 231,200 Gallons
- Repaired a leaking flare on a water service line in the City Right of Way in the 600 block of 5th Street.
- Repaired a water main break in the 1200 block of HWY 550. Crews were able to isolate, locate and repair the leak in less than five hours in difficult conditions.

Sewer

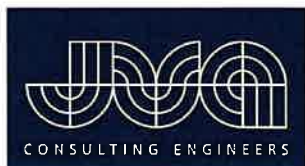
- Continued effort to remove duckweed that grows on the surface of lagoon #2.
- Continue to skim the lagoons of debris as needed.
- Work with JVA on the current sewer tap ordinance.
- Bi-weekly meetings with JVA concerning the Wastewater treatment plant project. Highlights include general permit application submittal to CDPHE. Site application and engineering report submitted to CDPHE for review and approval. See attached memo from JVA for more details.

Streets

- Snow plowing operations and snow removal on City streets.
- Early morning snow removal on HWY 550 parking spots (CDOT Right of Way) three times in the month of December.

City Resources

- Continued geothermal monitoring.
- The ventilation project for the upstairs of City Hall is scheduled to begin on December 22nd. There have been some delays in this project due to the pandemic. The contractor will be working on this project with extra crewmembers to complete it as quickly as possible. Once the crew is done with the upstairs of City Hall, they will be installing ventilation at the Parks and Maintenance building along with the Public Works shop.
- Open sled hill. Road closed sign placed at the bottom of the hill, sign at the top of the hill stating sled at your own risk. Also piled snow and straw bales around trees to help protect the people sledding.
- Worked with Clearnetworkx to get fiber to the Visitors Center. Fiber has been tested and it is currently working.



www.jvajva.com

☐ **Boulder**

1319 Spruce Street
Boulder, CO 80302
303.444.1951

☐ **Fort Collins**

25 Old Town Square
Suite 200
Fort Collins, CO 80524
970.225.9099

☐ **Winter Park**

PO Box 1860
47 Cooper Creek Way
Suite 328
Winter Park, CO 80482
970.722.7677

☒ **Glenwood Springs**

817 Colorado Ave
Suite 301
Glenwood Springs, CO
81601
970.404.3100

☐ **Denver**

1512 Larimer Street
Suite 710
Denver, CO 80202
303.444.1951

M E M O

TO:	<u>Joe Coleman</u>	DATE:	<u>December 30, 2020</u>
CLIENT:	<u>City of Ouray</u>	JOB NO.	<u>1008.5e</u>
ADDRESS:	<u>320 6th Avenue</u>	PROJECT:	<u>Wastewater Treatment Plant Expansion</u>
	<u>Ouray, CO 81427</u>	SUBJECT:	<u>December 2020 Monthly Project Update</u>

The purpose of this memo is to update you and the City Council on the Wastewater Treatment Plant (WWTP) Expansion Project. The summary below is brief and can be expanded on if you or any of the City Council members have specific questions or concerns.

JVA prepared and submitted the General Permit Application for the WWTP expansion to the Colorado Department of Public Health and Environment (CDPHE) on October 29, 2020. We also prepared and submitted the Site Application and engineering report to CDPHE for review and approval.

JVA prepared and sent out agency correspondence letters as part of the Environmental Assessment process. We are starting to receive some responses back which will be incorporated into the final Environmental Report which is submitted to CDPHE for review and approval. The advertisement for the public meeting as part of the Environmental permitting process is scheduled for January 19, 2021. JVA will provide a brief presentation of the project and specific environmental considerations which are minimal since the new plant will be constructed on the existing WWTP site.

JVA distributed request for budgetary proposals from major equipment manufacturers as part of the preliminary design process. This information will allow us to form the basis of design and sizing of numerous process areas for the new WWTP. In the month of December, JVA also worked on preparing thirty-percent design drawings and details.

Lastly, we conducted bi-weekly project meetings with City staff and JVA's design team to maintain solid communication on the project and receive valuable input from the City during the permitting and design phase. The project remains on schedule and budget.

We appreciate the opportunity to work with everyone at the City on this project. Please let me know if you or anyone from the City Council has any questions we can assist with.

Sincerely,

Signed: 

Cooper Best, Regional Manager

City of Ouray Police Department

December 2020 and Year End Chief's Report

For the month of December 2020 OUPD ran approximately 339 calls for service
These included:

- **136 Patrol checks (includes safety patrols, directed patrols and security checks)**
- **81 Traffic enforcement contacts (includes moving {approx. 20%} and parking { approx. 80%} violations**
- **6 Citizens Assists**
- **4 Code Violations**
- **3 VIN certifications**
- **2 Criminal Mischief reports**
- **1 Theft report**

For the year of 2020 OUPD ran approximately 5023 calls for service. This in an approximately 25% increase from 2019 when 3815 were handled.

The 2020 calls for service included:

- Approx. 1794 Patrol checks
- Approx. 233 Traffic enforcement contacts. As noted above these run approximately 80% parking issues and 20% moving violations

Traffic enforcement is becoming an issue. OUPD ran more complaints for parking violations in the last two weeks of December 2020 than in the entire month of July at the height of our tourist season. A major issue is parking on Main Street during snow removal operations and parking along Rt 550 for ice climbing activities.

- 23 code violations (mostly noise and litter violations)
- 72 VIN Certifications

Upcoming Events:

OUPD is working with Public Works and the City Attorney on a comprehensive plan to address parking issues in the City. It is recommended that the City reach out to State Highway regarding a snow removal/mitigation plan for the stretch of Rt. 550 between the two sharp turns between the entrance to Camp Bird Road and entrance to the Amphitheater Campground Road. This will allow for pedestrian traffic between the two "Horseshoe" parking lots.

