



TOWN COUNCIL WORK SESSION & MEETING
Zoom Webinar and/or Town Council Chamber
3 S. Timber Ridge Parkway, Severance, CO 80550

AGENDA
TOWN COUNCIL WORK SESSION & MEETING
Tuesday, February 11, 2025, at 5:00 PM

A. CALL TO ORDER WORK SESSION (5:00 PM)

The Goal of the Work Session is to have the Town Council receive information on topics of Town business from the Town Manager, Town Attorney and Town Staff in order to exchange ideas and opinions regarding these topics.

1. Pg. 4 - Renaming Severance Owned and or Maintained Roads

- Legislative
- Staff Presentation: Nicholas Wharton, Town Manager

B. CALL TO ORDER REGULAR MEETING (6:00 PM)

1. Roll Call

2. Pledge of Allegiance

3. Agenda Review by Town Manager

4. Consent Calendar

The Consent Calendar is intended to allow the Town Council to spend time and energy on the important items and not routine actions. A Council Member may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately as a regular agenda item. Items remaining on the Consent Calendar will be approved by Town Council with one vote.

5. Approval of Agenda

6. Public Comment

The purpose of the Public Comment is for members of the public to speak to the Town Council on any subject not scheduled on the agenda. To accomplish scheduled agenda items, comments should be limited to three minutes for those attending in person or an appropriate time as deemed by the Mayor. The Town Council is not obligated to make decisions or take action on comments but may choose to schedule the matter for a later discussion. Those addressing the Town Council, please state your name and address and sign-in.

7. Council Member Comments

8. Reports

Council approval may be sought for administrative actions in association with staff reports.

- a. Town Attorney
- b. Town Staff
- c. Town Management
- d. Council Members Liaisons
- e. Mayor

C. TOWN COUNCIL

1. PUBLIC HEARING

Pg. 18 - Ordinance 2025-03: Text Amendment to the Land Use Code requiring two points of vehicular access for a subdivision

- Legislative
- Staff Presentation: Shani Porter, Planning Director

2. Pg. 27 - Ordinance 2025-04: Repealing and Reenacting Article 4 of Chapter 8 Regarding Vehicle Parking Enforcement

- Legislative
- Staff Presentation: Mary Lynn Macsalka, Town Attorney

3. FIRST READING

Pg. 35 - Ordinance 2025-05: Repealing and Reenacting Article I of Chapter 8 of the Severance Municipal Code Regarding Adoption of the 2024 Model Traffic Code for Colorado

- Legislative
- Staff Presentation: Mary Lynn Macsalka, Town Attorney

4. Pg. 54 - Resolution No. 2025-05R Appointing an Interim Town Attorney and Approving and Ratifying a Legal Services Agreement Between the Town and Wilson Williams LLP

- Legislative
- Staff Presentation: Mary Lynn Macsalka, Town Attorney

D. COUNCIL MEMBER PETITIONS

Council Members may ask for items to be added to future agendas.

E. ADJOURN

F. EXECUTIVE SESSION

1. Executive Session Pursuant to C.R.S. § 24-6-402(4)(a) and (4)(e)(I) for purposes of discussing the potential lease, transfer, or sale of real property located at 312 and 336 First Street in the Town of Severance, and to determine positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and instructing negotiators pertaining thereto.

Town Council MEETING

Tuesday, February 11, 2025, 5:00 PM (MDT)

Registration URL

https://us02web.zoom.us/webinar/register/WN_GSL5tq02RNOARXxagWeWpA

The Town Council reserves the right to adjourn to a virtual-only meeting at their discretion should the need arise.

The Town of Severance does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in the provision of services. For disabled persons needing reasonable accommodation to attend or participate in a town service, program, public meeting, or activity, call 970-686-1218 at least 72 hours in advance. Disabled access is available from the front entrance of the Town Hall.



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 4 - Renaming Severance Owned and or Maintained Roads	Nicholas Wharton, Town Manager	Lindsay Radcliff-Coombes
ACTION REQUESTED		
Town Management asks that the Town Council discuss how to name the County Roads currently maintained and or owned by the Town and direct any further actions they deem necessary.		<u>Discussion</u>
BRIEF SUMMARY		
Town Management asks the Town Council to discuss how the Council would like to handle the possible naming of Weld County Roads that are currently owned and or maintained by the Town. Once Management looked into the prior resolutions for County Roads maintained and or owned by the Town, it was apparent in 2004 and 2009 that several roads were named but not sent to the assessor's office, nor was proper signage installed.		
PUBLIC SUPPORT/CONCERN		
Residents have voiced they are unaware the Weld County Roads they drive on are maintained by the Town and the roads would fall under the transportation utility fee.		
ANALYSIS AND RECOMMENDATION		
Town Management asks that the Town Council discuss how to name the County Roads currently maintained by the Town and direct any further actions they deem necessary.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. Sign Templates 2. RES 2019-12 3. Res 2009-12 & Documents		

30 x 8

36 x 8

48 x 8

 TOS 23

 TOS 70

 TOS 78

 Schied Ave

 Thornblom Ave

 SEV 23

 SEV 70

 SEV 78

 Ackroyd

 TOS 80

 TOS 72

 SEV 80

 SEV 72

**TOWN OF SEVERANCE
RESOLUTION 2019-12R**

**A RESOLUTION ESTABLISHING THE STREET NAME
FOR WCR74 WITHIN THE TOWN OF SEVERANCE**

WHEREAS, the Town of Severance has annexed certain public streets from Weld County; and

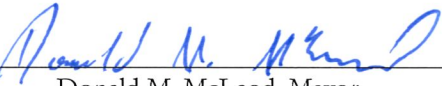
WHEREAS, The Mayor and Town Board of the Town of Severance recognize that confusion over the names of streets within the Town of Severance can be detrimental to the provision of emergency services, can be injurious to the conduct of private commerce, and are not identified with the Town; and

WHEREAS, In 2019 the Mayor and Town Board of Trustees requested that Staff evaluate and recommend names for consideration;

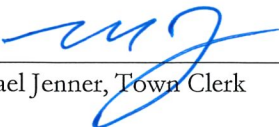
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO that WCR 74 shall be HARMONY ROAD within the Town of Severance:

PASSED, ADOPTED AND APPROVED THIS 23rd day of July 2019

TOWN OF SEVERANCE

By: 
Donald M. McLeod, Mayor

ATTEST:


Michael Jenner, Town Clerk


Incorporated 1920
Severance, Colorado

TOWN OF SEVERANCE

RESOLUTION 2009-12R

**A RESOLUTION ESTABLISHING STREET NAMES
FOR CERTAIN ARTERIAL STREETS WITHIN THE TOWN OF SEVERANCE**

WHEREAS, the Town of Severance has annexed certain public streets from Weld County; and

WHEREAS, The Mayor and Town Board of the Town of Severance recognize that confusion over the names of streets within the Town of Severance can be detrimental to the provision of emergency services, can be injurious to the conduct of private commerce, and are not identified with the Town; and

WHEREAS, In 2004 and 2009 the Mayor and Town Board of Trustees requested that the Planning Commission evaluate and recommend names for consideration and the Planning Commission forwarded names;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF SEVERANCE, COLORADO that the following are the established names of the arterial streets within the Town of Severance:

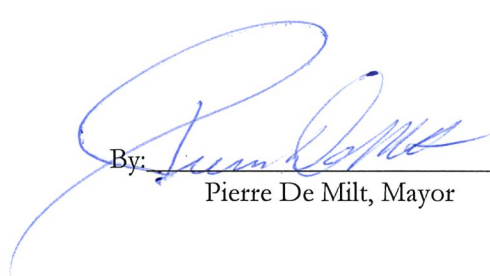
WCR 72 shall be TINSMAN AVENUE.
WCR 78 shall be ACKROYD AVENUE
WCR 70 shall be SCHEID AVENUE
WCR 21 shall be TELLER STREET
WCR 25 shall be MAWSON STREET
WCR 80 shall be THORNBLOM AVENUE

PASSED, ADOPTED AND APPROVED THIS 4TH day of May, 2009

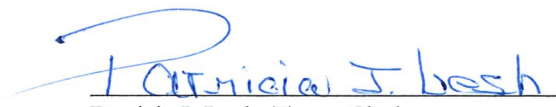
TOWN OF SEVERANCE



ATTEST:

By: 

Pierre De Milt, Mayor


Patricia J. Lesh, Town Clerk

March 3, 2009

To: Severance Town Council

Subject: Renaming of County Road 70 at intersection of CR 21 and CR 70

This statement will explain the dates of ownership of the SW 1/4 of 11-6-67 and NW 1/4 of 11-6-67.

William Scheid purchased the SW 1/4 of 11-6-67 in 1946. William, Pauline and Charles began living on and farming the property in 1947.

Charles graduated from Severance School complete with 8th grade graduation ceremonies and went on to graduate from Windsor High School in 1954.

The NW 1/4 of 11-6-67 was purchased by William in 1959 and was operated by son Charles until it was sold in 2005.

This land, SW 1/4 11-6-67, was continually owned and operated by the Scheid family from 1946 until 2005, a period of 59 years.

The family ownership of 59 years is a longer period of time than any previous ownership of said land in recorded history.

The ownership and operation of NW 1/4 11-6-67 began in 1959 and ended with the sale of all but five (5) acres in 2005. Those five (5) acres are presently owned by Charles son, Michael Scheid.

Respectfully submitted.

Charles E. Scheid



Severance Board of Trustees

March 13, 2009

RE: Naming of road currently known as Weld County Road 70.

Gentlemen:

On the 16th of February, 2009 you received a recommendation from the planning commission to name Weld County Road 70 Scheid Avenue, when within the town's jurisdiction. Your action was to request that the planning commission revisit this subject and send forth other names for consideration. At our meeting on the 18th of February 2009 the planning commission considered your request and all members present voted to resubmit the name of Scheid Avenue. Please accept the following in support of the commission's actions.

In 2004 the planning commission developed a set of parameters for naming arterial streets within the town's limits. It is our understanding that the Board accepted these and it is within these that we act. The existing arterial road names honor individuals who played a role in the founding and early health of the community and we are to continue to name major streets and landmarks after people who held or hold influential roles in the community.

After considering names extracted from historical documents and additional names solicited from the public through a flyer placed in water bills, on the web, and announced in the Dalton's Run public hearing, the planning commission voted to recommend the name of Scheid Avenue. Not wanting to waste the Board's time in the event that Mr. Scheid preferred not to have a road named after him, Mr. Felte contacted Mr. Scheid to be sure he would accept this. Mr. Scheid considered it an honor. Attached is information submitted by Mr. Scheid at the request of Commissioner Felte, who acted on behalf of the planning commission. The letter chronicles the Scheid family's ownership of Section 11. Hidden Valley Farms now covers much of this land.

It remains the opinion of the planning commission that Weld County Road 70 be named Scheid Avenue when within Town of Severance limits. Thank you for your reconsideration of this matter.

