

**TOWN OF BLUE RIVER, COLORADO
ORDINANCE NO. 2023-02**

**AN ORDINANCE ADOPTING BY REFERENCE THE TOWN OF BLUE
RIVER LAND USE CODE PUBLISHED BY PEAK NINE PRESS LLC (2023)**

WHEREAS, the Town of Blue River (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

WHEREAS, in furtherance of the public health, safety, and welfare of the inhabitants of the Town, the Board of Trustees of the Town desires to amend its ordinances to adopt a Land Use Code; and

WHEREAS, the Town informally introduced this Ordinance at its May 16, 2023, regular meeting of the Board of Trustees, published required proper notice to the public, and held a public hearing on June 20, 2023, to consider adoption of the Land Use Code; and

WHEREAS, a copy of the Land Use Code was made available, and is available, at the Blue River Town Hall, 0110 Whispering Pines Circle, Blue River, Colorado, for review and inspection by the public and for purchase for a moderate cost as required by *Ordinance Codes Adopted by Reference*, Sections 31-16-201 through 31-16-206, C.R.S.; and

WHEREAS, the Board of Trustees has determined that the adoption of a new Land Use Code and the adoption by reference of the Code will further the health, safety, and welfare of the inhabitants of the Town.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO:

Section 1. Adoption of Town of Blue River Land Use Code.

The Blue River Land Use Code, 2023 edition, published by Peak Nine Press LLC 13133 East Arapahoe Road, Suite 100, Centennial, CO, 80122, is hereby adopted by reference as if set forth herein. The subject matter of the adopted Code includes provisions and standards for the use of land in the Town.

Chapters 16, 16A, 16B, 16C, and 17 of the Blue River Municipal Code shall be collectively referred to as the "Town of Blue River Land Use Code," or "Land Use Code," or "LUC." These Chapters may be referenced individually as:

- Chapter 16 - Land Use Code General Provisions
- Chapter 16A= Zoning
- Chapter 16B - Development & Design Standards
- Chapter 16C - Development and Improvement Applications
- Chapter 17 - Subdivision Regulations

Section 2. Penalty Clauses Contained in Blue River Land Use Code. Pursuant to C.R.S. § 31-16-204, the following enforcement actions with associated penalties are set forth in the Blue River Land Use Code and violations may be enforced through the general penalty provided by Chapter 1, Article IV, of the Blue River Municipal Code:

Sec. 16-1-120. Violations and Enforcement.

* * *

- (h) **Enforcement.** The provisions of the Land Use Code may be enforced at the direction of the Town Manager or Board of Trustees by use of any of the following methods either individually or in combination:
- (1) Judicial proceeding including but not limited to actions for declaratory judgment, abatement, damages;
 - (2) Withholding of construction or building permit(s) for all or any improvement upon property that is the subject of the violation;
 - (3) Refuse to accept, continue to process, or to approve, any application pertaining to the property subject to an enforcement action;
 - (4) Withholding or revoking certificate(s) of occupancy for any structure upon property that is the subject of the violation;
 - (5) To the greatest extent permitted by law, revocation or suspension of any license, permit, or certificate issued to any property or applicant;
 - (6) Inspection and ordering the removal or abatement of violations;
 - (7) Issuance of a stop work order mandating the temporary suspension of any development activity within or associated with property that is the subject of the violation;
 - (8) Assessment of costs and expenses (including but not limited to costs and expenses for administrative actions, publication, attorneys' fees, and court costs) incurred by the Town in the enforcement of the Land Use Code and the imposition of a lien for such costs and expenses against all or any portion of the property that is the subject of the violation; and
 - (9) Demand for payment and the receipt and use of funds held by any person or financial institution which were deposited to secure the performance of the obligation or duty imposed by the Land Use Code or a written contract or an

agreement between the Town and the person owning or controlling the property that is the subject of the violation.

* * *

- (j) Costs and Fees. The Town is authorized to collect its costs or fees and enforcement of the Land Use Code against any person violating any provision of the Land Use Code. In addition to any other means permitted by law, assessment of costs or fees shall be made by notice and demand letter signed by the Town Manager which letter shall identify the reasons for the assessment, the amount of such costs and fees, and a demand to pay the costs and fees by a date certain not less than ten (10) days following the person's receipt of the letter. In the event the costs or fees are not timely paid, the Town may certify such costs and fees to the County Treasurer for collection against the property subject to the Land Use Code in the same manner as taxes under C.R.S. §§ 31-20-105 and 31-2-106.

Section 3. Notice and Hearing. Pursuant to *Ordinance Codes Adopted by Reference*, Sections 31-16-201 through 31-16-206, C.R.S., the Town caused this Ordinance to be introduced to the Board of Trustees on May 16, 2023. Notice was made in the official newspaper of general circulation for the Town at least fifteen (15) days and again at least eight (8) days prior to public hearing, and a public hearing was conducted on June 20, 2023, prior to the Board of Trustees' consideration of this Ordinance.

Section 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

Section 5. Minor Revision or Correction Authorized. The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance. It is anticipated that several authorized revisions or corrections will be made subsequent to enactment.

Section 6. Repeal. Any and all ordinances or codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such ordinance or code or part thereof shall not revive any other section or part of any ordinance or code heretofore repealed or superseded and this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of this Ordinance.

INTRODUCED pursuant to Section 31-16-203, C.R.S. on May 16, 2023; and

READ, AMENDED, PASSED, ADOPTED AND ORDERED PUBLISHED following a public hearing at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on _____, _____, 2023.

Toby Babich, Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

Published in the Summit County Journal _____, 2023.