

ORDINANCE NO. 85-1
Series of 1985

AN ORDINANCE BY THE TOWN OF FLEMING, COLORADO, ADOPTING RULES FOR CURB AND GUTTER, SIDEWALK CONSTRUCTION, STREET PAVING AND MAINTENANCE.

BE IT ORDAINED BY THE MAYOR AND THE BOARD OF TRUSTEES OF THE TOWN OF FLEMING, COLORADO:

SECTION 1 Curbs and Gutters. A. After the effective date of the ordinance, all curbs and gutters constructed and laid in the town shall be of concrete and shall conform to dimensions and locations as prescribed by the town maintenance superintendent.

B. The superintendent is directed to file with the town clerk a statement concerning each curbing location and dimension approved by him, and any change from this by order of the town shall be at the expense of the town.

C. The board of trustees of the town may order construction of a curb and gutter, or repair of the same already in place, as it deems necessary for the public health, welfare, safety and convenience; and, if such curb and gutter are not constructed or repaired by the owner of the adjacent or abutting property, the board shall cause the same to be constructed or repaired, and assess the cost thereof to the adjacent or abutting property.

SECTION 2 Sidewalks. A. After the effective date of the ordinance, all sidewalks constructed and laid in the town shall be of concrete and shall conform to dimensions and location as prescribed by the town maintenance superintendent.

B. The superintendent is directed to file with the town clerk a statement concerning each sidewalk location and dimension approved by him, and any change from this by order of the town shall be at the expense of the town.

C. The board of trustees of the town may order construction of a sidewalk, or repair of the same already in place, as it deems necessary for the public health, welfare, safety and convenience; and, if such sidewalk is not constructed or repaired by the owner of the adjacent or abutting property, the board shall cause same to be constructed or repaired and assess the cost thereof to the adjacent or abutting property.

SECTION 3 Street Paving. A. After the effective date of the ordinance, all street paving constructed and laid in the town shall be of an oil mix to the same or similar specifications as being used by the town at the time of the effective date of the ordinance, and shall be laid pursuant to direction and specifications of the town maintenance superintendent.

B. The board of trustees may order construction of such paving as it deems necessary for the public health, welfare, safety and convenience; and they shall assess the cost thereof to the adjacent or abutting property.

SECTION 4 Work Done by Town. Prior to any construction or repair work being done by order of the board, the owner of the land to be ultimately assessed with the cost thereof shall be given written notice of the intention of the board and shall have fifteen days after the mailing of such notice to start and diligently pursue such construction or repair himself; provided, street paving shall in all instances be performed by the town. Notice shall be served by registered or certified mail and addressed as the address of such owner appears on the current county tax roll.

SECTION 5 Work Done by Town -- Assessment of Costs. Whenever construction or repairs are ordered and completed by the town, as is provided in Section 1 through 3, the board of trustees shall ascertain the total cost thereof and shall by motion assess the total cost upon the adjacent or abutting property. The clerk shall forthwith give notice of such assessment in the same manner as provided in Section 4, and if said owner does not pay within thirty days, the clerk shall certify to the county treasurer the entire amount unpaid to be collected in the same manner as other property taxes. Such costs shall include the actual cost of the work completed together with ten percent added thereto to defray the cost of collection. All laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption of the same, shall apply to such cases.

SECTION 6 Appeal. If any person objects to the decision of the town superintendent as rendered in any matter concerning this ordinance, appeal may be taken to the board of trustees.

SECTION 7 Snow Removal on Sidewalks by Owner Required. All persons, companies, corporations owning or occupying premises in the town shall be required to hereafter keep the sidewalks in front of and adjacent to the tenements or grounds owned and occupied by them in the town, free and clear of ice, mud, dirt, rubbish and filth, and after any fall of snow or accumulation of ice, shall cause the snow or accumulation of ice to be removed from the sidewalk within twenty-four hours from and after the snow has ceased to fall, and if they fail to remove the accumulation of snow or ice within the time prescribed, the town, by its duly authorized officers, may without further notice, remove the same at the expense of the property owner or occupant.

SECTION 8 Removal of Weeds, Rubbish and Dirt Required. All persons, firms or corporations are required to keep the gutters and streets in front of the tenements or grounds or lots occupied or owned by them free and clear of weeds, to the center of the street, and to keep all premises owned by them free and clear of rubbish, dirt and filth.

SECTION 9 Removal by Tenants Nearest Sidewalks. A. Where houses and other buildings are occupied by several tenants, it shall be the duty of the person or persons occupying the tenements, store or stores nearest the sidewalks, gutters, ditches or streets, as well as the owners of the property to comply with the requirements of the foregoing sections.

B. In the event the tenement, building, store or stores nearest the sidewalks, gutters, ditches or streets, is unoccupied, it shall be the duty of the owner of the property to comply with the requirements of the foregoing sections.

SECTION 10 Maintenance by Town -- Cost to be a Lien on Property. Whenever any sidewalk, gutter, ditch or street is not maintained by the resident or owner as prescribed in the foregoing sections, the town may, at its election, proceed to maintain such sidewalk, gutter, ditch or street, and charge for its services by sending a bill along with the monthly water charges to the owner of the property maintained, and shall be paid before the 20th day of the next succeeding month following rendition of the bill. Such charges shall constitute a lien upon the property benefited, and in the event such charges are not paid when due, the water connection for the premises may be severed by the town without further notice, or the town clerk may certify the charges to the county treasurer to be by him placed upon the tax list of the current year, to be collected in the same manner as other taxes are collected. Such costs shall include the reasonable cost of such maintenance together with ten percent added thereto to defray the cost of collection. All laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption of the same, shall apply to such cases.

SECTION 11 Repealer. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 12 Enactment. A. The preceding sections of the above ordinance of the Town of Fleming, Colorado, are enacted in accordance with the Constitution of the State of Colorado, and the town trustees of the Town of Fleming, Colorado, have determined that these matters are matters of local and municipal concern.


B. If any part, section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, following its adoption, such invalidity shall not affect the validity of the remaining sections of the ordinance.

INTRODUCED, READ AND ORDERED POSTED IN THE FOLLOWING THREE PLACES BY RESOLUTION UPON THE FIRST READING THIS 7th day of MAY, 1985.

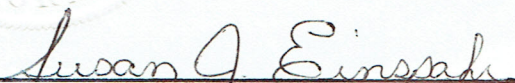
1. Fleming Town Hall
2. Fleming Cafe
3. First National Bank of Fleming

POSTED THIS 23rd DAY OF MAY, 1985.

TOWN OF FLEMING


Ralph A. Deines, Mayor

ATTEST:


Susan J. Einspahr, Town Clerk

RESOLUTION

BE IT RESOLVED: Pursuant to C.R.S. 1973, 31-16-105, as amended, there being no newspaper of general circulation in the Town of Fleming, the Board of Trustees of the Town of Fleming, hereby orders posted copies of Ordinance No. 85-1, Series of 1985, in the following three public places which are within the limits of the Town of Fleming, Colorado:

1. Fleming Town Hall
2. First National Bank of Fleming
3. Fleming Cafe

ADOPTED BY Unanimous Vote of the members of the Board of Trustees, Town of Fleming, May 7, 1985.