City Resources Department

January 4, 2021

There were several days during the Christmas / New Year's holiday when the 50 person capacity limit was reached at the Hot Springs Pool and patrons had to wait for admission. The waitlist is an unfortunate aspect of the pandemic that is beyond the City's control.

At the end of December the Pool Deck Supervisor resigned from their position. Inability to obtain housing was the cause given for the resignation. Pool Deck Supervisor duties will be fulfilled by another pool employee. Pool Deck Supervisor is a temporary position that was created earlier this year to support operation of the Hot Springs Pool during the pandemic when the Pool Manager and other positions at the pool remain open.

In addition to the regular monthly in-service training at the Hot Springs Pool, training has been provided through the Red Cross on Lifeguard Management. A member of the pool maintenance team will renew their Aquatic Facility Operator certification in January.

Reduced water flow in the Box Canon geothermal water line caused a significant drop in hot water available to the Hot Springs Pool prior to the Christmas holiday. To maximize pool temperatures the pools were reconfigured with the Overlook Pool now open at 102-104 degrees, the former Hot Pool is now operating at 96-98 degrees, and the Shallow Pool is closed. Customers are satisfied with, and many prefer, this configuration. Public Works brought in a contractor to clean sediment from the geothermal line. This resulted in increased flows compared to earlier in December, but still lower than historic averages. After the holidays staff will determine whether to maintain the current configuration or revert to the previous set-up.

On December 19 the rope tow at Lee's Ski Hill began regular operation. Daily hours are noon to 5 pm on weekends and school holidays, 3 pm to 5 pm on weekdays when school is in session. Prior to opening the ski hill a covid operations plan was submitted to, and approved by, the Director of Ouray County Public Health. During the Christmas holiday daily attendance averaged more than 40 people.

LED replacement lights have been ordered through the San Miguel Power Association / Eco Action Partners Greenlight program. When the replacement lights arrive they will be installed in the bathhouse. A combination of volunteer labor from Ridgway Ouray Community Council (ROCC) and Hot Springs Pool staff.



ACTION ITEMS (January 4, 2021):

a. Resolution 1, 2021 – Designate the Office Posting Place

Action Requested – *Will City Council approve the City Hall bulletin board outside of the City Administrative Office as the official posting location of the City?*

Background – Per Colorado Open Meetings Law and Chapter 2, Section 1.D. of the Ouray Municipal Code, a physical location must be designated as the official posting location for public notices.

Recommendation – Staff recommends approval (Municipal Code will be reviewed in the future to determine if and how an online location may be designated)

b. Ordinance 1, Series 2021 – Updates to Chapter 10 and Chapter 14 of the Ouray Municipal Code Including 2020 Model Traffic Code Adoption and Changes to Parking, Traffic, and Animal Regulations – First Reading

Action Requested – *Will City Council approve the updates to Chapter 10 and Chapter 14 of the Ouray Municipal Code including 2020 Model Traffic Code adoption and changes to parking, traffic, and animal regulations on first reading?*

Background – The City of Ouray Police Department and Public Works have been working with the City Attorney to update Chapter 10 and Chapter 14 of the Ouray Municipal Code to ease issues with traffic, parking, snowplowing and animals.

Recommendation – Staff recommends approval on first reading and conducting a public hearing during the second reading of the Ordinance.

c. Resolution 2, Series 2021 – Adopting Ouray Municipal Court Fine Schedule

Action Requested – *Will City Council approve the revised Municipal Court Fine Schedule?*

Background – The City of Ouray has not revised the Municipal Court Fine Schedule since January 5, 2015. The Ordinance exhibit illustrates all changes for comparison of current vs proposed fine amounts.

Recommendation – Staff recommends approval

A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF OURAY, COLORADO
(RESOLUTION NO. 1, 2021)

A Resolution of the City of Ouray designating a posting place for 2021

WHEREAS, the Colorado Open Meetings Law requires that all meetings at which the adoption of any proposed City policy or other formal action be held only after full and timely notice to the public; and

WHEREAS, Chapter 2 Section 1.D. of the Ouray Municipal Code requires City Council to designate a public place for posting notices of any such meetings; and

WHEREAS, this designation must occur each calendar year; and

WHEREAS, the City of Ouray now wishes to designate a public place within its boundaries for posting of such full and timely notices to the public;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF OURAY, COLORADO, THAT:

1. The City Council hereby designates the bulletin board outside the City Administrative Office, which is inside the entrance to City Hall at 320 6th Avenue, Ouray, Colorado, as the place for posting full and timely notice to the public:
2. All such notices, except those of emergency meetings, shall be posted at this designated place at least twenty-four hours prior to the holding of the respective meeting.

THIS RESOLUTION was approved and adopted the 4th of January, 2021, by the Mayor and Council of the City of Ouray, Colorado.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

ATTEST:

Melissa M. Drake, City Clerk

ORDINANCE NO. 01 (Series 2021)

AN ORDINANCE OF THE CITY OF OURAY, COLORADO, AMENDING OR ADDING TO THE CODE OF THE CITY OF OURAY AS FOLLOWS:

