

**CHAFFEE COUNTY
ORDINANCE NO. 2014-01**

TITLE: AN ORDINANCE ADOPTING A NEW CHAFFEE COUNTY LAND USE CODE, INCLUDING ZONING REGULATIONS AND SUBDIVISION REGULATIONS AND INCORPORATING THE PREVIOUSLY ADOPTED RIGHT TO FARM AND RANCH ORDINANCE AND SPECIAL EVENTS REGULATION; REPEALING ALL ORDINANCES AND RESOLUTIONS IN CONFLICT WITH SUCH ORDINANCE AND PROVIDING PENALTIES FOR VIOLATION OF SUCH ORDINANCE.

- A. The authorities listed in Section 1.1.2 of the new Land Use Code as proposed and dated November 19, 2013 authorize the County to adopt the proposed Land Use Code.
- B. The County Planning Commission has been working on a proposed new Land Use Code at duly noticed public meetings since 2009. Following development of the proposed Code, the County Planning Commission had several open houses and hearings to discuss the proposed new Land Use Code and solicit public comment. On August 1, 2013, the County Planning Commission voted unanimously to recommend the proposed new Land Use Code to the Board of Commissioners of Chaffee County ("BoCC"). The approved draft was certified and submitted to the BoCC for consideration.
- C. The BoCC held a special work session on September 10, 2013 and special meetings on September 26, 2013 and October 1, 2013 to obtain an overview of the proposed new Land Use Code and receive comments. Legal counsel made non-substantive changes to the certified proposed version that were discussed at length at a duly noticed public meeting held on November 19, 2013.
- D. On January 7, 2014, a public hearing was held following publication of the hearing in the *Mountain Mail* and *Chaffee County Times*, respectively, both newspapers of general circulation within Chaffee County, for the purpose of receiving public comments with respect to the proposed adoption of the new Land Use Code.
- E. The people of Chaffee County have had an opportunity to review the proposed new Land Use Code and have had an opportunity to make public comment for or against adoption of the proposed Code.
- F. The Board has had an opportunity to review public comments with respect to the proposed Code and finds that notice of the public hearing has been properly published and the requirements have been satisfied with respect to its adoption.
- G. The Board has determined that it will better promote the health, safety and welfare of the citizens of and visitors to Chaffee County if it adopts the proposed new Land Use Code, as revised and introduced at the November 19, 2013 public meeting.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF CHAFFEE COUNTY COLORADO:

Section 1. Amendment. The BoCC hereby adopts by reference the Land Use Code as revised and introduced on November 19, 2013. It is unlawful for any person to violate any of the provisions of such Code as adopted by this Ordinance.

Section 2. Penalties. The following penalties shall apply to this Ordinance:

- (a) The penalties specifically outlined in the adopted Code shall apply, as applicable.
- (b) In addition to the penalties specifically outlined in the adopted Code, the applicable statutory penalties are hereby adopted by reference, including the penalties set forth in the State Enabling Legislation outlined in the adopted Code, and specifically without limitation C.R.S. §§16-13-301 *et seq.*; 24-67-106; 30-15-402; 30-28-110; 30-28-124; 30-28-124.5; 30-28-137; 38-30.5-108; 42-4-1701; 43-2-141 (as those sections may be amended from time to time).
- (c) The penalty assessment procedure provided in section 16-2-201, C.R.S. may be followed by any arresting officer for any such violation of this Ordinance.
- (d) Unless otherwise provided by law, all fines and penalties, and any surcharge thereon, for the violation of this Ordinance shall be paid to the County.

Section 3. Validity. If any part or parts of this Ordinance or the adopted Code are for any reason held to be invalid such decision shall not affect the validity of remaining portions of this Ordinance or Code. The Board of County Commissioners hereby declares that it would have passed this Ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

Section 4. Interpretation. This Ordinance shall be interpreted and construed as to effectuate its purpose and intent, as such is stated in the adopted Code. Article and section headings of this Ordinance and adopted Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

Section 5. Repealer. All resolutions or ordinances, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty days after its publication.

ADOPTED AND APPROVED by the Chaffee County Board of County Commissioners on January 7, 2014.

BOARD OF COUNTY COMMISSIONERS



[Acting] Chairman

The vote on the above Resolution was as follows:


Commissioner Frank F. Holman yes

Commissioner Dennis Giese yes

Commissioner Dave Potts yes

STATE OF COLORADO, CHAFFEE COUNTY
ATTEST:

The above is a true and correct record of Ordinance 2013-03 duly adopted by the Chaffee County Board of County Commissioners by a 3-0 vote at a regular meeting, properly noticed and held on January 7, 2014, at least ten days following introduction and reading of the proposed ordinance on November 19, 2013, and publication of the proposed ordinance on November 7, 2013 and December 5, 2013 in *The Mountain Mail* and the *Chaffee County Times*.


Chaffee County Clerk

Notice of Adopted Ordinance Published in *The Mountain Mail* and the *Chaffee County Times* on January 16, 2014.