Sincerely,

Scott Bailey, Chairman
Severance Planning Commission

Enc: statement from Charles Scheid

Revenue Type Summary

Period: 1/1/2025 - 1/31/2025
Created by: SARAH JACOBSEN on 2/3/2025 2:43:19 PM

Severance Court Clerk
Severance Municipal Court
3 S. Timber Ridge Parkway
Severance, CO. 80550

Payment Amounts by Type

Type	Amount
COURT COSTS	\$120.00
FINE	\$450.00
FINES	\$1,000.00
SUR-CHARGE	\$240.00
Payments Total	\$1,810.00

Payment Amounts by Subtype

Fines Paid by Description

Description	Amount
ADMINISTRATIVE FEE	\$0.00
BENCH WARRANT	\$0.00
COMMUNITY SERVICE	\$0.00
CONTEMPT	\$0.00
COURT COSTS	\$90.00
DEFAULT FEE	\$0.00
FINE	\$450.00
FINES	\$850.00
FTA/FTP FINE	\$0.00
LATE FEE	\$0.00
OJW	\$0.00
OVERPAYMENT	\$0.00
RESTITUTION	\$0.00
RESTITUTION (LOCKED)	\$0.00
RETURNED PAYMENT FEE	\$0.00
STATE ASSESSMENT	\$0.00
SUMMONS	\$0.00
SUR-CHARGE	\$220.00
WARNING LETTER	\$0.00
Total Fees	\$2,012.00
Over Charged Amount	\$0.00
Total Paid	\$1,610.00

Fines Paid by Pay Method

Description	Amount
CASH	\$295.00
CHECK	\$0.00
CREDIT CARD	\$1,315.00

Overpaid Cases

Case	OverPaid
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Revenue Summary

Period: 1/1/2025 - 1/31/2025
Created by: SARAH JACOBSEN on 2/3/2025 2:40:50 PM

Severance Court Clerk
Severance Municipal Court
3 S. Timber Ridge Parkway
Severance, CO. 80550

Docket #	Total Fines	Restitution	Total Payments
D2948	\$200.00	\$0.00	\$200.00

Payment Details

Date	Amount	Type	Notes
1/8/2025	\$200.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
COURT COSTS	\$30.00
FINES	\$150.00
SUR-CHARGE	\$20.00

Docket #	Total Fines	Restitution	Total Payments
D2962	\$170.00	\$0.00	\$170.00

Payment Details

Date	Amount	Type	Notes
1/13/2025	\$170.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
FINE	\$150.00
SUR-CHARGE	\$20.00

Docket #	Total Fines	Restitution	Total Payments
D2400261	\$170.00	\$0.00	\$170.00

Payment Details

Date	Amount	Type	Notes
1/17/2025	\$170.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
FINE	\$150.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2873	\$172.00	\$0.00	\$30.00

Payment Details

Date	Amount	Type	Notes
1/6/2025	\$30.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
COURT COSTS	\$30.00
FINES	\$122.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2500006	\$170.00	\$0.00	\$170.00

Payment Details

Date	Amount	Type	Notes
1/29/2025	\$170.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
FINES	\$150.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2500005	\$170.00	\$0.00	\$170.00

Payment Details

Date	Amount	Type	Notes
1/17/2025	\$170.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
FINE	\$150.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2400154	\$200.00	\$0.00	\$200.00

Payment Details

Date	Amount	Type	Notes
1/8/2025	\$200.00	CREDIT CARD	

Fines/Fees Details

Fine / Fee	Amount
COURT COSTS	\$30.00
FINES	\$150.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2330	\$130.00	\$0.00	\$55.00

Payment Details

Date	Amount	Type	Notes
1/17/2025	\$55.00	CASH	

Fines/Fees Details

Fine / Fee	Amount
COURT COSTS	\$30.00
FINES	\$80.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2344	\$75.00	\$0.00	\$75.00

Payment Details

Date	Amount	Type	Notes
1/17/2025	\$70.00	CASH	
1/17/2025	\$5.00	CREDIT CARD	

Fines/Fees Details

Fine / Fee	Amount
COURT COSTS	\$30.00
FINES	\$25.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2500007	\$170.00	\$0.00	\$170.00

Payment Details

Date	Amount	Type	Notes
1/25/2025	\$170.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
FINES	\$150.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2400220	\$350.00	\$0.00	\$30.00

Payment Details

Date	Amount	Type	Notes
1/5/2025	\$30.00	CREDIT CARD	

Fines/Fees Details

Fine/Fee	Amount
COURT COSTS	\$30.00
FINES	\$300.00
SUR-CHARGE	\$20.00

[REDACTED]

Docket #	Total Fines	Restitution	Total Payments
D2452	\$170.00	\$0.00	\$170.00

Payment Details

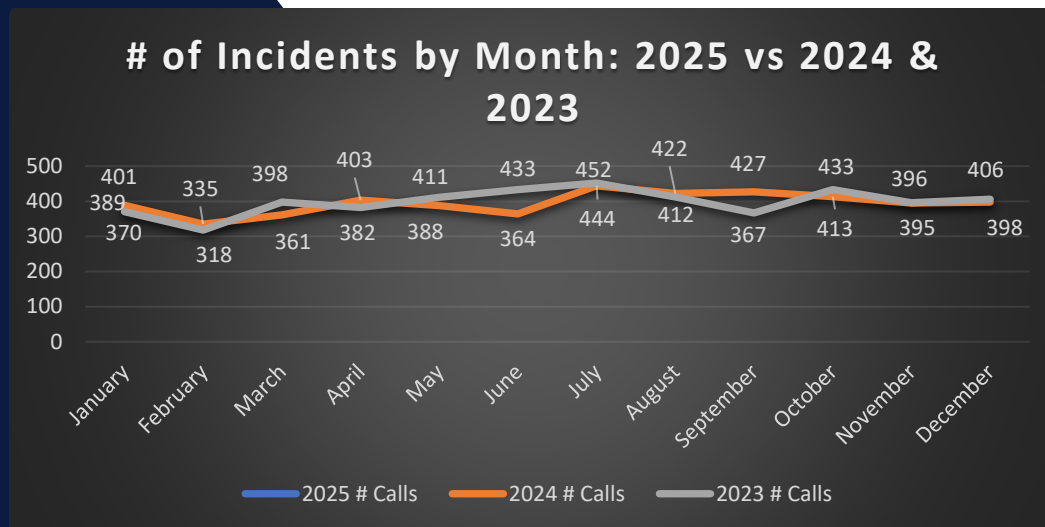
Date	Amount	Type	Notes
1/23/2025	\$170.00	CASH	

Fines/Fees Details

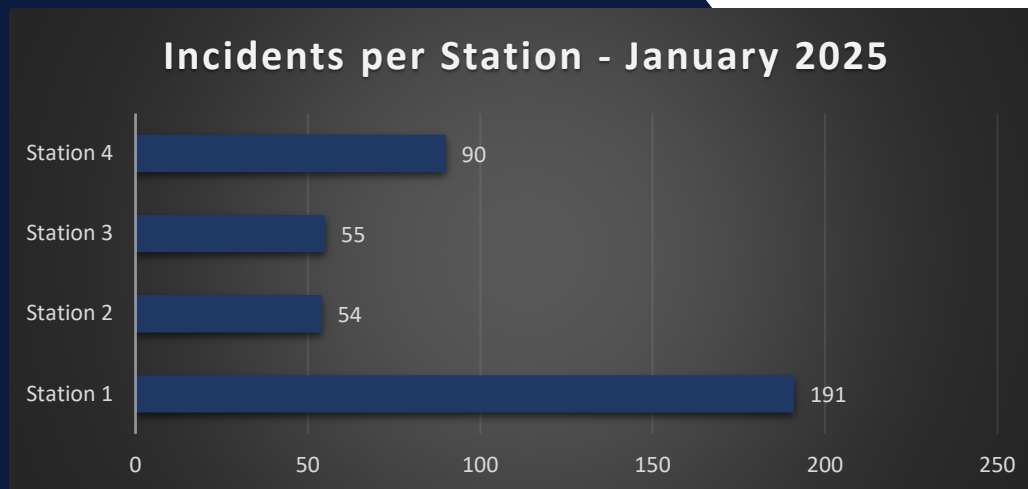
Fine/Fee	Amount
FINES	\$150.00
SUR-CHARGE	\$20.00

MAJOR INCIDENT TYPE	# INCIDENTS			
	Jan	YTD 2025	YTD 2024	YTD 2023
Fires	2	2	68	81
Overpressure rupture, explosion, overheating - no fire	1	1	6	4
Rescue & Emergency Medical Service	263	263	2958	2900
Hazardous Condition (No Fire)	13	13	111	111
Service Call	56	56	522	707
Good Intent Call	35	35	521	501
False Alarm & False Call	26	26	550	471
Severe Weather & Natural Disaster	0	0	2	2
Special Incidents	5	5	1	1
TOTAL	401	401	4739	4778
Mutual Aid/Auto Aid Given	15	15	94	119
Mutual Aid/Auto Aid Received	15	15	39	55

The National Fire Incident Response System (NFIRS) uses these 9 categories to track emergency response incidents nationally.



This chart illustrates the calls for service by month relative to the past years.



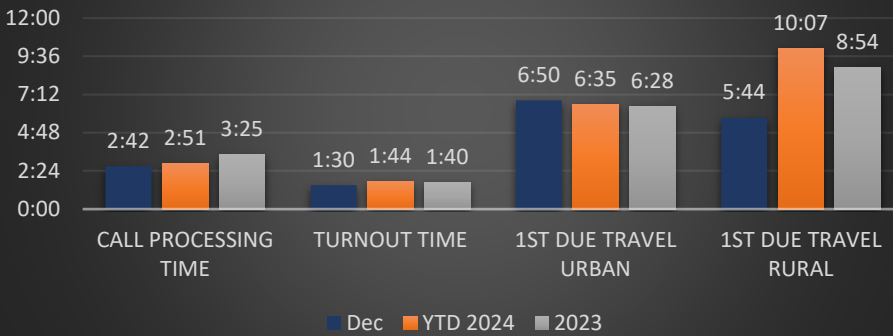
WSFR tracks incidents by the location of the incident based on which station is the closest.



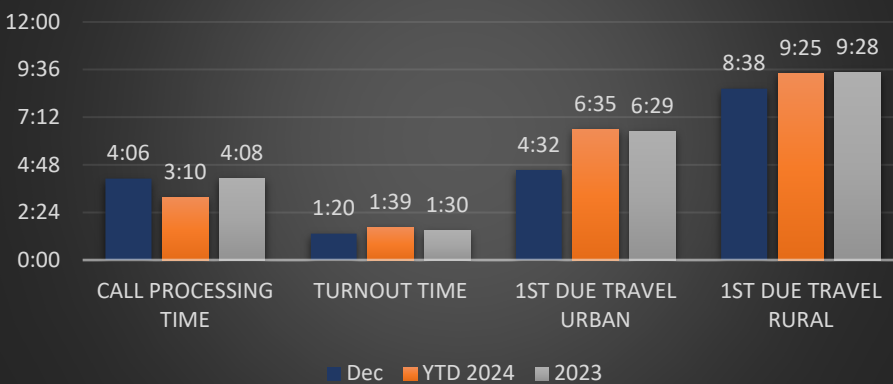
WSFR Response Report: February 2025



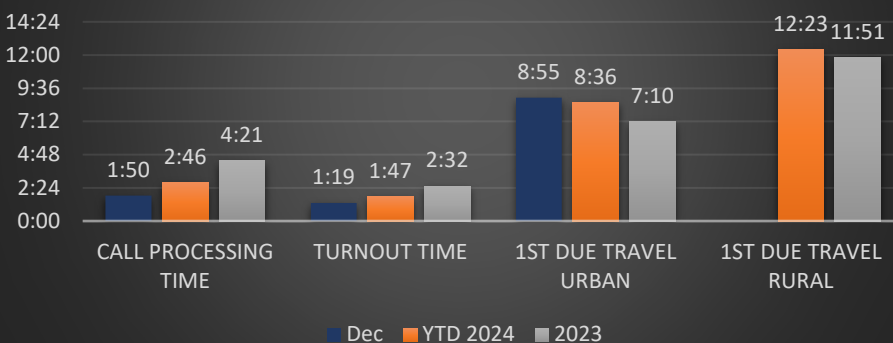
EMS Response Times - 90th Percentile for December 2024



MVA Response Times - 90th Percentile for December 2024



Fire, Wildland, Hazmat and Technical Rescue Response Times - 90th Percentile for December 2024



These graphs are looking at the average (90th percentile) for the following 3 segments: Call Processing times (911 answering), Turnout Times (time it takes WSFR/UCH units to begin to respond), and 1st Due Travel (time it takes for the first arriving unit to travel to the incident). When added together, that is the total time for responding to incidents. WSFR also looks at our response data at the 90th percentile as a measure of greater accuracy as part of our accreditation data analysis.