- 1. SECTION 14-1 TO ADOPT THE 2020 MODEL TRAFFIC CODE;**
- 2. SECTION 14-7 TO REGULATE PARKING OF RECREATION VEHICLES AND TRAILERS 20 FEET OR MORE IN LENGTH;**
- 3. SECTION 14-8-C TO ALLOW OVERNIGHT PARKING AT CATCH BASIN AND CLARIFY OVERNIGHT PARKING PROHIBITIONS;**
- 4. SECTION 14-8-G INCREASING HOURS OF NO PARKING FOR SNOW REMOVAL AND TO CLARIFY WINTER PARKING REGULATIONS;**
- 5. SECTION 14-8-H ADDING A VIOLATION FOR DISOBEYING A TRAFFIC CONTROL DEVICE;**
- 6. SECTION 14-8-I ADDING A VIOLATION FOR IMPEDING PARKING;**
- 7. SECTION 10-2-I-4 REDUCING TRESPASS AREA ON RIVER;**
- 8. SECTION 10-5-E-2 ALLOWING DOGS OFF LEASH IN FELLIN PARK FROM SUNRISE UNTIL 9 AM; AND**
- 9. SECTION 10-5-L-4 ADDING A VIOLATION FOR ANIMAL LITTER.**

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OURAY, COLORADO:

SECTION 1:

Section 14-1 of the Code of the City of Ouray, Colorado, is hereby amended to read as follows:

14-1 Adoption of Model Traffic Code

- A. There is hereby adopted by reference, Parts 1-19, including Appendix I of the 2020 Edition of the *Model Traffic Code for Colorado* promulgated and published as such by the Colorado Department of Transportation, Staff Traffic and Safety Project Branch, 4201 East Arkansas Avenue, Denver, Colorado, 80222. The subject matter of said Code relates primarily to comprehensive traffic control regulations for the City. The purpose of this section and the Code adopted herein is to provide a system of traffic regulations consistent with State law and generally conforming with similar regulations throughout the State and United States.
- B. One copy of the Model Traffic Code and any secondary code pertaining thereto certified to be true copies by the Mayor and Clerk shall be kept filed in the Office of the Clerk available for public inspection. The clerk shall maintain a reasonable supply of copies of the Model Traffic Code adopted herein for purchase by the public at a moderate price. The Model Traffic Code is also available at <https://www.codot.gov/library/traffic/traffic-manuals-guidelines/fed-state-co>

traffic-manuals/2020-model-traffic-code-for-colorado.

- C. The Model Traffic Code for Colorado Municipalities 2020 Edition is hereinafter sometimes referred to and may be cited as the Municipal Traffic Code or MTC.
- D. The following provisions of the Model Traffic Code adopted herein are modified as follows: Deleted the words "by ordinance" in the first line of Subsection 1205(3).
- E. The following provisions of the Model Traffic Code are hereby deleted:

Subsections 1101(8), 1402(2) and Sections 1701, 1702, 1705, 1706, 1707, 1708, 1709, 1710, 1713, 1714, and 1715.

SECTION 2:

Section 14-7 of the Code of the City of Ouray, Colorado, is hereby amended to read as follows:

14-7 Unattended Motor Vehicles

- A. It shall be unlawful to park or leave any vehicle, including any recreation vehicle or trailer over 20 feet in length, standing for a period longer than 72 hours upon a street right of way adjacent to any property. The fact that the position of such vehicle is moved for the primary purpose of avoiding the 72-hour limitation, or the vehicle is moved away for any period of fewer than four (4) hours, shall be ignored in determining whether a vehicle has remained parked in front of any premises for 72 hours. This provision shall not apply to a vehicle owned or leased by the owner or occupant of an abutting property.
- B. Vehicles parked left standing or stopped in violation of this section are hereby declared to be a nuisance which may be abated in accordance with law. In addition, such vehicles shall be considered abandoned and may be impounded and disposed of in accordance with provisions of the Ouray Municipal Code and state law.

SECTION 3:

Section 14-8-C of the Code of the City of Ouray, Colorado, is hereby amended to read as follows:

C Parking Overnight

- 1. It shall be unlawful for any person to park a vehicle within a parking lot adjacent or connected to a public park between the

hours of 11:00 P.M. to 6:00 A.M., except as set forth herein. This parking prohibition applies to parking lots adjacent to Fellin Park, Rotary Park, Cascade Falls, and the parking located to the north of Highway 550 at mile marker 93 also known as the Horseshoe.

2. Overnight parking is allowed at City property located at end of 9th Street, west of Highway 550, known as the Catch Basin, from May 1 until November 1 of each year for a period no longer than 72 hours.
3. Overnight parking for recreation vehicles and/or trailers and is allowed on 4th Street and 2nd Street in any non-designated head in parking space from May 1 until November 1 of each year for no longer than 72.
4. It shall be unlawful to park or leave any recreation vehicle or trailer on Highway 550.
5. It shall be unlawful to sleep overnight or to camp in any recreation vehicle that is parked overnight in accordance with this Subsection C.
6. Commercial Motor Vehicles are permitted to park overnight and operators to sleep in their vehicles on designated public property sites during periods of inclement weather when the Colorado Department of Transportation requires chains for commercial motor vehicles and/or when the pass is closed along US Highway 550 south.

SECTION 4:

Section 14-8-G of the Code of the City of Ouray, Colorado, is hereby amended to read as follows

G. Parking Prohibited for Snow Removal

1. Every year between November 1 and the May 1, all parking of motor vehicles or other vehicles of any sort, is prohibited between the hours of 12:00 A.M. and 7:00 A.M. on those parts and portions of Main Street extending between Second Avenue on the south and Tenth Avenue on the north end, in order that the removal of snow may be effectively accomplished by either the City snow plows or by equipment of the State Highway Department engaged in assisting the City in the removal of snow from such portions of Main Street.

2. Between November 1 and May 1, parking of motor vehicles or other vehicles of any sort is hereby prohibited between the hours of 12:00 A.M., and 7:00 A.M., on:
 - a. 320 6th Avenue along the front of City Hall, the ambulance bay, and the fire department bays on the east; and
 - b. 541 Fourth Street and 421 Sixth Avenue, along the front of the Ouray County Courthouse and Sheriff's office.
3. Any violation of this Subsection G is hereby declared to be and to constitute a public nuisance and obstruction to such street, and such motor vehicle or other vehicle may be removed, forcibly or otherwise.

