

TOWN OF PAGOSA SPRINGS, COLORADO

**ORDINANCE NO. 781
(SERIES 2013)**

AN ORDINANCE OF THE TOWN OF PAGOSA SPRINGS, COLORADO, CALLING FOR A SPECIAL ELECTION OF THE REGISTERED ELECTORS OF THE TOWN TO BE HELD ON APRIL 23, 2013 AS A POLLING PLACE ELECTION AND SETTING THE BALLOT TITLE FOR A PROPOSED AMENDMENT TO THE HOME RULE CHARTER REQUIRING VOTER APPROVAL PRIOR TO CONSTRUCTION OR OPERATION OF ANY AMUSEMENT RIDES IN THE RESERVOIR HILL RECREATION AREA

WHEREAS, the Town of Pagosa Springs, Colorado (“Town”) is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Pagosa Springs Home Rule Charter of 2003 as amended on April 3, 2012 (“Charter”); and

WHEREAS, Article 12, Section 12.2 of the Charter states the Charter may be amended in the manner provided in the Colorado Constitution and Title 31, Article 2 of the Colorado Revised Statutes which state that proceedings to amend the Charter may be initiated by the filing of a petition meeting the requirements of the Colorado Revised Statutes, or by the adoption of an ordinance by Town Council submitting the proposed amendment to a vote of the registered electors of the Town; and

WHEREAS, a petition (“Petition”) was submitted to the Town on November 27, 2012 to submit an amendment to the Charter (“Proposed Amendment”) at a special election to be held approximately on February 28, 2013 that would require voter approval prior to construction or operation of any “amusement rides” in the Reservoir Hill Recreation Area, as more particularly described herein; and

WHEREAS, the Reservoir Hill Recreation Area is an outdoor recreation area located within the Town’s boundaries and owned and operated by the Town; and

WHEREAS, the Town Clerk certified to the Town Council on December 4, 2012 that the Petition is valid and sufficient under Colorado law; and

WHEREAS, as required by Section 31-2-210(3) and (4), C.R.S., the Town Council hereby desires to set a ballot title for the Proposed Amendment and call for a special election of the registered electors of the Town to be held on April 23, 2013.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, as follows:

I. Special Election. A special election of the registered voters of the Town shall be held on April 23, 2013, between the hours of 7:00 a.m. and 7:00 p.m. pursuant to and in accordance with the Charter, the Pagosa Springs Municipal Code, the Colorado Municipal Election Code of 1965, and other applicable laws. At such election the proposal provided for in the Petition shall be submitted to the electors, the ballot title of which is set forth below.

II. Town Charter Amendment. Pursuant to Section 31-2-210(4), C.R.S., notice is hereby given to registered electors of the Town of Pagosa Springs that the following proposed amendment to Title 10 of the Charter, adding a new Section 10.12 will be submitted to the registered electors at the special municipal election to be held on April 23, 2013 by adding the capitalized and double-underlined words:

**ARTICLE 10
UTILITIES, FRANCHISES, TOWN PROPERTY**

SECTION 10.12 CONSTRUCTION AND OPERATION OF AMUSEMENT RIDES IN THE RESERVOIR HILL RECREATION AREA

“NO CONSTRUCTION OR OPERATION OF ANY AMUSEMENT RIDE SHALL TAKE PLACE IN THE RESERVOIR HILL RECREATION AREA UNLESS THE QUESTION OF DOING SO HAS BEEN SUBMITTED TO AND APPROVED BY A MAJORITY OF THE TOWN’S REGISTERED ELECTORS VOTING THEREON. ‘AMUSEMENT RIDE’ SHALL BE DEFINED AS ANY MECHANIZED DEVICE, OR COMBINATION OF DEVICES, WHICH CARRY OR CONVEY PERSONS ALONG, AROUND, OR OVER A FIXED OR RESTRICTED COURSE FOR THE PURPOSE OF GIVING PASSENGERS EXCITEMENT, AMUSEMENT, OR PLEASURE. AMUSEMENT RIDES INCLUDE, BUT ARE NOT LIMITED TO, ROLLER COASTERS, FERRIS WHEELS, GO-KARTS, CHAIRLIFTS, GRAVITY-PROPELLED RIDES, AND ROPE TOWS. AMUSEMENT RIDES DO NOT INCLUDE NON-MOTORIZED PLAYGROUND EQUIPMENT OR PERSONAL RECREATION EQUIPMENT SUCH AS SKIS AND BICYCLES.”

