

**TOWN OF PARACHUTE
ORDINANCE NO.799-2022**

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO, AMENDING TITLE 15 OF THE MUNICIPAL CODE

WHEREAS, the Town of Parachute (“Parachute” or the “Town”) is a home-rule municipality organized under Article XX of the Colorado Constitution and with the authority of the Parachute Home Rule Charter;

WHEREAS, the Town Council has the power to amend the Municipal code of the Town of Parachute (the “Town Code” or “Code”) pursuant to the Home Rule Charter, and all such amendments shall become a part of the Town Code;

WHEREAS, the Parachute Planning Commission recommended adoption of this ordinance at a hearing held at its regular meeting on January 13, 2022;

WHEREAS, the Town Council wishes to amend Title 15 of the Parachute Municipal Code (the “Code”) to address various text amendments as proposed by the Town Manager;

WHEREAS, the Town Council of the Town of Parachute finds and declares that it is in the interest of the public health, safety, and welfare to amend the Code as set forth in this Ordinance.

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

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

Section 2. Section 15.04.175 - Fencing and screening. Section 15.04.175.A of the Code is hereby amended with **bold, underlined** language added and ~~strike through~~ language deleted, as follows:

15.04.175 Fencing and screening.

A. All fences, hedges and walls may be permitted in the required yards of any zoning district subject to the following conditions and requirements:

1. All fences and walls are subject to the building code requirements.
2. It shall be the responsibility of the property owner to locate all property lines. No fence, hedge or wall may extend beyond or across a property line unless with the joint agreement of the abutting property owner.

3. No fence, hedge, wall or sign shall be placed nearer than ~~eighteen~~ twelve-inches (~~182~~") to any public sidewalk.
4. No barbed wire or sharp-pointed or electrically charged fence shall be permitted except in an industrial zoning district.
5. Fences or walls shall not exceed seven feet (7') in height except a higher fence may be required by the Town as a condition of approval as a special use. The height shall be measured at the finished grade on the side nearest the street or abutting property.
6. Fences or walls shall be properly maintained in good repair so as not to be unattractive, dangerous or a public nuisance and effectively serve the purpose for which they are intended. For the purposes of this section, "good repair" shall mean that there are no broken, missing, or severely weathered portions of the fence or wall.

Section 3. Town Manager Certificate. Title 15, Appendix 2 – Plat Certificates is hereby amended to include a "Town Manager Certificate" for plats approved by the Town Manager under Title 15, as follows:

TOWN MANAGER CERTIFICATE

THIS PLAT IS APPROVED AND ACCEPTED BY THE TOWN MANAGER OF THE TOWN OF PARACHUTE, GARFIELD COUNTY, COLORADO, THIS __ DAY OF _____, 20__, FOR THE FILING WITH THE COUNTY CLERK AND RECORDER OF GARFIELD COUNTY AND FOR CONVEYANCE OR DEDICATION TO THE TOWN OF THE PUBLIC DEDICATIONS SHOWN HEREON; SUBJECT TO THE PROVISIONS THAT APPROVAL IN NO WAY OBLIGATES THE TOWN OF PARACHUTE FOR THE FINANCING OF CONSTRUCTION OF THE IMPROVEMENTS OF LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE TOWN MANAGER OR TOWN COUNCIL OF THE TOWN OF PARACHUTE. FURTHER, SAID APPROVAL IN NO WAY OBLIGATES THE TOWN OF PARACHUTE FOR MAINTENANCE OF PUBLIC IMPROVEMENTS UNTIL CONSTRUCTION OF SAID IMPROVEMENTS HAS BEEN COMPLETED IN ACCORDANCE WITH THE TOWN OF PARACHUTE'S SPECIFICATIONS AND THE TOWN OF PARACHUTE HAS AGREED TO ACCEPT SAID IMPROVEMENTS. THIS APPROVAL DOES NOT GUARANTEE THAT THE SIZE, SOIL CONDITIONS, SUB-SURFACE GEOLOGY, GROUND WATER CONDITIONS, OR FLOODING CONDITIONS OF ANY LOT SHOWN HEREON ARE SUCH THAT A BUILDING PERMIT, OR ANY OTHER REQUIRED PERMIT WILL BE ISSUED. THIS APPROVAL IS WITH THE UNDERSTANDING THAT ALL EXPENSES INVOLVING REQUIRED IMPROVEMENTS FOR ALL UTILITY SERVICES, PAVING, GRADING, LANDSCAPING, CURBS, GUTTERS, SIDEWALKS, ROAD LIGHTING, SIGNS, FLOOD PROTECTION DEVICES, DRAINAGE STRUCTURES, AND ALL OTHER IMPROVEMENTS THAT MAY BE

REQUIRED SHALL BE LAND, STREETS OR EASEMENTS DEDICATED TO THE PUBLIC EXCEPT AS SPECIFICALLY AGREED TO BY THE RESPONSIBILITY OF THE OWNERS DESIGNATED HEREON AND NOT THE TOWN OF PARACHUTE, UNLESS SPECIFICALLY AGREED TO IN WRITING BY THE TOWN MANAGER OR TOWN COUNCIL. THIS APPROVAL IS ALSO SPECIFICALLY SUBJECT TO THE TERMS, CONDITIONS AND REQUIREMENTS CONTAINED IN A DEVELOPMENT IMPROVEMENTS AGREEMENT FOR THIS PROPERTY, RECORDED CONTEMPORANEOUSLY HEREWITH.

TOWN MANAGER

TOWN CLERK

Section 4. If any provision of this Ordinance is found to be unconstitutional or unlawful, such finding shall only invalidate that part of portion found to violate the law. All other provisions shall be deemed severable and shall continue in full force and effect

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED BY TITLE ONLY by a vote of 4 to 0 of the Town Council of the Town of Parachute, Colorado at a regular meeting held at Town Hall in the Town of Parachute, Colorado, on the 20th day of January 2022 and approved by the Mayor on the 20 day of January 2022.



TOWN COUNCIL OF THE TOWN OF PARACHUTE, COLORADO

Roy McClung
Roy McClung, Mayor

ATTEST:

Lucy Spalenka
Lucy Spalenka, Town Clerk

PUBLIC NOTICE

Public notice is hereby given that an Ordinance entitled:

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARACHUTE,
COLORADO, AMENDING TITLE 15 OF THE MUNICIPAL CODE**

was introduced before the Town Council on January 20, 2022; that a copy of said Ordinance is posted at Town Hall; and that the Ordinance was approved at a regular meeting of the Town Council held on January 20, 2022, and approved by the Mayor on January 20, 2022.

Copies of the adopted ordinance are available for inspection at the Town Hall, Parachute, Colorado, and available on the internet at <http://townofparachute.colorado.gov>

Dated this 20 day of January 2022.

TOWN OF PARACHUTE



Lucy Spalenka, Town Clerk