WSFR Response Report: February 2025





AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
PUBLIC HEARING Pg. 18 - Ordinance 2025-03: Text Amendment to the Land Use Code requiring two points of vehicular access for a subdivision	Shani Porter, Planning Director	Shani Porter, Planning Director
ACTION REQUESTED		
Planning Staff and the Planning Commission request that the Town Council review, discuss, and take action on Ordinance 2025-03 and approve the amendment to the Land Use Code regarding site access requirements for major subdivisions and multifamily and commercial developments. Actions that may be taken: • Move to Approve Ordinance 2025-03 • Move to Approve Ordinance 2025-03 with Alterations • Take No Action.		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF SUMMARY		
The proposed amendments to the Land Use Code will add site access requirements for major subdivisions and multifamily and commercial developments to require at least two fully functioning points of vehicular and pedestrian access from the subdivision or development to the public road network.		
The Planning Commission reviewed this item at their regular meeting on January 15, 2025 and approved the use by Resolution 2025-03R. No discussion was held.		
PUBLIC SUPPORT/CONCERN		
None at this time		
ANALYSIS AND RECOMMENDATION		
Town staff and the Planning Commission requests Town Council review, discuss, and approve Ordinance 2025-03 for the proposed amendments to the Land Use Code.		
MATERIALS SUBMITTED		
The following materials were submitted and included in this packet: 1. TC O-2025-03 Amend LUC Site Access Requirements 2. PC-2025-03R Recommend Approval of Subdivision Site Access Requirements 3. TC Public Notice Land Use Code 2-11-25		

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-03**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, AMENDING CHAPTER 16, “LAND USE CODE,” OF THE SEVERANCE
MUNICIPAL CODE REGARDING SITE ACCESS REQUIREMENTS FOR MAJOR
SUBDIVISIONS AND MULTIFAMILY AND COMMERCIAL DEVELOPMENTS**

WHEREAS, in accordance with Section 16.19.120 of the Severance Municipal Code, Town staff may initiate amendments to the text of the regulations in Chapter 16, “Land Use Code,” of the Severance Municipal Code (“Code”); and

WHEREAS, Town staff has proposed amendments to the Land Use Code to add site access requirements for major subdivisions and multifamily and commercial developments to require at least two fully functioning points of vehicular and pedestrian access from the subdivision or development to the public road network; and

WHEREAS, the proposed site access requirements ensure adequate traffic circulation within the subdivision or development, promote public safety and welfare by requiring emergency ingress and egress for the public and emergency vehicles, and encourage community connectivity; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission held a public hearing and reviewed the proposed amendments at its meeting on January 15, 2024, and recommended approval of the proposed amendments; and

WHEREAS, on February 11th, 2025, the Town Council held a duly noticed public hearing to consider the proposed amendments¹ and reviewed the amendments in accordance with the criteria in Section 16.19.120(b) of the Code; and

WHEREAS, the Town Council desires to amend Chapter 16 of the Severance Municipal Code to add site access requirements for major subdivisions and multifamily and commercial developments within the Town; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

¹ Notice of the Town Council public hearing on the Proposed Amendments was published on February 3rd, 2025, on the Town of Severance’s website, <https://www.townofseverance.org/256/Public-Notices>, in accordance with Section 16.19.40(b)(4) and Tables 19.10 and 19.40 in Article 19 of the Land Use Code.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:²

Section 1. Section 16.4.40, “Reserved,” of Article 4, “Subdivision Standards and Improvements,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to read as follows:

Sec. 16.4.40. – Subdivision and Site Access Requirements.

(a) Major Subdivisions.

- (1) Major subdivisions are required to provide at least two fully functioning points of vehicular and pedestrian access to the public road network. These access points must connect to two separate public roads to ensure adequate traffic circulation, emergency ingress and egress, and community connectivity. Sites with physical constraints or unique conditions may require a detailed analysis to determine if an alternative configuration can meet the intent of this requirement, subject to approval by the Town.
- (2) Subdivisions containing more than 100 residential units may be required to provide a third point of access to distribute traffic more evenly, enhance overall connectivity, and mitigate potential congestion at subdivision entrances. The need for additional access points will be determined based on the size, layout, and anticipated traffic impacts of the development, in consultation with the Town and emergency service providers.

(b) Multifamily and Commercial Developments.

- (1) Multifamily developments and commercial site areas are required to provide a minimum of two fully functioning points of vehicular and pedestrian access to the public road network. The distance between access points must be sufficient to reduce congestion and provide redundancy for emergency ingress and egress, as determined by the Town’s adopted driveway spacing standards.
- (2) Where physical constraints or other unique site conditions limit the ability to provide two public access points, developers must include an alternative plan for emergency vehicle access. This may involve the design and implementation of dedicated emergency routes, approved by the Town and

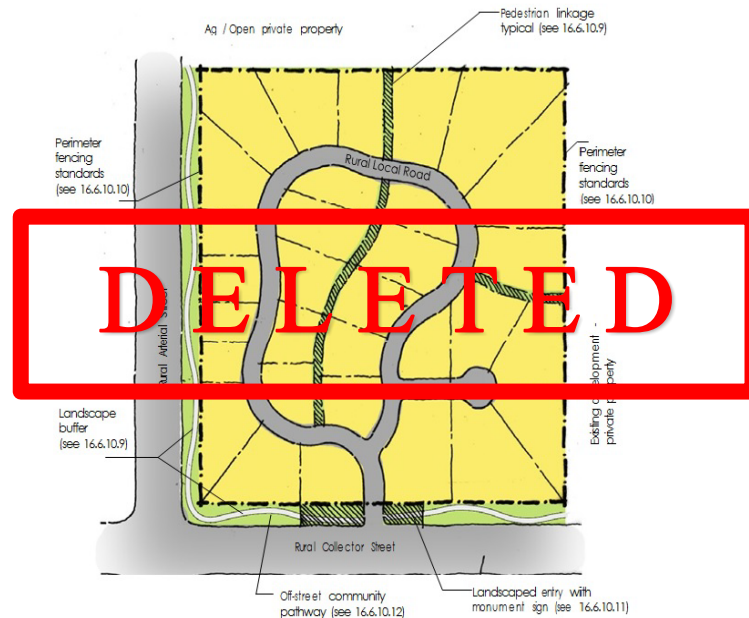
² Additions to existing Code provisions are shown by underlining; deletions from existing Code provisions are shown by ~~strikethrough~~.

emergency service providers, that meet all applicable width, surface, and clearance requirements.

Section 2. Section 16.6.10.6, “Standards,” of Division 1, “Rural Residential,” of Article 6, “Zoning Districts,” of Chapter 16, “Land Use Code,” of the Severance Municipal Code is hereby amended to delete the subdivision layout graphic image immediately following subsection (a), as follows:

Sec. 16.6.10.6. Standards.

(a) [No changes to text of (a) are made by this ordinance.]



(b) ... [No changes to (b) are made by this ordinance.]

(c) ... [No changes to (c) are made by this ordinance.]

Section 3. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 5. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 6. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN
FULL this ____ day of _____, 2025.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Sarah Jacobsen, Town Clerk for the Town of Severance, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. ____-2025, enacted by the Town Council on _____, 2025, on the Town of Severance's website, <https://www.townofseverance.org/255/Ordinances>, on _____, 2025

Witness my hand and official seal on this date of _____, 2025.

Sarah Jacobsen
Town Clerk

[Town Seal]

**TOWN OF SEVERANCE PLANNING COMMISSION
RESOLUTION NO. PC-2025-03R**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF
SEVERANCE, COLORADO, MAKING A RECOMMENDATION TO THE TOWN
COUNCIL TO APPROVE AMENDMENTS TO CHAPTER 16, “LAND USE CODE,” OF
THE SEVERANCE MUNICIPAL CODE REGARDING SITE ACCESS
REQUIREMENTS FOR MAJOR SUBDIVISIONS AND MULTIFAMILY AND
COMMERCIAL DEVELOPMENTS**

WHEREAS, in accordance with Section 16.19.120 of the Severance Municipal Code, Town staff may initiate amendments to the text of the regulations in Chapter 16, “Land Use Code,” of the Severance Municipal Code (“Code”); and

WHEREAS, Town staff has proposed amendments to the Land Use Code to add site access requirements for major subdivisions and multifamily and commercial developments to require at least two fully functioning points of vehicular and pedestrian access from the subdivision or development to the public road network (the “Proposed Amendments”), in the form attached to this resolution as **Exhibit A** and incorporated herein by this reference; and

WHEREAS, in accordance with Section 16.19.120 and 16.19.10, the Planning Commission shall review text amendments to the Land Use Code at a public hearing; and

WHEREAS, on January 15, 2025, the Planning Commission held a duly noticed public hearing to consider the Proposed Amendments;¹ and

WHEREAS, after considering any public testimony at the public hearing and the presentation by Town staff, and after reviewing the Proposed Amendments according to the criteria in Section 16.19.120(b) of the Land Use Code, the Planning Commission desires to recommend the Town Council approve the Proposed Amendments as presented.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION
OF THE TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

1. The Planning Commission recommends the Town Council approve the proposed amendments to Chapter 16, “Land Use Code,” of the Severance Municipal Code to add site access requirements for major subdivisions and multifamily and commercial developments to require at least two fully functioning points of vehicular and pedestrian access from the subdivision or development to the public road network, in substantially the same form attached to this resolution as **Exhibit A**.

¹ Notice of the Planning Commission’s public hearing on the Proposed Amendments was published on December 30, 2024, on the Town of Severance’s website, <https://www.townofseverance.org/256/Public-Notices>, in accordance with Section 16.19.40(b)(4) and Tables 19.10 and 19.40 in Article 19 of the Land Use Code.

RESOLVED AND APPROVED this ____ day of _____, 2025.

PLANNING COMMISSION OF THE
TOWN OF SEVERANCE, COLORADO

Julie Stout, Chair

ATTEST:

Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

Mary Lynn Macsalka, Town Attorney

TOWN OF SEVERANCE, COLORADO
NOTICE OF PUBLIC HEARINGS

Notice is hereby given that the Town Council of the Town of Severance will hold a Public Hearing, on **Tuesday February 11th, 2025, commencing at 6:00 p.m.**, or as soon as thereafter as each matter may be called, at the Town of Severance Town Hall, Council Chambers, 3 S. Timber Ridge Parkway, Severance, Colorado 80550. The purpose of the Public Hearing is to take testimony from the public on proposed amendments to the Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code), as follows:

1. Proposed text amendments to the Land Use Code requiring two points of vehicular access for a subdivision.

No later than three (3) days prior to the Public Hearings date, all meeting materials and instructions for participation will be posted at <https://www.townofseverance.org> and available upon appointment at Severance Town Hall, 3 S. Timber Ridge Parkway, Severance, Colorado 80550, Tel. 970-686-1218. Written comments must be submitted to the Town no later than 5:00 pm on the day of the meeting to be considered by the Planning Commission. All written comments are to be sent to planning@townofseverance.org.

Any person may appear at the Public Hearings and be heard regarding the matters under consideration.

The Town of Severance Land Use Code (Chapter 16 of the Severance Municipal Code) is on file with the Town of Severance and available online at https://library.municode.com/co/severance/codes/municipal_code. For questions or comments contact:

Shani Porter
970-686-1218
planning@townofseverance.org

TOWN OF SEVERANCE, COLORADO
Sarah Jabobsen
Town Clerk



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 27 - Ordinance 2025-04: Repealing and Reenacting Article 4 of Chapter 8 Regarding Vehicle Parking Enforcement	Mary Lynn Macsalka, Town Attorney	Mary Lynn Macsalka and Chief Chavez
ACTION REQUESTED		
Town Staff requests that the Town Council review, discuss, and take action on Ordinance 2025-04 and approve the amendment to the Land Use Code regarding site access requirements for major subdivisions and multifamily and commercial developments. Actions that may be taken: • Move to Approve Ordinance 2025-04 • Move to Approve Ordinance 2025-04 with Alterations • Take No Action		<u>Ordinance Attorney Approved Action Requested</u>
BRIEF HISTORY OF ITEM		
BRIEF SUMMARY		
Currently, Article 4 of Chapter 8 of the Town's Code provides for an administrative hearing process for parking citations issued for parking violations in the Town, with contested citations to be heard by a "parking magistrate" to be appointed by the Town Manager. Town Management and the Town's Police Chief recommend that contested parking citations be tried to the Town's Municipal Court instead of a separate parking magistrate. This will increase the administrative and operational efficiency of the Town government by having the municipal court enforce all traffic infractions, including parking violations, instead of the Town Manager having to appoint and oversee a separate parking magistrate to handle contested parking citations under a separate procedure. While some cities and towns in Colorado utilize the parking magistrate/administrative citation and hearing model, many cities and towns in Colorado utilize their municipal courts for parking violation enforcement. Usually, cities or towns will enact a separate administrative citation process with a separate hearing officer (such as a parking magistrate) when the city's or town's parking enforcement volume becomes so great that it significantly burdens its municipal court and impacts the court's ability to efficiently and timely try other cases. The Town of Severance does not have a significant volume of parking violations to enforce at this time, and the Severance Municipal Court has the capacity to address the Town's typical volume of contested parking citations on its docket. Ord. No. 2025-04 will repeal and reenact the Town's Code regarding Vehicle Parking Enforcement to remove references to a "parking magistrate" and to implement a process for commencing actions for parking violations in municipal court. The ordinance also provides that parking violations are civil traffic infractions (not subject to imprisonment) and allows for impoundment or immobilization of vehicles for failure to pay parking fines, pursuant to impoundment and immobilization procedures in the Severance Municipal Code.		