SECTION 5:

That the Code of the City of Ouray, Colorado, is hereby amended by adding a section official traffic control devices to be numbered 14-8-H which section reads as follows:

H. Official Traffic Control Devices

1. An official traffic control device means all signs, signals, markings, and devices, placed, or displayed by the City of Ouray for the purpose of regulating, warning, or guiding traffic.
2. It shall be unlawful for any driver to disobey any instructions of any official traffic control device, including any hand signal device, except for an emergency vehicle otherwise authorized by a police officer.
3. It shall be an affirmative defense that the disobedience of instructions is because the official traffic control device was not in a proper position and sufficiently legible to be seen by an ordinary observant person.
4. Whenever official traffic control devices are placed in position approximately conforming to the requirements state law, such devices shall be presumed to have been so placed by the official act or direction of lawful authority unless the contrary is established by competent evidence.

SECTION 6:

That the Code of the City of Ouray, Colorado, is hereby amended by adding a section impeding parking to be numbered 14-8-I which section reads as follows:

I. Impeding Parking

4. It shall be unlawful for any person to place any object in a parking place located on City property or any City right-of-way, which impedes the ability for a driver of a vehicle of any sort from parking on a public parking space.
5. Objects not allowed in parking spots include, but are not limited to, cones, barriers of any kind, or snow placed in such a manner to prevent a vehicle from utilizing a parking spot.

SECTION 7:

Section 10-2-I-4 of the Code of the City of Ouray, Colorado, is hereby amended to read as follows:

4. It shall be unlawful to swim, wade, float, or soak in the waters of Canyon Creek, the Uncompahgre River from Box Canyon Visitor's Center to the Oak Street bridge where it crosses the Uncompahgre River, Oak Creek or in any springs, where such waters or springs are on City-owned property, including the Box Canyon Park property, except where specifically authorized by the City

SECTION 8:

Section 10-5-E-2 of the Code of the City of Ouray, Colorado, is hereby amended to read as follows:

2. It shall be unlawful for any owner or custodian of any animal, except domestic cats, to fail to have the animal under effective and immediate control of the owner or custodian by a leash, cord, chain, or other restraining device at all times that such animal is within the City, unless the animal is:
 - a. on the premises of the owner or custodian;
 - b. within areas of the City that have been officially designated as off leash areas, dogs may be allowed to run at large, as defined in this Section, subject to the rules and regulations as may be determined by the City and posted on-site at the designated off-leash area. It shall be unlawful for any owner or custodian taking a dog to an off leash area to violate any posted rules and regulations for the off leash area; or

- c. within Fellin Park, so long as the dogs is under strict command control during the hours of sunrise until 9:00 a.m. The purpose of this subsection b is to impose strict liability upon the owner or custodian of any dog with respect to command control. Command control means the dog is immediately responsive to the voice commands of the owner or custodian while within Fellin Park.

SECTION 9:

That the Code of the City of Ouray, Colorado, is hereby amended by adding a section for animal litter violations to be numbered 10-5-L-4 which section reads as follows:

4. It shall be unlawful for any owner or custodian of any animal to deposit, throw, or leave or allow the animal to deposit or leave, on public or private property or in any waters, any excrement, feces, or waste matter discharged from an animal as defined in Section 10-2-Z-2 of this Code.

SECTION 10: PRIOR PENALTY

The amendment of various provisions of the Ouray Municipal Code by this ordinance shall not affect any offense or act committed, any penalty incurred, any contract, right or duty established or accruing before the effective date of this ordinance.

SECTION 11: SAVINGS CLAUSE:

If any clause, sentence, paragraph, or part of this ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

SECTION 12: EFFECTIVE DATE

The provisions of this Ordinance shall become effective pursuant to City of Ouray Home Rule Charter, 3.5 which is thirty days after publishing following the second reading.

INTRODUCED, READ, APPROVED AS INTRODUCED, AND A TITLE AND SUMMARY ORDERED PUBLISHED on first reading by _____ vote of the Ouray City Council, this 4th day of January, 2021.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

ATTEST:

Melissa Drake, City Clerk

INTRODUCED, READ, ADOPTED AND TITLE AND SUMMARY ORDERED PUBLISHED
on second reading by ____ vote of the Ouray City Council, this __ day of January, 2021.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

ATTEST:

Melissa Drake, City Clerk

RESOLUTION NO. 02 (2021)

**A RESOLUTION OF THE CITY OF OURAY, COLORADO, AMENDING
THE FINE SCHEDULE FOR VIOLATIONS OF THE OURAY
MUNICIPAL CODE.**

WHEREAS, the City fine schedule for municipal code violations was last amended on January 5, 2015;

WHEREAS, fines for violations are an important mechanism to encourage code compliance and to ensure public safety; and

WHEREAS, the City finds it necessary for public health, safety, and welfare to increase its code violation fines.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF OURAY, COLORADO**, that:

1. City Council hereby adopts the Ouray Municipal Court Fine Schedule as set forth on the attached Exhibit.
2. This fine schedule replaces any previous schedule.
3. City attorney shall notify Municipal Court Judge of this new fine schedule.

ADOPTED this 4th day of January 2021 by the Ouray City Council.