III. Ballot Title. The official ballot shall contain the following ballot title which shall also be the designation and submission clause for the question:

TOWN OF PAGOSA SPRINGS BALLOT ISSUE A:

SHALL THE TOWN OF PAGOSA SPRINGS HOME RULE CHARTER BE AMENDED TO REQUIRE AN AFFIRMATIVE VOTE OF A MAJORITY OF THE REGISTERED ELECTORS OF THE TOWN VOTING THEREON APPROVING THE CONSTRUCTION OR OPERATION OF ANY AMUSEMENT RIDE IN THE RESERVOIR HILL RECREATION AREA, AS SET FORTH IN ORDINANCE NO. 781?

IV. Conduct of Election. The Town Council hereby designates the Town Clerk as the Designated Election Official for the conduct of the election on behalf of the Town, with the authority and direction to proceed with any action necessary or appropriate to effectuate the provisions of this Ordinance and all constitutional and statutory provisions governing the conduct of this Election. Among other matters, the Town Clerk or assistant shall appoint and train election judges as necessary, arrange for the required notices of election (posted and published), printing of ballots, obtaining all election supplies, and direct that all other appropriate actions be accomplished.

V. Polling Place Location. The Election shall be conducted as a polling place election. There shall be one precinct which shall be coterminous with the Town's boundaries. There shall be one polling place which shall be located at the Town Hall, 551 Hot Springs Boulevard, Pagosa Springs, Colorado 81147.

VI. Absentee Voting. Applications for absent voter's ballots may be filed with the Town Clerk at 551 Hot Springs Boulevard, P.O. Box 1859, Pagosa Springs, Colorado 81147, not earlier than January 23, 2013, nor later than 5:00 p.m. on April 19, 2013.

VII. Approval of Ballot Questions by Voters. If the ballot question is approved by the voters, the Town Clerk shall republish the Charter as so amended, and the Town Council may adopt by ordinance any necessary amendments to the Town of Pagosa Springs Municipal Code to implement the changes.

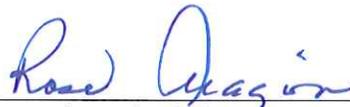
VIII. Public Inspection. The full text of this Ordinance, with any amendments, is available for public inspection at the office of the Town Clerk.

IX. Severability. If any portion of this Ordinance is found to be void or ineffective, it shall be deemed severed from this Ordinance and the remaining provisions shall remain valid and in full force and effect.

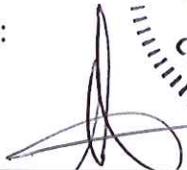
X. **Effective date.** This Ordinance shall become effective and be in force immediately upon final passage at second reading.

INTRODUCED, READ, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, B) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS REGULAR MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 20TH DAY OF DECEMBER, 2012.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 
Ross Aragón, Mayor

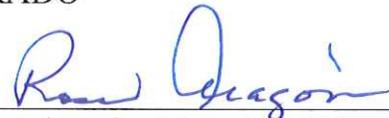
Attest:


April Hessman, Town Clerk

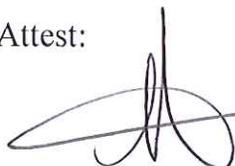


FINALLY ADOPTED, PASSED, APPROVED, AND ORDERED PUBLISHED PURSUANT TO SECTION 3.9, D) OF THE PAGOSA SPRINGS HOME RULE CHARTER, BY THE TOWN COUNCIL OF THE TOWN OF PAGOSA SPRINGS, COLORADO, UPON A MOTION DULY MADE, SECONDED AND PASSED AT ITS SPECIAL MEETING HELD AT THE TOWN OF PAGOSA SPRINGS, ON THE 8TH DAY OF JANUARY, 2013.

TOWN OF PAGOSA SPRINGS,
COLORADO

By: 
Ross Aragón, Mayor

Attest:


April Hessman, Town Clerk



CERTIFICATE OF PUBLICATION

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 781 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on first reading at its regular meeting held on the 20th day of December, 2013, and was published by title only, along with a statement indicating that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on December 20, 2012, which date was at least ten (10) days prior to the date of Town Council consideration on second reading.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 17 day of January, 2013.



April Hessman, Town Clerk

(S E A L)

A circular seal with a dashed outer border. The text "COLORADO" is at the top, "PAGOSA SPRINGS" is at the bottom, and "SEAL" is in the center.

I, the duly elected, qualified and acting Town Clerk of the Town of Pagosa Springs, Colorado, do hereby certify the foregoing Ordinance No. 781 (Series 2013) was approved by the Town Council of the Town of Pagosa Springs on second reading, at its special meeting held on the 24 day of January, 2013, and was published by title only, along with a statement indicating the effective date of the Ordinance and that the full text of the Ordinance is available at the office of the Town Clerk, on the Town's official website, on January 24, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Pagosa Springs, Colorado, this 24 day of January, 2013.



April Hessman, Town Clerk

(S E A L)

A circular seal with a dashed outer border. The text "COLORADO" is at the top, "PAGOSA SPRINGS" is at the bottom, and "SEAL" is in the center.