PUBLIC SUPPORT/CONCERN
None at this time.
ANALYSIS AND RECOMMENDATION
Town staff recommends approval of Ord. No. 2025-04
MATERIALS SUBMITTED
The following materials were submitted and included in this packet: 1. O-2025-04 Repeal and Reenact Vehicle Parking Enforcement

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-04**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, REPEALING AND REENACTING ARTICLE 4, “VEHICLE PARKING
ENFORCEMENT,” OF CHAPTER 8, “VEHICLES AND TRAFFIC,” OF THE
SEVERANCE MUNICIPAL CODE TO UPDATE THE TOWN’S PARKING
ENFORCEMENT PROCEDURES**

WHEREAS, the Town of Severance has enacted parking regulations and vehicle parking enforcement procedures in Chapter 8, “Vehicles and Traffic,” of the Severance Municipal Code (“Code”); and

WHEREAS, the “Vehicle Parking Enforcement” procedures in Article 4 of Chapter 8 of the Code currently provide for enforcement by a “parking magistrate”; and

WHEREAS, the Town desires to repeal and reenact Article 4, “Vehicle Parking Regulations,” of Chapter 8 of the Code to repeal enforcement by a parking magistrate and implement procedures for the municipal court to try and enforce violations of the Town’s parking ordinances, rules, and regulations; and

WHEREAS, this ordinance is enacted pursuant to the Town of Severance’s home rule authority under Article XX, § 6 of the Constitution of the State of Colorado, and pursuant to the Town of Severance’s police powers, in order to safeguard and preserve the public health, safety and welfare of the community.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Article 4, “Vehicle Parking Enforcement,” of Chapter 8, “Vehicles and Traffic,” of the Severance Municipal Code is hereby repealed in its entirety and reenacted o read as follows:

ARTICLE 4 Vehicle Parking Enforcement

Sec. 8-4-10. Definitions.

As used within this Article the following words and terms shall have the following meaning except where otherwise specified:

Charging document means the document commencing or initiating the parking violation matter, whether denoted as a complaint, summons and complaint, parking citation, penalty assessment notice, parking assessment, or other document charging the person with the commission of a parking violation or violations.

Motor vehicle or *vehicle* means any self-propelled vehicle which is designed primarily for travel on the public highways and which is generally and commonly used to transport persons and property over public highways; such term includes, as defined by Title 42 of the Colorado

Revised Statutes, as amended, neighborhood electric vehicles, but does not include motorized bicycles, wheelchairs or vehicles moved solely by human power.

Parking enforcement officer means any Town employee who is authorized by the Town Manager, the Chief of Police, or the Chief's designee to enforce any of the parking violations set forth in the Code.

Sec. 8-4-20. Parking violations – civil infractions; trial to municipal court.

- (a) Notwithstanding any provision to the contrary in this Code, all violations of the parking ordinances, rules, and regulations promulgated by the Town shall be civil matters and not criminal violations. The Colorado Municipal Court Rules shall apply to parking violations, except as provided otherwise in this Chapter.
- (b) Parking violations shall be tried only to the municipal court. The municipal court shall have the discretion to uphold, reduce, or dismiss a parking citation and waive or reduce any fines or costs based on the evidence and arguments submitted before the court.
- (c) A defendant brought to trial solely upon a parking violation or violations shall have no right to a trial by jury as contemplated by C.R.S. § 13-10-114, or Rule 223, Colorado Municipal Court Rules, and trial of parking violations shall be to the court. No defendant found liable for a parking violation shall be punished by imprisonment.

Sec. 8-4-30. Citation procedure; commencement of action.

- (a) Whenever any motor vehicle is found parked, standing, or stopped in violation of the parking ordinances or parking rules promulgated by the Town, the citing parking enforcement officer shall note the vehicle's registration number, vehicle identification number, license plate, and any other information concerning the vehicle which will identify its driver or owner. The parking enforcement officer may commence the enforcement of the provisions of this Chapter in any of the following ways:
 - (1) A parking citation may be served by leaving it under the windshield wiper or otherwise conspicuously attaching the citation to the vehicle, or handing it to the driver or owner if the driver or owner is present, or mailing it by first class or certified mail to the address of the owner of the vehicle as shown in the motor vehicle ownership records of the state of registration; or
 - (2) A summons and complaint may be served on the owner of the vehicle as provided in the Colorado Municipal Court Rules of Civil Procedure.
- (b) The parking enforcement officer shall file a copy of the charging document with the municipal court.
- (c) No more than one fine or penalty may be collected for each parking violation.

Sec. 8-4-40. Information to be included in parking citation.

- (a) The form of the parking citation or other charging document shall be determined by the Town, but shall contain in substance the following information:

- (1) A statement that a parking violation has been committed by the owner or operator of the motor vehicle and that the determination shall be final unless contested as provided in this Article;
 - (2) A statement that a parking violation may result in impoundment or immobilization of the motor vehicle for which the owner may be liable for a fine and towing, handling, and storage charges or fees;
 - (3) A statement of the specific parking violation(s) for which the citation was issued;
 - (4) A statement of the monetary fine established for the parking violation; and
 - (5) A statement directing the driver to respond to the parking citation by either paying the fine(s) or by appearing in the municipal court on a date, time, and place specified in the citation, and the procedures necessary to exercise each option.
- (b) The parking citation or charging document represents a determination that a parking violation has been committed, and such determination shall be final unless contested as provided in this Article.

Sec. 8-4-50. Responsibilities of person who receives citation; liability of vehicle owner.

- (a) *Person receiving citation.* Any person who receives a parking citation shall respond to such citation within ten (10) days of the date of the issuance of the citation by either paying the fine set forth in the citation or by appearing before the municipal court on the date and time set forth in the citation.
- (b) *Vehicle owner.* If the owner of a vehicle cited for a parking violation has not responded to or paid the fine(s) in the parking citation within ten (10) days, as provided in this Article, the owner shall be subject to the fines and fees established in accordance with this Article.
- (c) *Owner liable.* The registered owner of a vehicle at the time the violation occurred shall be liable for all unpaid fines and fees.
- (d) *Defense for theft.* It is a specific defense to the liability of the owner that the vehicle was parked or stopped by a thief at the time of the violation.

Sec. 8-4-60. Notice and procedure for parking violations.

- (1) In any prosecution regarding a violation of any provision of the Code governing the parking, stopping, or standing of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such parking ordinance or rule promulgated by the Town, together with proof that the defendant named in the complaint was at the time of the issuance of the citation the registered owner of such vehicle, shall constitute an evidentiary *prima facie* presumption that the registered owner of such vehicle was the person who parked or caused or permitted to be placed such vehicle at a location where and for the time during which such violation occurred.
- (2) Any person charged with a parking, stopping, or standing violation under this Code for which a parking citation may be issued and for which payment of a fine may be made to the Town shall have the option of paying such fine within ten (10) days of the date of the issuance of the citation at a place specified in the parking citation upon entering a plea of guilty and upon waiving appearance in court; or may have the option of

depositing any required lawful bail, and upon a plea of not guilty shall be entitled to a hearing before the municipal court.

- (a) Payment of a parking citation by the person to whom the notice is served shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice.
- (b) Payment of the prescribed fine shall be deemed a complete satisfaction for the violation, and the Town clerk of the municipal court or their designee, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof.
- (3) If the person charged with a violation of any parking, stopping, or standing provision of the Code fails to respond to a parking citation affixed to such vehicle, or served or mailed to him or her, by payment or plea of not guilty in accordance with subsection (2) of this section, the Town clerk of the municipal court or their designee shall send a notice by mail to the registered owner of the vehicle to which the original parking citation was affixed, warning him or her that a default judgment may enter and, in addition, in the event such notice is disregarded for a period of twenty (20) days from the date of mailing, the vehicle is subject to impoundment or immobilization and the procedures in this Chapter.

Sec. 8-4-70. Establishment of fines and fees; late fee.

- (a) *Amount of fines and fees.* The Town Council shall by resolution establish the amount of all fines and fees prescribed in this Article.
- (b) *Late fee.* Whenever enforcement is initiated by issuance of a parking citation or other charging document, and payment of the fine(s) and fee(s) is not received by the municipal court or the owner or driver does not appear in the municipal court to set a hearing on the citation on the date and time set forth in the citation, the penalty shall be increased by a late fee in an amount to be established by resolution of the Town Council.

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 5. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

Section 6. Violations of this ordinance shall be punishable in accordance with Section 1-4-20 of the Severance Municipal Code.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2025.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Sarah Jacobsen, Town Clerk for the Town of Severance, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 2025-____, enacted by the Town Council on _____, 2025, on the Town of Severance's website, <https://www.townofseverance.org/255/Ordinances>, on _____, 2025.

Witness my hand and seal this ____ day of _____, 2025.

Sarah Jacobsen
Town Clerk

[Town Seal]



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
FIRST READING Pg. 35 - Ordinance 2025-05: Repealing and Reenacting Article I of Chapter 8 of the Severance Municipal Code Regarding Adoption of the 2024 Model Traffic Code for Colorado	Mary Lynn Macsalka, Town Attorney	Mary Lynn Macsalka
ACTION REQUESTED		
Town Staff requests that the Town Council review, discuss, and take action on Ordinance 2025-05 and approve the amendment to the Land Use Code regarding site access requirements for major subdivisions and multifamily and commercial developments on first reading. Actions that may be taken: • Move to Approve Ordinance 2025-05 on First Reading • Move to Approve Ordinance 2025-05 with Alterations on First Reading • Take No Action		<u>Ordinance</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF HISTORY OF ITEM		
Every two to three years, the Colorado Department of Transportation (“CDOT”) regularly updates and publishes a Model Traffic Code for Colorado, which is modeled after the applicable state statutes and adopted by municipalities to ensure the uniformity and standardization of traffic regulations throughout the state. CDOT published the latest edition of the Colorado Model Traffic Code in 2024, which the Town Attorney, Severance Police Department, and Town Prosecutor have reviewed and now recommend for adoption by the Town Council with certain amendments to tailor specific sections of the Model Traffic Code for Severance. The amendments include adding references to the Town where necessary, designating the Town Manager or his designer as the Town's traffic engineer (so the Town Manager can retain traffic engineering services by contract as needed), establishing a lien in favor of the Town to recover costs when a person fails to remove a traffic hazard, authorizing the Town to issue overweight vehicle/oversize vehicle permits, and doubling fines for speeding in school zones and construction zones within the Town. Adoption of the Colorado Model Traffic Code is by reference to the CDOT published 2024 Model Traffic Code, as amended in the attached ordinance. Per Colorado law, adoption of the Model Traffic Code by reference requires a public hearing.		
BRIEF SUMMARY		
This is the first reading of an ordinance adopting the 2024 Colorado Model Traffic Code, with certain		

amendments. By state statute, a second reading must occur, be publicly noticed in a newspaper, and a Public Hearing must be held. A second reading will be scheduled for March.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Staff recommends approval of Ord. No. 2025-5.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. Severance Model Traffic Code 2024 Ord

**TOWN OF SEVERANCE
ORDINANCE NO. 2025-05**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, REPEALING AND REENACTING IN ITS ENTIRETY ARTICLE I
MODEL TRAFFIC CODE OF CHAPTER 8 OF THE SEVERANCE MUNICIPAL CODE
REGARDING ADOPTION OF THE 2024 MODEL TRAFFIC CODE FOR COLORADO**

WHEREAS, since 1952, the Colorado Department of Transportation (“CDOT”) has published and regularly updated a Model Traffic Code for Colorado, which is modeled after the applicable state statutes and adopted by municipalities to ensure the uniformity and standardization of traffic regulations throughout the state; and

WHEREAS, the Town of Severance (“Town”), by Ordinance No. 2021-10, adopted the 2020 Model Traffic Code for Colorado, which was the last edition; and

WHEREAS, CDOT has now published 2024 Model Traffic Code for Colorado, which the Town desires to adopt by reference with local amendments.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE COLORADO, AS FOLLOWS:**

Section 1. Article I Model Traffic Code of Chapter 8 of the Severance Municipal Code is repealed in its entirety and reenacted to provide as follows:

Sec. 8-1-10. - Adoption.

The 2024 Model Traffic Code for Colorado, promulgated and published by the Colorado Department of Transportation, Traffic Engineering Branch and Safety, 2829 West Howard Place, Denver, Colorado, 80204, including Appendices Definitions but excluding Appendix A, B, C, D, F & G, Part 17, Penalties and Procedure, and Part 18 Vehicles Abandoned on Public Property in their entirety, is hereby adopted by reference as the Model Traffic Code for the Town of Severance as if fully set out in this codification with, however, the amendments set forth in this article.

Sec. 8-1-20. - Scope and effect of Model Traffic Code —Exceptions to provisions.

Section 103(2) and 103(2)(b) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (2) The provisions of this code relating to the operation of vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate except:
 - (b) Sections 1401, 1402 and 1413 of this code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, and property (including private) within or outside the corporate limits of the town, the use of which the town has jurisdiction and the authority to regulate.

Sec. 8-1-30. - Section 103, Scope and effect of Model Traffic Code—Exceptions to provisions.