CITY OF OURAY, COLORADO

Greg Nelson, Mayor

ATTEST:

Melissa Drake, City Clerk

OURAY MUNICIPAL COURT FINE SCHEDULE Ouray Code Violations		
Municipal Code	Description of Charge	Fine
ALCOHOL AND TOBACCO OFFENSES		
OC § 10-2-BB-2	Unlawful Consumption of Alcohol - Prohibit Location	Summons, Fine: \$2400.00 to \$1000.00
OC § 10-2-BB-2	Unlawful Possession of Unsealed or Open Container - Prohibit Locations	Summons, Fine: \$2400.00 to \$1000.00
OC § 10-2-BB-2-b	Owner, Person in Possession or Control of Premises Where Unlawful Consumption or Possession Occurs	Summons, Fine: \$2400.00 to \$1000.00
OC § 10-2-BB-2-c	Unlawful Possession, Purchase or Consumption by Anyone Under 21 Years of Age	Summons, Fine: 2\$0400.00 to \$1000.00
OC § 10-2-BB-2-d	Unlawful to Serve, Give, Dispose- of , Exchange, Deliver or Permit the Sale, Serving, Giving or Procuring to Anyone Under 21 Years of Age	Summons, Fine: \$4300.00 to \$1000.00
OC § 10-2-CC-2	Unlawful Possession of Tobacco by Anyone Under 18 Years of Age	Summons, Fine: \$2400.00 to \$1,000.00
ANIMAL CONTROL		
OC § 10-5-B	Identification Tags Required	First Offense: Fine: \$5035.00 , Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-C	Rabies Control	First Offense: Fine: \$5035.00 , Second Offense: Summons, Fine: \$150400.00 to \$1000.00
OC § 10-5-D	Animal Attacks	Summons, Fine: \$25400.00 to \$1000.00
OC § 10-5-E	Dogs Running at Large Prohibited (1 st Offense)	Summons, Fine: \$1050.00
OC § 10-5-E	Dogs Running at Large Prohibited (2 nd Offense Within a Year)	Summons, Fine: \$25400.00
OC § 10-5-E	Dogs Running at Large Prohibited (3 rd Offense Within a Year)	Summons, Fine: \$500.00
OC § 10-5-E	Dogs Running at Large Prohibited (4 th Offense Within a Year)	Summons, Fine: \$1,000.00
OC § 10-5-G	Limitation on Dogs and Cats	First Offense: Fine: \$1050.00 , Second Offense: Summons, Fine: \$25400.00 to \$1000.00

OURAY MUNICIPAL COURT FINE SCHEDULE Ouray Code Violations		
Municipal Code	Description of Charge	Fine
OC § 10-5-H	Poultry Running at Large Prohibited	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-I	Release of Restrained Animal Prohibited	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-J	Vicious Animals	Summons, Fine: \$2400.00 to \$1000.00
OC § 10-5-K	Cruelty to Animals	Summons, Fine: \$2400.00 to \$1000.00
OC § 10-5-L- <u>1</u>	Nuisance - Any Animal that Produces or Creates a Nuisance	First Offense: Fine: \$1050.00 , Second Offense: Summons, Fine: \$2400.00 to \$1000.00
OC § 10-5-L-3	Littering Animal	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-M	Female Animals in Heat	First Offense: Fine: \$50.00, Second Offense: Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-N-1	Keeping Farm Livestock Prohibited	Summons, Fine: \$100.00 to \$1000.00
OC § 10-5-N-2	Herding or Driving Farm Livestock Prohibited	Summons, Fine: \$100.00 to \$1000.00
FIREWORKS, GUNS, EXPLOSIVES		
OC § 10-2-N-1	Storage and Manufacturing of Fireworks Prohibited	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-N-2	Unlawful Sale of Fireworks	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-N-4	Use of Dynamite, Black Powder, Dynamite Caps for Public Demonstration Purposes Prohibited	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-O	Discharge of Guns Prohibited	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-P	Explosives - Noncompliance with State Law	Summons, Fine: \$100.00 to \$2650.00

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OURAY MUNICIPAL COURT FINE SCHEDULE Ouray Code Violations		
Municipal Code	Description of Charge	Fine
LICENSE REQUIRED/PEDDLERS/TAX		
OC § 10-2-K	Peddlers and Solicitors Prohibited	First Offense: Fine: \$100, Second Offense, Summons, \$100 to \$1000
OC § 3-2-C	Sales Tax License Required	Summons, Fine: \$100.00 to \$1000.00
OC § 3-2-H	Nonpayment of Liquor and Beer Dispenser's Occupation Tax	Summons, Fine: \$100.00 to \$1000.00
OC § 3-2-E	Nonpayment of Lodging and Occupation Tax	Summons, Fine: \$100.00 to \$1000.00
OC § 3-15; 13-7-E	Huckstering Prohibited	Summons, Fine: \$100.00 to \$1000.00
PUBLIC PROPERTY		
OC § 10-2-G	Injuring or Destroying Public Property	Summons, Fine: \$300.00 to \$1000.00
OC § 13-1	Encroachment Prohibited	Summons, Fine: \$100.00 to \$1000.00
OC § 13-3-F-17	Failure to Remove Encroachment	Summons, Fine: \$100.00 to \$2650.00
OC § 13-2	Disturbance of Grad Stakes Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-A	Destruction of Park Property	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-B	Erection of Tents and Buildings	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-C	Fires Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-7-D	Riding of Animals in Public Parks Prohibited	Summons, Fine: \$50.00 to \$1000.00
OC § 13-3-H	Nonpermitted Outdoor Display of Merchandise	Fine: \$300.00
OC § 13-3-H	Unlawful Fruit, Vegetable, Cider and Honey Sales	Fine: \$300.00
OC § 13-7-K	Offenses Related to the Ice Park	Summons, Fine: \$300.00 to \$1000.00

