

ORDINANCE NO. 5, SERIES 1994

AN ORDINANCE PROVIDING FOR APPROVAL OF THE TOWN BOARD
OF TRUSTEES PRIOR TO COMMENCEMENT OF USE OF EXPLOSIVES

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF JAMESTOWN,
COLORADO:

Section 1. Approval Required. No person shall set off, keep, store, or utilize any explosive or explosive device, as defined in C.R.S. }9-7-103(3) as from time to time amended, for which a license is required by the State of Colorado, Department of Labor without the expressed, written approval of the Town Board.

Section 2. Application. Application for approval shall be in writing; and accompanied by the following documents:

(a) A copy of the applicant's contractor's State License for the Purchase and Use of Explosives.

(b) A copy of the plan of operation or proposal for work signed by the applicant or contractor. This plan must include a map or drawing showing locations for use of explosives.

(c) The application shall be accompanied by a certificate of insurance, on forms acceptable to the Town, which shall show minimum general liability coverage(s) of \$2,000,000.00. The Town Board may impose additional insurance requirements or greater amounts of coverage(s) if the Town Board determines that such requirements or coverage(s) are necessary for the protection of public health and safety. One or more certificates of insurance must be furnished which include the Town as an additional insured. The insurance policy shall be subject to review and approval or disapproval by the town.

(d) Such other information as determined necessary by the Town Board.

Section 3. Minimum Standards. Explosives shall not be stored at any job site prior to use. Unused explosives must be promptly removed from the site. Explosives shall be transported only in accordance with applicable federal and state safety regulations including hazardous material regulations and federal motor carrier safety requirements.

Applicant must notify the Jamestown Volunteer Fire Department 48 hours in advance of use of explosives. Notice of the use of explosives must be posted on the board outside the fire station and/or at other suitable locations as determined by the Town Board 48 hours in advance.

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Section 4. Scope of Permission Granted by Approval. Approval granted under the provisions of this ordinance shall be only a grant of permission to perform the work for which the approval was granted and shall not create in or grant to the permittee any other right. Such permit shall be granted subject to any other applicable laws, ordinances, rules and regulations.

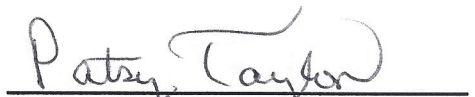
Section 5. Penalties.

(a) It shall be a violation of this ordinance for any person to do any act which is forbidden or declared to be unlawful or declared to be a nuisance, or to fail to do or perform any act required in this ordinance. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation or any provision of this ordinance is committed, continued, or permitted. Upon conviction thereof, such person shall be punishable by a fine of not more than one thousand dollars, by imprisonment for not more than one year, or by both such fine and imprisonment.

Section 6. Emergency Effective Date. The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide procedures, standards and requirements for the use of explosives. This ordinance shall be effective upon adoption and approval by the Mayor.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED
IN FULL THIS 6th DAY OF June, 1994.


RICHARD MINTON, MAYOR


PATSY TAYLOR, TOWN CLERK

(b) In addition to the penalty outlined in Section 9(a), any violator of this ordinance will be required to restore the damaged area to its previous condition within a time-frame specified by the Town Board or town engineer but no longer than one year. If this restoration is not completed within the specified time-frame, the Town will complete the necessary restoration at the expense of the violator.

Section 10. Repeal. All ordinances or parts of ordinances, of the Town of Jamestown, Colorado in conflict herewith are hereby repealed, and specifically:

Ordinance Number 5, Series 1988 as amended

which is repealed in its entirety. The repeal of any ordinance by this ordinance shall not affect or prevent any proceedings against or the prosecution or punishment of any person for any act done or committed in violation of any ordinance herein repealed prior to the effective date of this ordinance.

Section 11. Emergency Effective Date. The Board of Trustees herewith finds, determines and declares that this ordinance is necessary to the immediate preservation of the public health and safety in order to timely provide procedures, standards and requirements for road permits. This ordinance shall be effective upon adoption and approval by the Mayor.

INTRODUCED, READ, ADOPTED, APPROVED, SIGNED AND ORDERED PUBLISHED
IN FULL THIS 11 DAY OF APRIL, 1994.

Richard Minton
RICHARD MINTON, MAYOR

Patsy Taylor
PATSY TAYLOR, TOWN CLERK