Sections 103(3) and (4) of the Model Traffic Code are enacted to provide:

- (3) All references in this code to "official sign(s)," "official signal(s)," "official traffic control device(s)," "official device(s)," or "official marking(s)," shall be construed to refer to any and all signs, signals, devices or markings that have been placed on or about roadways, highways and other public property within the town by authority of the town, or other proper governmental official or agency, whether or not the town or such other proper governmental official or agency exercised such authority by resolution or ordinance. It is the intent of this section that the "official" nature of any sign, signal, device or marking not be construed to be an element of any traffic offense or other provision or violation of this code. Any and all references in this code to acts of a municipality "by resolution," "by ordinance," or "by local ordinance," and any requirement within this code that a municipality act "by resolution," "by ordinance," or "by local ordinance," shall be repealed and to have been construed only to guide administrative action and not as an element of any traffic offense, penalty or violation of this code.
- (4) All provisions in this code establishing offenses as a Class A or B traffic infraction or Class 1 or 2 misdemeanor offense and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the town's general penalty provision as set forth in Article 4 of Chapter 1 the Severance Municipal Code. To the extent any notice or other procedures set forth in the Model Traffic Code conflict with the requirements or procedures set forth in the Town's Home Rule Charter or the Severance Municipal Code, the Charter and Code shall prevail.

Sec. 8-1-40. - Section 104, Adoption of Traffic control manual of the Model Traffic Code

Section 104 of the Model Traffic Code is repealed in its entirety, reenacted and re-titled Authority of police department personnel to provide:

- (a) It shall be the duty of the officers of the police department, or such officers as are assigned by the chief of police, to enforce all traffic regulations of the town and all state laws applicable to the town.
- (b) Officers of the police department, or such special officers as are assigned by the chief of police, are hereby authorized to direct all traffic by voice, hand or signal in conformance with state traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, officers of the department, and other special officers as are assigned by the chief of police, may direct traffic as conditions may require notwithstanding the provisions of the state traffic laws or this code.

Sec. 8-1-50. - Section 106. Who may restrict right of way to highways

Section 106(1) of the Model Traffic Code is amended by deleting the phrases "by ordinance or resolution" and "for a total period not to exceed ninety days in any one calendar year" in their entirety.

Section 106(2) of the Model Traffic Code is amended to provide: Signs designating the permissible weights shall be erected and maintained.

Section 106(4.5)(b)(I) and (II) of the Model Traffic Code are repealed in their entirety.

Section 106(6)(a) of the Model Traffic Code is amended by deleting the phrase “as evidenced by resolution or ordinance”.

Sec. 8-1-60. - Section 114, Removal of traffic hazards.

Section 114(4) of the Model Traffic Code is enacted to provide:

If the town is not reimbursed within forty-five days after the property owner has been provided a demand for payment, the amount due shall become a lien against the property and certified by the town's finance director and recorded with the office of the Weld County Treasurer. Such lien shall have priority over all other liens except general taxes. The Weld County Treasurer shall collect and pay over to the town such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.

Sec. 8-1-70. - Section 115, Traffic engineer.

Section 115 of the Model Traffic Code is enacted to provide:

- (a) The office of the traffic engineer is hereby established. The traffic engineer shall be the town manager or the manager's authorized representative and shall exercise the power and duties provided in this code. The authorized representative shall be directly responsible to the town manager for the performance of the duties and responsibilities of the traffic engineer.
 - (1) In the absence of such appointment or at such times as the traffic engineer may be absent from the municipality or unable to perform their duties, said duties shall be vested in the chief of police or other municipal employee as may be designated by the town manager.
- (b) It shall be the duty of the traffic engineer or the official vested with the responsibility for traffic as provided herein to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the town, and to cooperate with other town offices in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this code.
 - (1) By way of example, but not of limitation, the traffic engineer or the official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this code, to act as follows:
 - (i) Install, maintain, and remove traffic control devices.
 - (ii) Designate and mark medians and traffic islands.
 - (iii) Conduct speed limit surveys and investigations.
 - (iv) Designate maximum speed limits throughout the town and post said limits as provided in this code.
 - (v) Designate minimum speed limits as provided by this code.

- (vi) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals as provided by this code.
- (vii) Designate one-way streets or roadways.
- (viii) Designate through streets or roadways and control entrances thereto.
- (ix) Designate stop or yield intersections and erect stop or yield signs thereto.
- (x) Establish restrictions, prohibitions and regulations for the parking, standing, or stopping of vehicles.
- (xi) Designate special parking zones for transit providers, press, television, radio cars, and the like.
- (xii) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation.
- (xiii) Establish tow-away zones.
- (xiv) Designate upon what streets, if any, angle parking shall be permitted.
- (xv) Designate and sign intersections at which drivers shall not make a right or left turn, a U turn, or any turn at all times or during certain times.
- (xvi) Designate and sign intersections where multiple turns shall be allowed:
- (xvii) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic.
- (xviii) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway.
- (xix) Establish safety zones at such places where necessary for pedestrian protection.
- (xx) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted.
- (xxi) Establish truck routes and truck loading zones; establish bus stops and taxicab stands.
- (xxii) Designate and sign those streets and roadways where pedestrians, bicyclists or other non-motorized vehicles, or persons operating a motor-driven cycle shall be excluded as provided by law.
- (xxiii) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited.
- (xxiv) Provide for temporary street or alley closures by the erection of barricades.
- (xxv) Issue special permits for curb loading operations, for the movement of vehicles having excess size or width, for parades or processions, and
- (xxvi) Perform such other duties as may be assigned to the traffic engineer by the town manager consistent with the provisions of this code.

Sec. 8-1-80. - Section 119, Driving under restraint.

Section 119 of the Model Traffic Code is enacted to provide:

- (1) It is unlawful for any person to drive a motor vehicle or off-highway vehicle upon any roadway or highway with knowledge that the person's license or privilege to drive, either as a resident or a non-resident, is under restraint for any reason.
- (2) For the purposes of this section "knowledge" means actual knowledge of any restraint from whatever source or knowledge of circumstances sufficient to cause a reasonable person to be aware that such person's license or privilege to drive was under restraint. "Knowledge" does not mean knowledge of a particular restraint or knowledge of the duration of the restraint.
- (3) "Restraint" or "restrained" means any denial, revocation, or suspension of a person's license or privilege to drive a motor vehicle in this state or another state.

Sec. 8-1-90. - Section 203, Unsafe vehicles—Spot inspections.

Section 203(3) and (4) of the Model Traffic Code are repealed in their entirety.

Sec. 8-1-100. - Section 225, Mufflers—Prevention of noise.

Section 225(3) of the Model Traffic Code is repealed in its entirety.

Sec. 8-1-110. - Section 235, Minimum standards for commercial vehicles—Spot inspections.

Section 235, Minimum standards for commercial vehicles – spot inspections, of the Model Traffic Code, is repealed in its entirety and reenacted to provide:

- (1) A police officer may, at any time, require the driver of any commercial vehicle, as defined in section 42-4-235, C.R.S., to stop so that the officer may inspect the vehicle and all required documents for compliance with the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."
- (2) A police officer may immobilize, impound, or otherwise direct the disposition of a commercial vehicle when it is determined that the motor vehicle or operation thereof is unsafe and when such immobilization, impoundment, or disposition is appropriate under the current rules and regulations promulgated by the Colorado Department of Public Safety, Colorado Code of Regulations Volume 8, 1507-1 "Minimum Standards for the Operation of Commercial Vehicles."

Sec. 8-1-120. - Section 237, Safety belt systems—Mandatory use—Exemptions penalty.

Section 237(4) (a) of the Model Traffic Code is repealed in its entirety.

Sec. 8-1-130. - Section 239, Misuse of wireless telephone—Definitions—Penalty preemption.

Section 239(2), (5) and (5.5) of the Model Traffic Code are amended and or deleted to provide:

- (2) A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle. This subsection (2) does not apply to acts specified in subsection (4) of this section.
- (5) (Deleted)
- (5.5) (Deleted)

Sec. 8-1-140. - Section 243, Nuisance exhibition of motor vehicle exhaust prohibited.

Section 243 of the Model Traffic Code is enacted to provide:

- (1) (a) It shall be unlawful for any person to engage in a nuisance exhibition of motor vehicle exhaust, which is the knowing release of soot, smoke, or other particulate emissions from a motor vehicle with a gross vehicle weight rating of fourteen thousand pounds or less into the air and onto roadways, other motor vehicles, bicyclists, or pedestrians, in a manner that obstructs or obscures another person's view of the roadway, other users of the roadway, or a traffic control device or otherwise creates a hazard to a driver, bicyclist, or pedestrian.
- (b) The prohibition set forth in subsection (1)(a) of this section does not apply to:
 1. A commercial vehicle, as defined in Appendices Definitions (17.5).
 2. A common carrier, as defined in C.R.S. Section 40-1-102(3)(a)(I).
 3. A motor carrier, as defined in C.R.S. Section 40-10.1-101(10).
 4. A motor carrier of passengers permitted pursuant to C.R.S. Section 40-10.1-302.
 5. A motor carrier of towed motor vehicles permitted pursuant to C.R.S. Section 40-10.1-401.
 6. A motor carrier of household goods, permitted pursuant to C.R.S. Section 40-10.1-502.
 7. A motor vehicle used for agricultural purposes; or
 8. Any other vehicle used for commercial activities.

Sec. 8-1-150. - Section 244, License plates.

Section 244 of the Model Traffic Code is enacted to provide:

- (1) License plate required. It shall be unlawful for any person to drive, stop or park or for the owner or person in charge of any vehicle to cause or knowingly permit such vehicle to be driven, stopped or parked on any street or highway within the town or any property owned by the town, any vehicle that has been issued a license plate or plates pursuant to Colorado law, unless the vehicle's license plate or plates for the current registration year are properly attached to and displayed on the vehicle in accordance with Colorado law.
- (2) For the purposes of this section "license plate" includes standardized plates, personalized plates, special plates, military plates and all other plates both permanent and temporary issued pursuant to Colorado law.

Sec. 8-1-160. - Section 501, Size and weight violations-penalty.

Section 501 of the Model Traffic Code is amended by addition of the following:

Notwithstanding any provision of this code to the contrary, when official signs are erected giving notice thereof, no person shall operate any vehicle with a weight limit in excess of the amounts specified on such signs at any time upon any of the streets or parts thereof or upon any of the bridges or viaducts posted as heretofore provided.

Sec. 8-1-170. - Section 510, Permits for excess size and weight and for manufactured homes—Rules.

Section 510(b)(1) of the Model Traffic Code is amended by deleting the phrase, "All local permits shall be issued in the discretion of the local authority pursuant to ordinances or resolutions. Any ordinances or resolutions of local authorities shall not conflict with this section."

Section 510(11), (12) of the Model Traffic Code are repealed in their entirety and (12) reenacted to provide:

(12) Local authorities may by resolution impose annual permit, single trip permits and overlength, over width and over height permit fees.

Sec.8-1-180. - Section 511, Permit standards -state and local of the Model Traffic Code is repealed in its entirety.

Sec. 8-1-190- Section 614, Designation of highway maintenance, repair, or construction zones-signs-increase in penalties for speeding violations of the Model Traffic Code is amended by deleting the second sentence of (1)(b) in its entirety and reenacting it to read:

(b) Penalties for any person who commits a violation of Sec. 1101 Speed limits in a construction zone shall be doubled.

Sec. 8-1-200-Section 615, School zones, increase in penalties for moving traffic violations of the Model Traffic Code is amended by deleting section (1) in its entirety and reenacting it to read:

(1) Penalties for any person who commits a violation of Sec 1101 Speed limits in a school zone shall be doubled.

Sec. 8-1-210. - Section 617, Steep downhill grade zones -increase and penalties and surcharges for speeding violations -definitions of the Model Traffic Code is repealed in its entirety.

Sec. 8-1-220. - Section 714, Bicyclist or other authorized user in the bicycle lane

Section 714(2)(b)(I) and (II) of the Model Traffic Code are amended by deleting the phrase "and shall be punished as described in section 42-1-1402(2)(b)"and adding sub-section (3) to provide

(3) For the purposes of this section "bicycle lane" means a portion of the roadway that has been designated by striping, signage, or other pavement markings for the exclusive use of bicyclists or other authorized users of bicycle lanes. Bicycle lane includes an intersection if the bicycle lane is marked on opposite sides of the intersection.

Sec. 8-1-230. - Section 805, Pedestrians walking or traveling in a wheelchair on highways.

Section 805(5) of the Model Traffic Code is repealed in its entirety and reenacted to provide:

Local authorities may regulate the use by pedestrians of streets and highways under its jurisdiction to the extent authorized under subsection (6) of this section and sections 110 and

111 but no regulation differing from this section shall be effective until official signs or devices giving notice thereof have been placed at such location.

Sec. 8-1-240. - Section 901, Required position and method of turning.