OURAY MUNICIPAL COURT FINE SCHEDULE Ouray Code Violations		
REFUSE AND TRASH		
OC § 12-6	Unlawful Commercial Refuse Containers	First Offense - Warning Second Offense - Summons, \$300.00 <u>to \$1000.00</u>
OC § 12-7	Refuse - Prohibited and Controlled Materials	First Offense - Warning Second Offense - Summons, \$300.00 <u>to \$1000.00</u>
OC § 12-8	Unlawful Tampering with Refuse Containers	First Offense - Warning Second Offense - Summons, \$300.00 <u>to \$1000.00</u>
OC § 12-10	Illegal Use of Refuse Collection Service	First Offense - Warning Second Offense - Summons, \$300.00 <u>to \$1000.00</u>
OC § 12-11	Feeding of Wildlife Prohibited	First Offense - Warning Second Offense - Summons, \$300.00 <u>to \$1000.00</u>
FIRE REGULATIONS		
OC § 10-3-A	Disobedience of Fire or Police Officials During Fire	Summons, Fine: \$300.00 to \$2650.00
OC § 10-3-B	Open Burning	Summons, Fine: \$300.00 to \$2650.00
MISCELLANEOUS OFFENSES		
OC § 8-1-B	Unlawful Erection or Maintenance of Signage	Summons, Fine: \$300.00 to \$1000.00
OC § 8-5	Prohibited Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 3-14	Unlawful Animal Ride Businesses	Summons, Fine: \$300.00 to \$1000.00
OC § 9-11	Unlawful Water Use	Summons, Fine: \$300.00 to \$1000.00
OC § 9-12	Nonpermitted Use of Fire Hydrants	Summons, Fine: \$300.00 to \$2650.00
OC § 9-13	Tampering with or Unauthorized Use of Utilities and Service	Summons, Fine: \$300.00 to \$2650.00
OC § 9-15	Unlawful Use of Sewer Systems	Summons, Fine: \$300.00 to \$2650.00

<p style="text-align: center;">OURAY MUNICIPAL COURT FINE SCHEDULE Ouray Code Violations</p>		
Municipal Code	Description of Charge	Fine
OC § 10-2-F	Handbill, Posters and Placards - Nuisance	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-H	Injuring or Destroying Private Property	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-1	Trespassing - Entry onto Premises of Another	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-2	Trespassing - Remaining on the Property of Another	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-3	Trespassing - Entering or Remaining on Private or Public Property - Posted Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-I-4	Trespassing - Waters	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-J	Injury or Removal of Street Signs	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-L	Begging	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-M	Occupying or Sleeping in Unlawful Places	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-Q	Throwing of Stone, Missiles, Etc	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-R-1	Resisting or Interfering with an Officer	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-R-2	Assisting or Endeavor to Assist Person in Custody of Police to Escape or to Attempt to Escape from Custody	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-R-3	Rescuing or Attempting to Rescue Person in Custody of Police	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-S	Impersonating an Police Officer	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-T	Impersonating City Officers and Employees	Summons, Fine: \$300.00 to \$2650.00
OC § 10-2-U	Obstructing Traffic	Fine: \$300.00
OC § 10-2-V	Interfering with Use of Streets or Sidewalk	Fine: \$300.00
OC § 10-2-W	Indecent Conduct	Summons, Fine: \$100.00 to \$2650.00
OC § 10-2-X	Disorderly Conduct	Summons, Fine: \$300.00 to \$2650.00

OC § 10-2-Y	Unreasonable Noise	First Offense, Fine: \$100.00, Second Offense, Summons, \$200 to \$1000.00
OC § 10-2-Z-2	Littering - Animal	Summons, Fine: \$35.00 to \$1000.00
OC § 10-2-Z-2	Littering - Person	Summons, Fine: \$100.00 to \$1000.00
OC § 10-2-Z-3	Storage of Litter	Summons, Fine: \$100.00 to \$1000.00
OC § 10-2-Z-4	Keeping of Junk	First Offense: Fine: \$100.00 Second Offense, Summons, \$300.00 to \$1000.00
OC § 10-2-AA	Removal of Weeds and Brush	Summons, Fine: \$300.00 to \$1000.00
OC § 10-2-DD	Marijuana Related Offense – Juvenile	Summons, Fine \$100.00 to \$1000.00
OC § 10-2-AA	Marijuana Related Offenses – Adult Use and Possession	Fine Offense, Fine \$100.00, Second Offense, Summons, \$300.00-\$1000.00
OC § 10-4	Nuisances	Summons, Fine: \$300.00 to \$1000.00
OC § 14-6	Use of Streets for Sliding Prohibited Except at Certain Areas	Summons, Fine: \$300.00 to \$1000.00

OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
	EQUIPMENT	
201	Obstruction of view or driving mechanism	\$ 503 5.00
202	Unsafe Vehicles	\$ 503 5.00
204	Lighted Lamps Required - Visibility 1000'	\$ 504 5.00
205	Head Lamps - Motor Vehicles	\$ 504 5.00
206	Tail Lamps, Reflectors, Rear Plate Lights	\$ 504 5.00
207	Clearance and Identification	\$ 304 5.00
208	Stop Lamps and Turn Signals	\$ 304 5.00
209	Lamp or Flag Projecting Load	\$ 304 5.00
210	Lamps Parked Vehicles	\$ 504 5.00
212	Spot Lamps and Auxiliary Lamps	\$ 504 5.00
213	Audible and Visual Signals Required- Emergency Vehicles	\$ 504 5.00
214	Visual Signals - Service Vehicles	\$ 450 0.00
215	Signal Lamps and Devices - Additional Lighting Equipment	\$ 504 5.00
216	Multiple Beam Road Lights	\$ 504 5.00
217	Use of Multiple Beam Lights	\$ 504 5.00
218	Single Beam Road-Lighting Equipment	\$ 504 5.00
219	Number of Lamps Permitted	\$ 504 5.00
221	Bicycle and personal mobility device equipment	\$ 504 5.00
222	Volunteer firemen - volunteer ambulance attendants - special lights and alarms systems	\$ 504 5.00
223	Brakes Required	\$ 504 5.00
224	Horns or warning devices	\$ 504 5.00
225	Mufflers - prevention of noise	\$ 504 5.00

OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
226	Mirrors - exterior placements	\$150 .00
227 (1)	Windows obstructed - certain materials prohibited	\$105 .00
227 (2)	Windows obstructed - certain materials prohibited - windshield wiper requirements	\$5015 .00
228	Restrictions on tire equipment	\$5015 .00
229	Safety glazing material in motor vehicles	\$5015 .00
230	Emergency lighting equipment - who must carry	\$5015 .00
231	Parking Lights	\$5015 .00
232	Minimum safety standards for motorcycles and motor-driven cycles	\$5015 .00
233	Alteration of suspension system	\$15075 .00
234	Slow-moving vehicles - display of emblem	\$5015 .00
235	Minimum standards for commercial vehicles - spot inspections	\$1050 .00
236	Child restraint systems required - definitions - exemptions	\$10065 .00
237	Safety belt systems - mandatory use - exemptions - penalty	\$10065 .00
DRIVING		
OC§14-12	Unnecessary Operation of Motor Vehicles Prohibited	First Offense, Fine: \$100.00, Second Offense, Summons, Fine: \$100.00 to \$1000.00
MOTORIZED BICYCLE/OHV/TOY VEHICLE/ ROLLERSKATES		
109	Unlawful Operation of low power scooters, animals, skis, skates and toy vehicles	\$5015 .00
109(6.5)	Driver Under 18 Operating Motorized Bicycle - Helmet	\$150 .00
220	Low-power scooters – lighting equipment	\$5015 .00

OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
OC§ 14-9	Off-Highway Vehicle Operation Prohibited	First Offense, \$ 24 00, Second Offense, Summons, Fine, \$ 43 00-\$1000
SIZE, WEIGHT, LOAD		
502	Width of vehicles	\$75.00
503	Projecting loads on passenger vehicles	\$ 50 15 .00
504	Height and length of vehicles	\$75.00
505	Longer vehicle combinations	\$75.00
506	Trailers and towed vehicles	\$ 50 15 .00
509	Vehicles weighed - excess removed	\$50.00
512	Liability for damage to highway	\$75.00
SIGNALS-SIGNS-MARKINGS		
603	Obedience to official traffic control devices	\$100.00
604	Traffic control signal legend	\$100.00
605	Flashing Signals	\$ 75 0 .00
606	Display of unauthorized signs or devices	\$ 15 0 .00
607	Interference with official devices	\$50.00
608 (1)	Signals by Hand or Signal Device	\$ 75 0 .00
608 (2)	Signals by Hand or Signal Device	\$ 50 15 .00
609	Method - Hand and Arm Signals	\$ 50 15 .00
610	Unauthorized insignia	\$ 50 15 .00
611	Paraplegic persons or persons with disabilities - distress flag	Summons
612	Failure to Proceed with Caution when Traffic Controls are Malfunctioning	\$ 75 0 .00
RIGHTS OF WAY		
701	Failure to Yield - Approaching Intersection	\$ 75 0 .00
702	Failure to Yield - Vehicle turning left	\$ 75 0 .00

OURAY MUNICIPAL COURT FINE SCHEDULE		
Traffic Violations		
MTC/OC	Description of Charge	Fine
703	Entering through highway – stop or yield intersection	\$ 75 0.00
704	Failure to Yield - Entering a Roadway	\$ 75 0.00
705	Failure to Yield - Approaching emergency vehicles	\$ 75 0.00
706	Failure to Yield - Railroad signal	\$ 75 0.00
707	School Bus/Commercial Vehicle - Failure to Stop at Railroad Crossings	\$ 75 0.00
708	Moving heavy equipment at railroad grade crossing	\$ 50 35.00
709	Failure to Stop when Traffic Obstructed	\$ 75 0.00
710	Failure to Yield ROW to Pedestrian - Emerging from or entering alley, driveway, or building	\$ 75 0.00
710.3	Driving on Sidewalk	\$ 75 0.00
711	Driving on mountain highways	\$ 15 00.00
712	Failure to Yield ROW - Highway Work Area	\$ 75 0.00
PEDESTRIANS		
801	Pedestrian Obedience - Traffic Control Devices	\$ 50 45.00
802	Pedestrians' right-of-way in crosswalks	\$ 5 0.00
803	Crossing at other than crosswalks	\$ 50 45.00
805	Pedestrians walking or traveling in a wheelchair on highways	\$ 50 45.00
806	Driving through Safety Zone Prohibited	\$ 75 0.00
807	Drivers Failure to Exercise Due Care	\$ 75 0.00
808	Failure to Yield ROW to Disabled Person	\$ 75 0.00
TURNING AND STOPPING		
901	Improper Right Turn, Improper Left Turn, Improper Use of Two-Way Left Turn (Can Be Spilt into Different Offenses)	\$ 75 0.00
902	Improper U-Turn at a Dangerous Location, Made Unsafe U- Turn, Made U-Turn Where Prohibited (Can Be Spilt into Different Offenses)	\$ 75 0.00
903	Failure/Improper Signal for Turn, Failure to Signal Certain Distance Before Turn, Failure to Signal for a Stop, Improper Use of Signals (Can Be Spilt into Different Offenses)	\$ 75 0.00

