



To: Mayor and Council
From: Michelle Metteer
Date: November 1, 2023
Agenda Item: Ordinance 19 - Series 2023 Amending Chapter 11, Streets, Sidewalks and Public Property to allow for the depositing of snow in the public right of way during specific timeframes.

REQUEST:

Review and approve Ordinance 19 - Series 2023 on first reading amending Chapter 11 of the Minturn Municipal Code to amend allow for the hand-shoveling of snow from sidewalks into the right of way on town owned streets.

INTRODUCTION:

Minturn has held two public discussions on the topic of snow removal and the Snow Removal Plan. These discussions culminated in the adoption of the 2023/24 Minturn Snow Removal Plan; Resolution 30 – Series 2023. Within the Plan is identified the allowance for Minturn Residents to hand-shovel snow from sidewalks into the right of way of town owned streets. This is an effort to help mitigate the complications some residents face due to a lack of on-site snow storage. This also allows the Town to address other snow-related violations while following the Minturn Municipal Code in a fair and equitable manner.

COMMUNITY INPUT:

Residents, businesses, and snowplow contractors are encouraged to provide feedback.

BUDGET / STAFF IMPACT:

TBD.

STRATEGIC PLAN ALIGNMENT:

The comprehensive review and updating of the Town’s land use and subdivision regulations and processes aligns with the following key strategies:

PRACTICE FAIR, TRANSPARENT AND COMMUNICATIVE LOCAL GOVERNMENT

THE TOWN WILL SEEK TO MAKE **INFORMED, DATA-BASED DECISIONS** WITH A **STANDARD OF “DOING IT RIGHT.”** WITH AN **HONEST** APPROACH TO ALL ASPECTS OF LOCAL GOVERNMENT AND A FOCUS ON THE **PUBLIC PROCESS**, THE TOWN COUNCIL AND STAFF ARE COMMITTED TO SERVING MINTURN WITH THE HONESTY AND INTEGRITY EXPECTED OF A SMALL-TOWN GOVERNMENT.

RECOMMENDED ACTION OR PROPOSED MOTION:

Approve Ordinance 19 - Series 2023 Amending Chapter 11, Streets, Sidewalks and Public Property to allow for snow being deposited within the public right of way on town-owned streets between the hours of 4:00AM and 7:00AM.

ATTACHMENTS:

- Ordinance 19 - Series 2023

TOWN OF MINTURN, COLORADO
ORDINANCE NO. 19 – SERIES 2023

AN ORDINANCE OF THE TOWN OF MINTURN, COLORADO AMENDING
CHAPTER 11 OF THE MINTURN MUNICIPAL CODE TO AMEND THE
PROHIBITION OF (SNOW) DEPOSITS ON PUBLIC WAYS

WHEREAS, the Town of Minturn (“Town”) is a Colorado home rule municipality organized pursuant to Article XX of the Colorado Constitution and with the authority of the Town of Minturn Home Rule Charter for which the Minturn Town Council (“Town Council”) is authorized to act; and

WHEREAS, the Town of Minturn 2023-2025 Strategic Plan (hereinafter the “Strategic Plan”) seeks to “foster the authentic small town character that is Minturn,” and to “Lead Minturn to long-term viability while preserving its unique character and genuine mountain town community,” through specific strategic plan goals and policies;

WHEREAS, the Strategic Plan contains four key strategies for implementation including “Practice fair, transparent and communicative local government,” “Long-term stewardship of the natural beauty and health of Minturn’s environment,” “Sustain and invest in the things that define Minturn as a proud, sturdy mountain town to “Keep Minturn, Minturn,” and “Advance decisions/projects/initiatives that expand future opportunity and viability for Minturn;” and

WHEREAS, Resolution 30 – Series 2023 Approved the Minturn Snow Removal Plan which contains specific provisions in support of the proposed amendments to Chapter 11, Streets, Sidewalks and Public Property; and

WHEREAS, by Ordinance No. 05 – Series 2023 the Town Council adopted and amended the 2021 versions of the International Building Code, International Residential Code, International Fuel Gas Code, International Energy Conservation Code, International Plumbing Code, International Mechanical Code, International Property Maintenance Code, and International Fire Code, and National Electrical Code (collectively, the “International Codes”); and

WHEREAS, Section 11.11 of the Home Rule Charter and Section 31-16-202, C.R.S. provides the Town the authority to adopt and amend building and energy codes to suit local conditions; and

WHEREAS, on November 6, 2023, the Minturn Town Council approved this ordinance on first reading; and

WHEREAS, the Town Council has determined, based on extended public discussions held during the public meetings scheduled June 7, 2023 and October 18, 2023, that the proposed amendment is in alignment with public sentiment.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MINTURN, COLORADO:

SECTION 1. The foregoing recitals are incorporated herein as if set forth in full.

SECTION 2. Chapter 11 of the Minturn Municipal Code is hereby amended to read as follows, with additions shown in double underlined text and deletions shown in ~~strike through~~ text. Sections of Chapter 11 which are not expressly described in this Ordinance are deemed to continue to be in full effect without change.

CHAPTER 11 – Streets, Sidewalks and Public Property

* * *

ARTICLE 1 – Snow Removal

* * *

Sec. 11-1-40. – Amendments.

Sec. 11-1-40. - Deposits on public ways prohibited.

- (a) It is unlawful for any person to litter, track or deposit or cause to be littered, tracked or deposited, sand, gravel, rocks, mud, dirt, snow, ice or any other debris or material upon any street, sidewalk, alley or public place, or any portion thereof.
- (b) The provisions of this Section shall not be applicable:
 - (1) Within the immediate area of any construction, maintenance or repair project of any street or alley or any water main, sewer main, electricity main, gas line, telephone line or any appurtenances thereto;
 - (2) To deposits of sand, dirt or material necessary for the protection of the public safety; and
 - (3) To public areas designated for the dumping or depositing of said materials.
 - (4) For the purposes of hand-shoveling of snow from sidewalks to within the public right of way on town-owned streets between the hours of 4:00AM and 7:00AM.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THE 1ST DAY OF NOVEMBER 2023. A PUBLIC HEARING ON THIS ORDINANCE SHALL BE HELD AT THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN

OF MINTURN, COLORADO ON THE 15TH DAY OF NOVEMBER 2023 AT 5:30 PM. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk

THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEBSITE THIS 15TH DAY OF NOVEMBER 2023.

TOWN OF MINTURN, COLORADO

Earle Bidez, Mayor

ATTEST:

By: _____
Jay Brunvand, Town Clerk