Section 901(a) of the Model Traffic Code are repealed in their entirety and reenacted to provide:

- (a) *Right turns.* Both the approach for a right turn and the right turn shall be made as close as practicable to the right-hand curb or edge of the roadway. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a right turn into any traffic lane other than the right-most lane of traffic of the road onto which the turn is made.
- (b) *Left turns.* The driver of a vehicle intending to turn left shall approach the turn in the extreme left-hand lane lawfully available to traffic moving in the direction of travel of such vehicle. Unless double turn lanes are clearly marked by official signs, it shall be unlawful for the driver of a vehicle to make a left turn into any traffic lane other than the left-most lane of traffic lawfully available to traffic moving in the direction of travel of such vehicle.

Sec. 8-1-250. - Section 1101, Speed limits.

Section 1101(1) of the Model Traffic Code is amended by deleting the phrase "is reasonable and prudent under the conditions then existing" and replacing it with the phrase "the maximum lawful speed limit."

Section 1101(2)(b) and (c) of the Model Traffic Code are repealed in their entirety.

Section 1101(4) of the Model Traffic Code is repealed in its entirety.

Section 1101(5) of the Model Traffic Code is amended by deleting the phrase "alleged reasonable and prudent speed" and replacing it with the phrase "maximum lawful speed limit."

Sec. 8-1-260. - Section 1102, Altering of speed limits—when.

Section 1102(1) and (2) and (3) of the Model Traffic Code are amended by deleting the phrases "is reasonable or safe" and replacing it with the phrase "the maximum lawful speed limit" and deleting the phrases "a reasonable and safe" and replacing it with the phrase "the maximum lawful."

Section 1102(6) of the Model Traffic Code is amended by deleting the phrase "by ordinance, or a county by resolution of the board of county commissioners" and adding the phrase "apartment complex, condominium complex or townhouse complex" after the phrase "in mobile home parks" in the section's first sentence.

Sec. 8-1-270. - Section 1203 Ski areas to install signs

Section 1203 of the Model Traffic Code is repealed in its entirety and reenacted and retitled Parking Regulations to provide:

- (a) *Definitions.* For the purposes of this section, the following words shall have the following meanings except as otherwise specified.

1. "Commercial trailer" means any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and that is generally and commonly used to carry and transport property over the public highways in furtherance of any commercial activity or used "for hire."
 2. "Commercial vehicle" means any truck tractor, dump truck, semi-trailer, commercial trailer, low truck or vehicle equipped to provide towing services, or bus, that is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity or is used "for hire" except that any passenger vehicle designed to transport no more than nine persons or any pickup truck or van not exceeding twenty-five feet in length shall not be considered a commercial vehicle.
 3. "Food truck" means a motorized or towed, self-contained, readily movable vehicle, that is designed and equipped to prepare and sell beverages and/or food to the general public while parked in a fixed location.
 4. "Recreational vehicle" means a motor vehicle designed or used as a conveyance upon streets and highways and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons. Recreational vehicles do not include a pick-up truck with an attached camper shell.
 5. "Trailer" means any wheeled vehicle, without motive power which is designed to be drawn by a motor vehicle and carry its load wholly upon its own structure and that is generally and commonly used to carry and transport property over highways.
 6. "Travel trailer" means a portable structure, mounted on wheels, designed to be towed by a motorized vehicle and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.
- (b) Vehicle parking prohibitions.
1. It shall be unlawful for any person to park any of the following vehicles on either side of the public street, alley, or other public right-of-way within the town adjacent to any property, except for a period of not more than forty-eight (48) hours when such vehicle is being used to render services, including but not limited to loading and unloading, or construction activities, to a property located within two hundred feet of the vehicle:
 - (i) Any commercial vehicle or commercial trailer;
 - (ii) Any motor vehicle exceeding twenty-five feet in length except that the measured length of such vehicle shall exclude towing gear bumpers and attached cargo racks;
 - (iii) A combination of a trailer or travel trailer and motor vehicle exceeding twenty-five feet in length or eight feet in width;
 - (iv) Any detached trailer or travel trailer.
 2. It shall be unlawful for any person to park a food truck and conduct business upon any public street, alley, or other public right-of-way within the town, except for special events

and upon the owner/operator's acquisition and compliance with the terms and conditions of a permit issued by the town manager or the manager's designee.

3. It shall not be a defense to this subsection (b) that any vehicle, trailer or food truck has been moved to a different location within the public right-of-way. To be in compliance, the vehicle, trailer or food truck must be removed from the applicable right-of-way.
- (c) Parking of recreational vehicles, travel trailers or trailers on public right-of-way prohibited.
 1. It is unlawful for any person to park a recreational vehicle, travel trailer, trailer, or truck weighing in excess of twenty thousand (20,000) pounds gross vehicle weight (GVW) on any public roadway, street, alley, or other public right-of-way within the town, except as follows:
 - (i) Directly in front of a residential dwelling of the vehicle's registered owner for a period of not more than forty-eight (48) hours when being loaded or unloaded during such period, and not more than ten (10) forty-eight (48) hour periods in any calendar year.
 - (ii) In compliance with the terms and conditions of a permit issued pursuant to subsection (d) herein below.
 - (iii) It shall not be a defense to this subsection (c) that the recreational vehicle, travel trailer, trailer, or truck weighing in excess of twenty thousand (20,000) pounds gross vehicle weight (GVW) has been moved to a different location within the public right-of-way. To be in compliance with this section, the recreational vehicle, travel trailer, trailer, or truck weighing in excess of twenty thousand (20,000) pounds gross vehicle weight (GVW) must be removed from the public right-of-way.
- (d) Permits for parking of recreational vehicles, trailers or travel trailers on the public right-of-way.
 1. The town manager or the manager's designee may issue a permit to the registered owner of a recreational vehicle, travel trailer, trailer, or truck weighing in excess of twenty thousand (20,000) pounds gross vehicle weight (GVW) to park such vehicle for a period of time greater than forty-eight (48) hours on public right-of-way adjacent to any residential dwelling, subject to the following restriction:
 - (i) The permit shall only allow the vehicle to be parked on the public right-of-way that is directly in front of the applicant's residential dwelling for a period of time not to exceed fifteen calendar days within any calendar year.

Sec. 8-1-280. - Section 1204, Stopping, standing or parking prohibited in specified places.

Section 1204(2)(a) of the Model Traffic Code is amended to provide:

Within five feet of a public driveway or within two feet of a private driveway.

Section 1204(8) is repealed in its entirety and reenacted to provide:

No person shall stop, stand or park any vehicle upon any private property without the consent of the owner, lessee or person in possession of such property.

Sec. 8-1-290. - Section 1209, Owner liability for parking violations.

Section 1209 of the Model Traffic Code is amended by the addition of the following:

In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the location where, and for the time during which, such violation occurred.

Sec. 8-1-300. - Section 1213, Parking in electric motor vehicle charging station.

Section 1213(1)(a) of the Model Traffic Code is amended by deleting the phrase “or the equivalent local ordinance,” as used throughout this subsection.

Sec. 8-1-310. - Section 1301, Open alcohol beverage container in motor vehicle prohibited.

Section 1301 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below, unless otherwise specified:
 - (a) "Alcohol beverage" means a beverage as defined in C.R.S. 44-3-103(2).
 - (b) "Motor vehicle" means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) "Open alcohol beverage container" means a bottle, can, or other receptacle that contains any amount of an alcohol beverage, and:
 - (i) That is open or has a broken seal; or
 - (ii) The contents of which are partially removed.
 - (d) "Passenger area" means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including, but not limited to, the glove compartment.
- (2) (a) Except as otherwise permitted in paragraph (b) of this subsection (2), a person while in the passenger area of a motor vehicle that is on a public roadway or highway of this state or the right-of-way of a public roadway or highway of this state may not knowingly:
 - (i) Drink an alcohol beverage; or
 - (ii) Have in their possession an open alcohol beverage container.
- (b) The provisions of this subsection (2) shall not apply to:
 - (i) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;

- (ii) The possession by a passenger, other than the driver or a front seat passenger, of an open alcohol beverage container in the living quarters of a motor home or trailer coach as defined in Appendices, Definitions, (57) and (106(a));
- (iii) The possession of an open alcohol beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
- (iv) The possession of an open alcohol beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 8-1-320. - Section 1302, Open marijuana container – motor vehicle prohibited.

Section 1302 of the Model Traffic Code is enacted to provide:

- (1) *Definitions.* As used in this section, the following words and phrases shall mean as set forth below unless otherwise specified.
 - (a) *Marijuana* means all parts of the plant of the genus cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant, which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink or other product.
 - (b) *Motor vehicle* shall mean a vehicle driven or drawn by mechanical power and manufactured primarily for use on public highways but does not include a vehicle operated exclusively on a rail or rails.
 - (c) *Motor home* means a vehicle designed to provide temporary living quarters and which is built into an integral part of, or a permanent attachment to, a motor vehicle chassis or van.
 - (d) *Open marijuana container* means a receptacle or marijuana accessory that contains any amount of marijuana and:
 - 1. that is open or has a broken seal;
 - 2. The contents of which is partially removed; and
 - 3. there is evidence that marijuana has been consumed within the motor vehicle.
 - (e) *Passenger area* means the area designed to seat the driver and passengers, including seating behind the driver, while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in his or her seating position, including but not limited to the glove compartment.
 - (f) *Trailer coach* means a wheeled vehicle having an overall length, excluding towing gear and bumpers, of not less than twenty-six feet, without motive power, that is designed and generally and commonly used for occupancy by persons for residential purposes, in temporary locations, and that may occasionally be drawn over the public highways by a motor vehicle and is licensed as a vehicle.

- (2) Except as otherwise permitted under this section, a person, while in the passenger area of a motor vehicle that is on a public street or roadway, or the right-of-way of a public street or roadway may not knowingly:
 - (a) Use or consume marijuana; or
 - (b) Have in their possession an open marijuana container.
- (3) The provisions of this section shall not apply to:
 - (a) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation; or passengers within a state and locally licensed mobile marijuana hospitality establishment;
 - (b) The possession by a passenger, other than the driver or a front seat passenger, of an open marijuana container in the living quarters of a motor home, or trailer coach;
 - (c) The possession of an open marijuana container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
 - (d) The possession of an open marijuana container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk.

Sec. 8-1-330. - Section 1409, Compulsory insurance – penalty – legislative intent.

Section 1409(4) and (9) of the Model Traffic Code are deleted in their entirety.

Sec. 8-1-340. - Section 1413, Eluding or attempting to elude a police officer.

Section 1413 the Model Traffic Code is enacted to provide:

Any operator of a motor vehicle who an officer has reasonable grounds to believe has violated a state law or municipal ordinance, who has received a visual or audible signal such as a red light or a siren from a police officer driving a marked vehicle showing the same to be an official police, sheriff, or Colorado state patrol car directing the operator to bring the operator's vehicle to a stop, and who willfully increases their speed or extinguishes their lights in an attempt to elude such police officer, or willfully attempts in any other manner to elude the police officer, or does elude such police officer commits a traffic offense.

Sec. 8-1-350. - Section 1417, Regulation of traffic across private property.

Section 1417 of the Model Traffic Code is enacted to provide:

- (a) It is unlawful for any person to drive a motor vehicle from a public highway or roadway or any public way of this town over, across or through any private property to avoid traffic control signals or traffic control devices or as a route or shortcut from one public highway or roadway or any public way to another.
- (b) As used in this section, "private property" includes, but is not limited to, any property not designated as a public roadway, highway, street or public way, alley, right-of- way or easement.

- (c) It is an affirmative defense to a charge of violation of this section that the person charged is the owner of the property or the owner of a leasehold, possessory interest or easement in or to the property through or across which the motor vehicle is driven.

Sec. 8-1-360. - Section 1418, Drivers license required

Section 1418 of the Model Traffic Code is enacted to provide:

- (1) Except as otherwise provided in C.R.S. 42-4-401 et seq., for commercial drivers, no person shall drive any motor vehicle upon any roadway unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by the State's Department of Revenue.
- (2) No person shall drive any motor vehicle upon a highway if such person's driver's or minor driver's license has been expired for one year or less and such person has not been issued another such license by the State's Department of Revenue or by another state or country subsequent to such expiration.
- (3) No person shall drive any motor vehicle upon a highway unless such person has in their immediate possession a current driver's or minor driver's license, or an instruction permit issued by the State's Department of Revenue.
- (4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a highway for which such person has not been issued the correct type or general class of license or permit.
- (5) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a highway without having such license or permit in such person's immediate possession.
- (6) A charge of a violation of subsection (2) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license.
- (7) A charge of a violation of subsection (5) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid license or permit issued to such person or an officially issued duplicate thereof if the original is lost, stolen or destroyed.
- (8) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
 - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweighs the desirability of avoiding the injury sought to be prevented by this section or;

- (b) The person is exempt from the requirements of a valid driver's license as set forth in C.R.S. 4-2-102.
- (9) The issue of justification or exemption is an affirmative defense. As used in this subsection (9), "affirmative defense" means that, unless the town's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence of that issue. If the issue involved in an affirmative defense is raised, then the ability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the traffic infraction.