OURAY MUNICIPAL COURT FINE SCHEDULE		
Traffic Violations		
MTC/OC	Description of Charge	Fine
	DRIVING, OVERTAKING, PASSING	
1001	Failure to Drive on Right Side of Roadway, Improper Lane Usage - Impeding Traffic, Driving on Left Side of Roadway Having 4 or More Lanes (Can Be Spilt into Different Offenses)	\$70.00
1002	Passing oncoming vehicles	\$100.00
1003	Overtaking a vehicle on the left	\$100.00
1004	Improper Passing on the Right	\$100.00
1005	Improper Passing - Pass on Left When Not Clear to Traffic	\$100.00
1006	Driving Wrong Way on One Way Roadway	\$70.00
1007	Failure to Drive in a Single Lane (Weaving)/Unsafe Lane Change	\$100.00
1008	Following Too Closely (Can Be Spilt into Different Offenses)	\$100.00
1009	Coasting Prohibited	\$70.00
1010	Driving on divided or controlled-access highways	\$70.00
	SPEEDING	
1101(1)(b)	Speeding 1-4 mph over the Posted Speed Limit	\$30.00
1101(1)(c)	Speeding 5-9 mph over the Posted Speed Limit	\$70.00
1101(1)(d)	Speeding 10-19 mph over the Posted Speed Limit	\$135.00
1101(1)(e)	Speeding 20-24 mph over the Posted Speed Limit	\$200.00
1101(1)(f)	Speeding 25-39 mph over the Posted Speed Limit	Summons
1101(1)(g)	Speeding 40+ mph over the Posted Speed Limit	Summons
1101(2)	Speed Too Fast for Conditions	Summons, Fine \$100.00 to \$1000.00
1101(3)	Speed Too Fast - Special Hazard	\$100.00
1103	Impeding Normal Flow of Traffic	\$50.00
1104	Speed - Elevated Structures	\$30.00
1105 (1)	Engaging in - Speed contests	Summons
1105 (3)	Aiding or facilitating in - Speed contests	Summons

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OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
	PARKING	
1201	Starting Parked Vehicle	\$3 5 9.00
1202	Parking or Abandonment of Vehicles	\$50 30 .00
1204	Stopping, Standing, or Parking Prohibited in Specified Areas	\$50 4 5.00
1205	Parking at Curb or Edge of Roadway	50 4 5.00
1206	Unattended Motor Vehicle, Parking on a Grade	\$50 4 5.00
1207	Unsafe Opening Vehicle Doors Into Lane or Traffic	\$35 4 5.00
1208	Unlawful Use of Designated Disability Parking Spaces	\$15 9 0.00
1211	Unsafe Backing	\$10 5 0.00
OC§ 14-7	Unattended Motor Vehicles	\$100.00
OC§14-8-A	Parking Outside of Marked Spaces	\$50.00
OC§14-8-B	Prohibited Parking in Alleys	\$50.00
OC§14-8-C	Parking Overnight	\$15 9 0.00
OC§14-8-D	Parking f For Certain Purposes Prohibited	\$50.00
OC§14-8-E	Parking Without Sufficient Clearance Between Vehicles	\$50 3 5.00
OC§14-8-F	Parking Next to Yellow Curb	\$50 3 5.00
OC§14-8-G	Parking Prohibited for Snow Removal	\$150.00
OC§14-8-H	Disobeying a Traffic Control Devise	\$100.00
<u>OC§14-8-I</u>	<u>Impeding Parking</u>	<u>\$50.00</u>
	RECKLESS, CARELESS, ELUDING	
1413	Eluding or Attempting to Elude a Police Officer While Driving	Summons
	NO INSURANCE	
1409	Failure to Provide Proof of Required Insurance	Summons

OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
	SPILLING LOADS/DAMAGING HIGHWAY	
1406	No Littering on Highway	\$ 503 5.00
1407 (3)(a)	Spilling Loads on Highways Prohibited	\$ 503 5.00
1407 (3)(b)	Spilling Loads on Highways Prohibited - While Driving or Moving a Car or Pickup, No Bodily Injury	\$100.00
1407 (3)(c)	Spilling Loads on Highways Prohibited - While Driving or Moving a Car or Pickup, Proximately Causes Bodily Injury	\$500.00
1407.5	Splash guards - when required	\$ 504 5.00
1502	Improper Riding on Motorcycles	\$ 530 0.00
1503	Operating Motorcycles on Roadways Laned for Traffic	\$ 530 0.00
1504	Clinging to other vehicles	\$ 530 0.00
	BICYCLES	
1412	Unlawful Operation of Bicycles and Other Human-Powered Vehicles	Summons
	SCHOOL BUSES	
1903(1)	Passing Stopped School Bus with Flashing Lights	Summons
1904	Regulations for school buses - regulations on discharge of passengers - penalty - exception	Summons

OURAY MUNICIPAL COURT FINE SCHEDULE Traffic Violations		
MTC/OC	Description of Charge	Fine
	OTHER TRAFFIC OFFENSES	
107	Disobedience to a Police Officer	Summons
108	Public Officers to Obey Provisions	Summons, Max. Fine: \$300.00
1403	Following Fire Apparatus Prohibited	\$5 30.00
1404	Crossing A Fire Hose	\$3 45.00
1405	Prohibited -Riding in Trailers	Summons
1408	Unlawful Operation of Motor Vehicles -Property under Control of or Owned by Parks and Recreation Districts	\$50 45.00
1411	Use of Earphones While Driving	Fine, \$100.00
1414	Moving Construction Related Equipment	Summons, Max Fine, \$300.00
1415(2)(a)	Use of Dyed Fuel on Highways Prohibited	\$500.00
1415(2)(b)	Use of Prohibited Dyed Fuel - Second Subsequent Violation in 12 Months	Summons
1415(2)(c)	Use of Prohibited Dyed Fuel - Third Subsequent Violation in 12 Months	Summons