

TOWN OF MINTURN, COLORADO

ORDINANCE 12 SERIES 2012

**AN ORDINANCE AMENDING CHAPTER 16 OF THE TOWN OF MINTURN
MUNICIPAL CODE BY REPEALING AND RE-ENACTING SECTION 16-21-700 (c) (3)
AS THAT SECTION PERTAINS TO FILING APPEAL OF PLANNING COMMISSION
DECISIONS**

WHEREAS, the Town of Minturn, in the County of Eagle and State of Colorado is a home rule municipal corporation duly organized and existing under the laws of the State of Colorado and the Town Charter; and

WHEREAS, the Council has carefully considered the time for citizens and the Town Council to file an appeal of any decision, determination or interpretation by the Planning Commission with respect to the provisions of Chapter 16 of the Minturn Municipal Code.

NOW, THEREFORE, THE TOWN OF MINTURN, COLORADO, ORDAINS:

Section 1. Amendment. The Municipal Code of the Town of Minturn is amended by the repeal and re-enactment of Section 16-21-700 (c) (3) as follows:

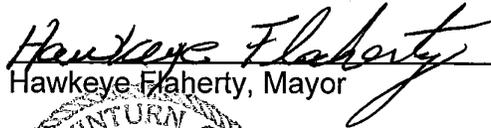
(3) Procedures. A written notice of appeal must be filed with the administrator within thirty (30) calendar days of the Planning Commission's decision becoming final. If the last day for filing an appeal falls on a Saturday, Sunday or a Town-observed holiday, the last day for filing an appeal shall be extended to the next business day. Such notice shall be accompanied by the name and addresses (person's mailing and property's physical) of the appellant, applicant, property owner and adjacent property owners (the list of property owners within a condominium project shall be satisfied by listing the addresses for the managing agent or the board of directors of the condominium association) as well as specific and articulate reasons for the appeal on forms provided by the Town. The filing of such notice of appeal will require the Planning Commission to forward to the Town Council at the next regularly scheduled meeting a summary of all records concerning the subject matter of the appeal and to send written notice to the appellant, applicant, property owner and adjacent property owners (notification within a condominium project shall be satisfied by notifying the managing agent or the board of directors of the condominium association) at least fifteen (15) calendar days prior to the hearing. A hearing shall be scheduled to be heard before the Town Council on the appeal within forty (40) calendar days of the appeal being filed. The Town Council may grant a continuance to allow the parties additional time to obtain information. The continuance shall be allowed for a period not to exceed an additional thirty (30) calendar days. Failure to file such appeal shall constitute a waiver of any rights under this Chapter to appeal any interpretation or determination made by the Planning Commission.

Section 2. Severability. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining provisions of this Ordinance will remain valid, it being the intent of the Town of Minturn that the provisions of this Ordinance are severable.

Section 3. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING AND ORDERED PUBLISHED BY TITLE ONLY AND POSTED IN FULL ON THE OFFICIAL TOWN WEB SITE THE 3rd DAY OF OCTOBER, 2012. The 17TH day of OCTOBER, 2012 AT 6:30 p.m. AT THE MINTURN TOWN HALL 302 PINE STREET, MINTURN COLORADO 81645 IS SET FOR PUBLIC HEARING HEREON.

TOWN OF MINTURN, COLORADO

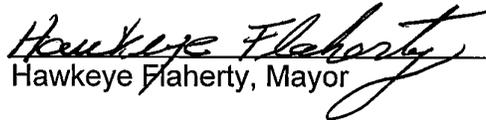

Hawkeye Flaherty, Mayor

ATTEST:

By: 
Jay Brunvand, Town Clerk



THE TOWN OF MINTURN, COLORADO, ORDAINS THIS ORDINANCE ENACTED ON SECOND READING THIS 17TH DAY OF OCTOBER, 2012.


Hawkeye Flaherty, Mayor

ATTEST:


Jay Brunvand, Town Clerk