Sec. 8-1-370. - 1505 Low power scooters prohibited

Section 1505 of the Model Traffic Code is enacted to provide;

Low power scooters as defined in Appendices Definitions (48.5)(a) are prohibited upon any highway as defined in Appendices Definitions (43) within the town.

Sec. 8-1-380. - Appendices – Definitions.

Appendices – Definitions of the Model Traffic Code is amended by deletion of the following definitions.

- (11) Business district
- (80) Residence district

Section 2. If any article, section, paragraph, sentence, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town Council hereby declares it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

Section 4. This ordinance is deemed necessary for the immediate protection of the health, welfare and safety of the community.

Section 5. In accordance with Section 6.03(6) of the Town of Severance Home Rule Charter, this ordinance shall be effective thirty (30) days after publication.

Section 6. Violations of this ordinance shall be punishable in accordance with Article 4 of the Severance Municipal Code as follows:

Sec. 1-4-10. Violations.

It is a violation of this Code for any person to do any act which is forbidden or declared to be unlawful, or to fail to do or perform any act required, in this Code.

Sec. 1-4-20. General penalty for violation.

- (a) Any person, firm or corporation who shall violate or fail to comply with any provision of any chapter of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punishable by a fine not exceeding two thousand six hundred fifty dollars (\$2,650.00) set forth by the Judge. The maximum fine level set forth herein shall be adjusted on January 1 of each year by the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, and Consumer Price Index for Denver-Boulder, all items, all urban consumers, or its successor index. In addition to any such fine, such person, firm or corporation shall pay all costs and expenses in the case. Each day such violation continues shall be considered a separate offense.
- (b) In addition to the aforesaid fine, the Municipal Judge shall add thereto a surcharge in the amount set annually by the Town Fee Schedule for each ordinance violation, but the total fine imposed under Subsections (a) and (b) of this Section may not exceed the maximum fine established in Subsection (a) above. All proceeds generated by the surcharge under this Subsection shall be used for the purpose of law enforcement training, administration and/or acquisition of equipment.

Sec. 1-4-30. Application of penalties to juveniles.

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Chapter, shall be punished by a fine of not more than the maximum fine established pursuant to Subsection 1-4-20(a) above per violation or count.

Sec. 1-4-40. Penalty for violations of ordinances adopted after adoption of Code.

Any person, firm or corporation who shall violate any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in the Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 or 1-4-30, unless another penalty is specifically provided for the violation.

INTRODUCED, READ, ADOPTED, APPROVED, AND ORDERED PUBLISHED IN FULL this ____ day of _____, 2025.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

AFFIDAVIT OF PUBLICATION

STATE OF COLORADO)
)
COUNTY OF WELD)

I, Sarah Jacobsen, Town Clerk for the Town of Severance, do solemnly swear and affirm that I published in full a true and correct copy of Ordinance No. 2025-____, enacted by the Town Council on _____, 2025, on the Town of Severance's website, <https://www.townofseverance.org/255/Ordinances>, on _____, 2025.

Witness my hand and seal this ____ day of _____, 2025.

Sarah Jacobsen
Town Clerk

[Town Seal]



AGENDA ITEM SUMMARY

AGENDA ITEM	SUBMITTED BY	PRESENTED BY
Pg. 54 - Resolution No. 2025-05R Appointing an Interim Town Attorney and Approving and Ratifying a Legal Services Agreement Between the Town and Wilson Williams LLP	Mary Lynn Macsalka, Town Attorney	Nicholas J. Wharton, MPA
ACTION REQUESTED		
Approval of resolution by motion.		<u>Resolution</u> <u>Action Requested</u> <u>Attorney Approved</u>
BRIEF HISTORY OF ITEM		
BRIEF SUMMARY		
The Town Attorney, Mary Lynn Macsalka, and her law firm Hayashi & Macsalka, LLC, have notified the Town Council that they will be stepping down as the Town Attorneys on or before March 30, 2025. To encourage an efficient and effective transition in legal services from the current Town Attorney to new legal counsel for the Town, the Town Attorney has recommended the municipal law firm of Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman ("Wilson Williams LLP") to provide legal services to the Town on an interim basis. Appointing Wilson Williams LLP to provide interim town attorney legal services prior to the current Town Attorney vacating her office will enable the Town Attorney and the attorneys at Wilson Williams LLP to coordinate and transition the provision of legal services, Town files and data, projects, and other work from the Town Attorney to Wilson Williams LLP. This will ensure continuity of legal services for the Town after the Town Attorney steps down and until a new Town Attorney is duly appointed by the Town Council. Town Management met with attorneys Erica Romberg and Nina Williams of Wilson Williams LLP, reviewed their qualifications and those of the attorneys at that firm, and believes that Ms. Romberg, Ms. Williams, and the team at Wilson Williams LLP have the necessary background, experience, qualifications, and capacity to provide legal services to the Town. Moreover, the Town has previously retained one of the owners of the firm, Brandon Dittman, to provide special legal counsel to the Town for the negotiation and drafting of cable franchise agreements, and the Town Manager and Town Council were highly satisfied with Mr. Dittman's counsel. Wilson Williams LLP has provided a Legal Services Agreement for Interim Town Attorney services. The agreement sets forth the terms, conditions, hourly rates, costs, and expenses of legal services. The Town Attorney has reviewed the agreement and approved it as to form. Pursuant to the Town Manager's authority to execute contracts for professional services within his monetary signature authority, the Town Manager executed the Legal Services Agreement on February 5, 2025, subject to the Town Council's approval and ratification of the agreement.		

Pursuant to Section 4.03 of the Town of Severance Home Rule Charter and Section 2-3-10 of the Severance Municipal Code, the Town Council has the authority to appoint a Town Attorney and "such additional officers as the Town Council deems necessary" by a majority vote of all members of the Town Council. The Town Attorney advises that the Town Council may appoint an Interim Town Attorney and retain the services of Wilson Williams LLP in accordance with the terms and conditions of the Legal Services Agreement.

Resolution No. 2025-05R formally appoints an Interim Town Attorney and approves and ratifies the Legal Services Agreement with Wilson Williams LLP. and the Town Manager's execution thereof. Pursuant to the resolution and the agreement, Erica Romberg will serve as the designated Interim Town Attorney, with Nina Williams serving as the principal deputy, and with primary assistance by Geoff Wilson and the other attorneys of the law firm.

PUBLIC SUPPORT/CONCERN

None at this time.

ANALYSIS AND RECOMMENDATION

Approval of Resolution No. 2025-05R by motion.

MATERIALS SUBMITTED

The following materials were submitted and included in this packet:

1. R-2025-05R Appointing Interim Town Attorney and Approving Legal Services Agreement
2. WWFD Interim Agreement
3. Business Values (WWFD)

**TOWN OF SEVERANCE
RESOLUTION NO. 2025-05R**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SEVERANCE,
COLORADO, APPOINTING AN INTERIM TOWN ATTORNEY AND APPROVING
AND RATIFYING A LEGAL SERVICES AGREEMENT BETWEEN THE TOWN AND
WILSON WILLIAMS LLP**

WHEREAS, pursuant to Section 4.03 of the Town of Severance Home Rule Charter and Section 2-3-10 of the Severance Municipal Code, the Town Council has the authority to appoint a Town Attorney and such additional officers as the Town Council deems necessary, by a majority vote of all members of the Town Council; and

WHEREAS, the Town Attorney, Mary Lynn Macsalka and the law firm Hayashi & Macsalka, LLC, have given notice to the Town Council that she and the firm will be stepping down as the Town Attorney on or before March 30, 2025; and

WHEREAS, to provide for an efficient and effective transition in legal services from the current Town Attorney to new legal counsel for the Town, the Town Council desires to appoint Erica Romberg as the Interim Town Attorney, and the law firm Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman (“Wilson Williams LLP”) to provide legal services to the Town on an interim basis, finding that Ms. Romberg and her firm have the necessary legal experience and capacity to provide legal services to the Town; and

WHEREAS, the Town Council desires that the Town Attorney and Interim Town Attorney coordinate and transition the provision of legal services, Town files and data, projects, and other work from the Town Attorney to Ms. Romberg and Wilson Williams LLP; and

WHEREAS, the Town Council further desires that Ms. Romberg and Wilson Williams LLP begin providing legal services to the Town during the above-referenced transition of legal counsel and that Ms. Romberg and Wilson Williams LLP continue to provide legal services to the Town as the Interim Town Attorney after Ms. Macsalka and Hayashi & Macsalka, LLC, vacate the office of Town Attorney on or before March 30, 2025; and

WHEREAS, Wilson Williams LLP has provided a Legal Services Agreement for Interim Town Attorney services, which sets forth the terms, conditions, hourly rates, and costs of legal services, which the Town Attorney has reviewed and approved as to form, and which the Town Manager executed on February 5, 2025, pursuant to his authority to execute professional services contracts within his monetary signature authority; and

WHEREAS, the Town Council desires to approve the Legal Services Agreement and to ratify the Town Manager’s execution thereof.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE
TOWN OF SEVERANCE, COLORADO, AS FOLLOWS:**

Section 1. Pursuant to Section 4.03 of the Town’s Home Rule Charter and Section 2-3-10 of the Severance Municipal Code, the Town Council hereby appoints Erica Romberg as the

Interim Town Attorney and the law firm Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman to provide interim legal services to the Town.

Section 2. The Town Council approves the Legal Services Agreement between the Town of Severance and Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman and ratifies the Town Manager's execution thereof.

Section 3. Ms. Romberg and Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman shall serve on an interim basis, at the pleasure of Council, for an indefinite term until a new Town Attorney is duly appointed and qualified in accordance with the Town's Charter and the Severance Municipal Code.

RESOLVED AND APPROVED this 11th day of February, 2025.

TOWN OF SEVERANCE, COLORADO

Matthew Fries, Mayor

ATTEST:

Sarah Jacobsen, Town Clerk

APPROVED AS TO FORM:

Hayashi & Macsalka, LLC, Town Attorney

LEGAL SERVICES AGREEMENT

THIS AGREEMENT is a contract for professional legal services effective February 5, 2025, between the **Town of Severance**, a Colorado home rule town ("Town"), and **Wilson Williams LLP d/b/a Wilson Williams Fellman Dittman** ("Law Firm"), under which the Law Firm shall perform legal services for the Town.

WHEREAS, the Town Attorney, Mary Lynn Macsalka of the law firm Hayashi & Macsalka, LLC, has given notice to the Town Council that she and her firm will be stepping down as the Town Attorney on or before March 30, 2025; and

WHEREAS, to provide for an efficient and effective transition in legal services from the current Town Attorney to new legal counsel for the Town, Town Management and the Town Council desire to retain Law Firm to provide legal services to the Town as the Interim Town Attorney; and

WHEREAS, Town Management and the Town Council desire that the Town Attorney and Interim Town Attorney coordinate and transition legal services, Town files and data, projects, and other work from the Town Attorney to the Law Firm; and

WHEREAS, the Town Council further desires that the Interim Town Attorney and Law Firm begin providing legal services to the Town during the above-referenced transition and continue to provide legal services to the Town as the Interim Town Attorney after Ms. Macsalka and Hayashi & Macsalka, LLC, vacate the office of Town Attorney on or before March 30, 2025; and

WHEREAS, on February 11, 2025, pursuant to Section 4.03 of the Town's Home Rule Charter and Section 2-3-10 of the Severance Municipal Code, the Town Council intends to appoint Erica Romberg from Law Firm, as its Interim Town Attorney, and the Town Council intends to approve and ratify the Town Manager's execution of this Legal Services Agreement.

NOW THEREFORE, for and in consideration of the mutual promises and undertakings herein set forth, the Town retains the Law Firm pursuant to the following agreement:

1. Scope of Legal Services. The Law Firm will provide any and all legal services requested of it by the Mayor, Town Council, Town Manager, and any boards or employees of the Town authorized by the Mayor, Town Council or Town Manager to request legal services of the Law Firm. Such services shall include, but are not limited to the following:
 - a. Attend regular and special meetings of the Town Council; attend work session meetings of the Town Council as requested.
 - b. Attend meetings and conferences with Town Council, Town boards and commissions, Town staff and officers as directed by the Mayor, Town Council or Town Manager.
 - c. Prepare and/or review ordinances and resolutions.
 - d. Prepare and/or review contracts for services, materials and real estate involving the Town.
 - e. Respond to all inquiries and communications of a general legal nature from the Mayor, members of the Town Council, Town Manager, and Town staff.

