

MONTROSE COUNTY, COLORADO

ORDINANCE NO. 2 -91

AN ORDINANCE REQUIRING THAT HOUSE AND/OR BUILDING MOVERS WHOSE POINT OF ORIGIN OR FINAL DESTINATION LIES WITHIN THE UNINCORPORATED AREAS OF THE COUNTY OF MONTROSE, COLORADO OBTAIN A MONTROSE COUNTY PERMIT AND POST BOND WITH MONTROSE COUNTY.

WHEREAS, Montrose County, Colorado, is authorized by Colorado Revised Statutes 30-15-401(1)(h) to control and regulate the movement of motor vehicles on public property within the unincorporated areas of such County; and

WHEREAS, Montrose County, Colorado is authorized to provide emergency services such as, but not necessarily limited to, ambulance, fire protection and law enforcement as concerns the unincorporated areas of such County; and

WHEREAS, the movement of houses and/or buildings upon the highways of the unincorporated areas of Montrose County, Colorado without the coordination of such movement with Montrose County impedes Montrose County's ability to provide such emergency services as concerns the unincorporated areas of such County; and

WHEREAS, at times past, house and/or building movers utilizing the highways of the unincorporated areas of Montrose County, Colorado, have caused damage to Montrose County property such as road signs, culverts and the like;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONTROSE COUNTY, COLORADO:

SECTION I. DEFINITIONS. For purposes of this Ordinance:

A. "Motor 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 the public highways. For the purposes of this Ordinance, "Motor Vehicle" includes a farm tractor which is not otherwise classed as a motor vehicle if such farm tractor is utilized to move a house and/or building upon the highways of the unincorporated areas of Montrose County. (C.R.S. 42-1-102(46));

B. "Public Property" means any real property the legal title to which is vested with a political subdivision of the State of Colorado or the State of Colorado and for purposes of this Ordinance specifically includes highways located within the unincorporated areas of Montrose County;

C. "Highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel or the entire width of every way declared to be a public highway by any law of the State of Colorado (C.R.S. 42-1-102(33));

D. "Person" means individual, partnership, corporation, or any other legal entity (C.R.S. 2-4-401(8)).

E. "House and/or Building" means any structure whose width is greater than 14 feet or whose length is greater than 70 feet.

SECTION II. PERMIT REQUIRED.

It shall be unlawful for any person to move a house and/or building upon a highway lying within the unincorporated areas of Montrose County where the point of origin or final destination of such move lies within said unincorporated areas of Montrose County without first having procured a permit therefore from the Land Use Department of the County of Montrose, State of Colorado.

SECTION III. PERMIT PREREQUISITES.

Before such a permit may be issued by the Land Use Department of the County of Montrose, the applicant shall meet the following requirements:

A. Submit an application for such permit at least 48 hours prior to the date of the commencement of the move, which application shall set forth the date and time of the commencement of such move; the point of origin of such move; the proposed route of such move; and the final destination of such move.

B. Pay a \$50.00 per permit fee.

C. File an adequate surety bond in a form approved by the Land Use Department of the County of Montrose, State of Colorado for the amount of \$500.00, which bond is to be utilized, if necessary, for the payment in whole or in part of any damage caused to Montrose County property by the applicant during the move of the house and/or building encompassed by such permit.

SECTION IV. EFFECTIVE DATE.

This Ordinance shall take effect on the 30th day of May, 1991.

SECTION V. PENALTY.

Any person who violates this Montrose County Ordinance commits a Class II Petty Offense and, upon conviction thereof, shall be punished by a fine of not more than \$300.00 for each separate violation. The Penalty Assessment Procedure provided in Colorado Revised Statutes 16-2-201 shall be followed by any law enforcement officer for any violation of this Ordinance.

SECTION VI. ENFORCEMENT.

The provisions of this Montrose County Ordinance shall be enforced by the Montrose County Sheriff's Department.

SECTION VII. JURISDICTION.

The Montrose County Court shall have jurisdiction in prosecutions of violations of this Montrose County Ordinance.

SECTION VIII. DISPOSITION OF FINES.

All fines imposed and collected for the violation of this Montrose County Ordinance shall immediately be paid into the treasury of Montrose County, Colorado.

SECTION IX. SEVERABILITY CLAUSE.

If any of the various provisions of this Montrose County Ordinance are determined by a Court of Law to be invalid, such determination shall not affect the remaining provisions of this Montrose County Ordinance.

The foregoing is the authentic text of Montrose County Ordinance No. 2-91.

The first reading of this Montrose County Ordinance took place on the 1st day of April, 1991. This Montrose County Ordinance was initially published in full in the Montrose Daily Press on the 2nd day of April, 1991.

This Montrose County Ordinance was adopted without amendments on the 29th day of April, 1991.

This Montrose County Ordinance was republished in its entirety in the Montrose Daily Press on the 30th day of April, 1991.

BOARD OF COUNTY COMMISSIONERS
OF MONTROSE COUNTY, COLORADO

Cindy K. Bowen
Cindy K. Bowen, Chairperson

Walter J. Burke
Walter J. Burke, Commissioner

Melvin W. Staats
Melvin W. Staats, Commissioner

ATTEST:

Beth E. Heath
Clerk and Recorder of
Montrose County, Colorado

Patricia Vernon
Deputy Clerk and Recorder of
Montrose County, Colorado