- f. Represent the Town in its dealings and negotiations with federal, state and local governmental entities and agencies, special improvement districts and utilities.
- g. Represent the Town in litigation matters involving the Town.
- h. Enter an appearance in and/or monitor litigation matters that are being actively handled by outside counsel.
- i. Perform such other duties as may be prescribed by the Mayor, Town Council, or Town Manager.

The Law Firm agrees to exercise its best efforts on behalf of the Town and to handle the matters for which representation has been requested of it faithfully and with due diligence, and in accordance with the Colorado Rules of Professional Conduct. The Law Firm cannot and does not guarantee or agree that a result favorable to or satisfactory to the Town will be achieved. No settlement or compromise will be made without the Town's consent. The Law Firm is acting as an independent contractor, and therefore the Town will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits. The Law Firm shall maintain at all times professional malpractice insurance in the minimum amount of two million dollars (\$2,000,000) and shall provide a current certificate of insurance to the Town of Severance. The Law Firm shall promptly notify the Town if there is any discontinuation or change of malpractice.

2. Identification of Client. It is understood that the Law Firm's client for purposes of its representation is the Town of Severance, and not any of its individual members or constituents, or any other entities whose interests are being represented by those individuals.

3. Term and Termination. It is understood that the Interim Town Attorney serves at the pleasure of the Mayor and Town Council, and this Agreement shall therefore be for an indefinite term. The Town may terminate this Agreement at any time. If the Town discharges the Law Firm, the Town shall pay all fees and costs incurred up until the date of termination. Subject to the Colorado Rules of Professional Conduct and any applicable court rules, the Law Firm may, after reasonable advance written notice to the Town, terminate this Agreement. Reasonable advance written notice provided by the Law Firm shall be at least sixty (60) days unless Town consents to a less notice period. If the Law Firm terminates this Agreement, the Town shall pay all fees and costs incurred to the date of termination.

4. Performance Review. The performance of the Interim Town Attorney may be reviewed by the Town Council and Town Manager annually or more often, at the discretion of the Town.

5. Designated Town Attorney. Town Attorney services are generally provided by the Law Firm as a team. Subject to other direction from the Town, Erica Romberg will serve as the designated Interim Town Attorney, with Nina Williams serving as the principal deputy, and with primary assistance by Geoff Wilson and the other attorneys of the Law Firm. The Interim Town Attorney may delegate certain research, litigation or drafting projects or any other matters to other attorneys in the Law Firm who have expertise in the area of the legal services requested; however, any such delegated work will be performed directly under her supervision and responsibility.

6. Management. The Interim Town Attorney will confer with the Town Manager as appropriate to identify legal service priorities and to plan for the management of the legal services budget.

7. Compensation and Expenses. The Town will compensate Law Firm for professional legal services as indicated below. Expenses such as photocopying will be charged at the rates set forth on the attached “**Schedule of Costs.**”

<u>Attorney</u>	<u>Hourly Municipal Rate</u>	<u>Developer Reimburse Rate</u>
Partners	\$ 245.00	\$ 275.00
Counsel	\$ 230.00	\$ 255.00
Senior Associate Attorneys	\$ 210.00	\$ 230.00
Associate Attorneys	\$ 195.00	\$ 215.00
Paralegals/Support staff	\$ 95.00	\$ 105.00

a. *Other Expenses.* In addition to the foregoing hourly rates for professional services, the Law Firm shall charge and the Town shall pay all costs incurred by the Law Firm in providing legal services for the Town. Examples of such costs include charges for mileage, photocopies, and printing. The Town shall, upon request of the Law Firm, advance to the Law Firm the payment of any single item of cost that exceeds Five Hundred Dollars (\$500.00). A copy of the “**Schedule of Costs**” is attached hereto. The firm will also charge half-time for travel to and from the Louisville office to attend meetings.

b. *Monthly Billings.* The Law Firm will provide a computer-generated, detailed and itemized billing statement each month, for both fees and disbursements. All invoices will reflect services already performed and disbursements already made and are due upon receipt. Any amounts not paid within 60 days of the date of the bill shall be subject to a late payment charge of 1-1/2% per month (18% per year). If the Town fails to pay any charges within 90 days of the date of the bill the Law Firm may elect to stop all work for the Town. The Town's obligation to make prompt payment of all charges does not depend upon achievement of any specific result. Payments will be applied first to the oldest amounts outstanding.

c. *Rates Generally.* Adjustments in the Firm's rates and charges do occur from time to time, and we endeavor to notify all our then active clients of any changes at the time they are to take place. The Law Firm agrees that it shall not raise nor seek to raise the hourly rates for legal services provided under this agreement for a period of at least two (2) years from the effective date of this agreement.

8. Billing Statement. The Law Firm will provide a computer generated billing statement each month setting forth the following information in a readable, detailed format:

- a. The date services are provided.
- b. The description of those services.
- c. The legal professional performing those services.
- d. The applicable hourly rate.
- e. The amount of time expended.
- f. A total of the cost of those services.
- g. With respect to disbursements and other expenses, the billing statement will indicate the date, the item of expense and the cost of that expense in a cumulative total of all expenses that month.

h. Any legal work associated with development applications shall be provided as a separate invoice that may be forwarded to Developer Applicants in accordance with the pass-through billing authority in Chapter 16, “Land Use Code,” of the Severance Municipal Code.

9. Arbitration. Although we do not expect that any dispute between us will arise, in the unlikely event of any dispute under this Agreement, including a dispute regarding the amount of legal fees or costs owed to the Law Firm or the quality of the Law Firm's services, including any claim of malpractice, such dispute shall be subject to binding arbitration. The Town and Law Firm acknowledge that they are waiving their right to seek remedies in court, including the right to a jury trial. (This clause does not prevent the Town and the Law Firm from trying to resolve any dispute through voluntary mediation, but there is no requirement to do so.)

Any dispute concerning fees or costs shall be submitted to the Legal Fee Arbitration Committee of the Denver Bar Association and the decision of the Committee shall be final and binding on both parties. Any dispute concerning the quality of the Law Firm's services, including malpractice claims, shall be submitted to a single arbitrator and the decision of the arbitrator shall be final and binding on both parties. A final judgment can be entered on the arbitration award by a court of competent jurisdiction. The arbitrator shall be selected from the Judicial Arbiter Group, Denver, Colorado unless the parties agree otherwise. If the parties do not agree on the selection of a single arbitrator within ten days after a demand for arbitration is made, then the arbitrator shall be selected by the Judicial Arbiter Group from among its available professionals.

All arbitrations shall be held in Denver, Colorado, unless the parties mutually agree on some other location. All arbitrations shall proceed under the Commercial Arbitration Rules of the American Arbitration Association, except as modified in this Agreement, unless otherwise agreed by the parties. The arbitrator shall have the discretion to order that the costs of arbitration, fees (including expert witness and reasonable attorney fees), and other costs shall be borne by the losing party. Any filing fees or other administrative costs of arbitration shall be divided equally between the Town and the Law Firm. Arbitration of all disputes, and the outcome of the arbitration, shall remain confidential between the parties.

10. Document Retention. The Town acknowledges that the files the Law Firm creates and compiles for work on the Town's matters, including notes, correspondence, pleadings, research, and documents which we prepare, will not be kept indefinitely. It is the Law Firm's policy to destroy all files (including all documents and materials therein), seven (7) years after we send such files to remote storage upon completion of each matter. However, if some legal restriction on destruction is imposed or some new development occurs, the retention period may be modified. This file destruction process is automatic and the Town will not receive further notice prior to the destruction of these files. Accordingly, if the Town wishes to maintain a record of any matter beyond our retention period, the Town should consider maintaining its own files relating to the matters that we are handling.

11. Governing Law. This Agreement shall be construed in accordance with, and governed by, the laws of the State of Colorado.

12. Amendment. This Agreement may be amended only by a written instrument signed by both of the parties hereto.

13. Prior Agreements. This Agreement shall supercede all prior agreements between the parties concerning the provision of legal services.

14. Signature. THE LAW FIRM AND THE TOWN HAVE READ THIS DOCUMENT, UNDERSTAND IT, AND AGREE TO IT.

EXECUTED on this 5th day of February, to be effective as of February 5, 2025.

WILSON WILLIAMS LLP D/B/A
WILSON WILLIAMS FELLMAN DITTMAN


By: _____
Nina P. Williams, Managing Partner

TOWN OF SEVERANCE, COLORADO


By: _____
Nicholas J. Wharton, Town Manager

ATTEST:

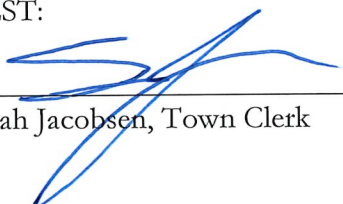

By: _____
Sarah Jacobsen, Town Clerk

EXHIBIT A
Schedule of Costs

1. **Printing, Copying and Scanning:** Document printing, scanning and copying charges are \$.10 per page for black and white copies, and \$.50 per page for color copies made within the office. Copying, collating, binding, and scanning performed outside the Firm shall be charged at actual cost. The decision to use outside scanning, copying, collating and binding services shall be made on a case-by-case basis as the circumstances require.
2. **Deliveries:** Items delivered by commercial messenger service are billed at the actual rate charged by the service.
3. **Legal Research:** The charge to the Town includes the usage amount billed directly to the Firm from its online legal research provider in relation to the Town's case.
4. **Mileage:** Mileage is charged to and from the Louisville office at a rate consistent with the guidelines published by the IRS.
5. **Lodging:** Costs of lodging, when authorized by the Town, are passed along at the actual amount paid.
6. **Other Costs:** Other third-party costs will be billed to Town at the same rate the Firm is billed for the third-party services.

WILSON WILLIAMS LLP
PRIVACY POLICY NOTICE

Attorneys, like other professionals, who advise on certain personal matters, are required by federal law to inform their Clients of their policies regarding privacy of Client information. Attorneys have been and continue to be bound by professional standards of confidentiality that are even more stringent than those required by this privacy policy. Therefore, please understand that your privacy is important to us and we will always protect your right to privacy. Maintaining your trust and confidence is a high priority to this law firm. The purpose of this notice is to comply with the law by explaining our privacy policy with respect to your personal information.

NONPUBLIC PERSONAL INFORMATION WE COLLECT:

In the course of providing our Clients with legal services, we collect personal and financial information about our Clients that is not available to the public and which is provided to us by our Clients or obtained by us with their authorization or consent.

PRIVACY POLICY:

As a Client of Wilson Williams LLP, rest assured that all nonpublic personal information that we receive from you is held in confidence, and is not released to people outside the firm, except as agreed to by you, or as is permitted or required by law and applicable ethics rules.

CONFIDENTIALITY AND SECURITY:

We retain records relating to professional services that we provide so that we are better able to assist you with your professional needs and, in some cases, to comply with professional guidelines. We restrict access to nonpublic, personal information about you to those people in the firm who need to know that information to provide services to you (and their support personnel). In order to guard your nonpublic personal information, we maintain physical, electronic, and procedural safeguards that comply with our professional standards as well as federal regulations.

Please call the attorney you work with if you have any questions. Your privacy, our professional ethics, and the ability to provide you with quality service are very important to us.

Business Values

WE ARE OUR GREATEST RESOURCES

- We work together as a team, and support one another
- We collaborate with each other, and grow together
- We assist our clients by applying the depth of knowledge and collective best practices of our team
- We continuously learn, grow, listen, teach, lead, mentor, and connect

WE WORK HOW WE LIVE

- We approach our work the same way we approach our lives
- We live and work with integrity, accountability, humility, and passionate dedication
- We are authentic and creative problem solvers who bring our passion to everything we do and who are
- We work alongside you, every step of the way
- Your problems become our challenge, and goal, to solve

WE ARE OF SERVICE

- We strive to make an impact
- We serve with a comprehensive approach beyond the law
- We assist dedicated elected officials and public and private management, both to assist in their daily operations and to help them achieve their long-term goals
- We work for governments and entities “closest to the people”
- We work for private entities who seek to make a difference in their communities

WE ARE INNOVATIVE

- We strive to be cutting edge, we take initiative and embrace technology and innovative practices
- We think critically, listen to diverse perspective, and aim to offer our own unique perspectives for creative problem solving
- We are eager to jump in to improve a process or solve a problem
- We use our business acumen to help our clients and to run an efficient law firm
- We are hungry, stay curious, and push for continuous improvement
- We don’t use a cookie-cutter approach, or force a “one size fits all” mold onto our clients

WE GROW OUR COMMUNITY

- We naturally connect our clients, our resources, and our professional network
- We expand our community everyday
- We are inclusive of people from all backgrounds and walks of life
- When you hire us or join our team, you join our entire community