MONUMENT TOWN COUNCIL
STUDY SESSION & REGULAR MEETING AGENDA
MONDAY, OCTOBER 6, 2025 – 5:30 PM

Monument Town Hall - Council Chambers
645 Beacon Lite Road - Monument, CO 80132
Participate Via Microsoft Teams
Participate Via Telephone 719-300-6099 ID: 602 052 528#
Council Packet

1. Study Session Starting at 5:30:

a. Review of Ordinance Repealing and Readopting Title 8

2. Call Regular Meeting to Order at 6:30 PM, Pledge of Allegiance, Roll Call:

3. Disclosures of Conflicts of Interest:

a. Disclosures of Potential Conflicts of Interest - *(Town Attorney)*

b. Vote on Excluding Council Members With Potential Conflicts of Interest From Consideration, Discussion and Voting on Identified Matters - *(Town Attorney)*

4. Approval of the Consent Agenda:

a. Agenda - October 6, 2025

b. Meeting Minutes - September 15, 2025

5. Recognition:

a. Ron Rathburn - 39 Years of Service

6. Proclamations:

a. National Veteran Small Business Week

b. Small Business Saturday

7. Presentations:

a. Small Business Development Center Overview - *(Brandon Eldridge)*

b. Flock Safety - *(Chief Regan)*

8. Ordinances: *Public Hearing(s) Required*

a. Ordinance No. 16-2025 - An Ordinance Approving a Real Property Transfer from El Paso County and Entering Into Intergovernmental Agreement Accepting Obligations Related Thereto - *(Dan Ungerleider)*

9. Appointments:

a. Economic Development Negotiations Committee - *(Madeline VanDenHoek)*

10. Public Comments For Items Not on the Agenda: *Individuals attending in person may raise their hand to indicate their desire to comment. Individuals attending via Teams may "raise their hand" digitally to comment via connected devices. Please lower your hand when finished with your comments. Comments are limited to 3 minutes.*

11. Future Agenda Item Authorization:

12. Council Comments:

13. Executive Sessions:

a. Executive Session Pursuant to 24-6-402(4)(b), C.R.S. for a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Regarding Pending Legal Projects - *(Town Attorney)*

b. Executive Session Pursuant to C.R.S. 24-6-402(4)(f) for Discussion of a Personal Matter Related to the Town Manager's Employment Contract. The Town Manager Has Been Notified of this Executive Session and has Consent to it. - *(Town Attorney)*

14. Adjournment:

COLLINS | COLE
WINN | ULMER

MEMORANDUM

October 1, 2025

TO: Town of Monument Town Council

FROM: Ashley Hernandez-Schlagel

RE: Revisions to Title 8 of the Municipal Code

Purpose: To update this portion of the Code to conform with current Town policies and goals and to ensure that the provisions therein are consistent with revisions to other Titles.

Primary Issues for October 6th Discussion:

- Whether Council agrees that the various nuisance enforcement provisions should be incorporated into Title 2, particularly 2.36.500 and 2.36.600, which details all municipal court related enforcement provisions. Staff recommends this occur in order to maintain consistency and for purposes of efficiency.

- 8.04.080(E) – whether Council agrees that the Town should not be responsible for property damage that occurs as a result of reasonable force needed to gain entry to property in which a nuisance is present. Staff recommends that language be added that the Town will not be responsible for such property damage.

- 8.08.170(B) & 8.30.070(C)(1) – whether fees for reinspection should remain at $100 or whether they should be increased. Staff recommends making such fees consistent with other Town fee schedules.

- 8.12.050 – whether Council wants to leave the number of vehicles that could otherwise be deemed a nuisance on private property or increase/decrease that number.

- 8.12.061 – whether council wants to maintain that conex boxes and/or shipping containers may be deemed a nuisance even though the Town utilizes conex boxes on its property for purposes of storage. Staff recommends that this language be modified to exclude conex boxes at this time given the Town's use of same.

- 8.28.010(B) – whether owners of land in its natural state should be required to abate weeds that are deemed a nuisance or whether there should be an exception to such property. Staff is consulting with the fire department further on this matter.

- 8.36.040 – seven days appears arbitrary, would Council like to change that number? Staff recommends 2-3 days.

- 8.36.060 – Should these types of permits be considered and/or issued? If so, should additional information be provided such as permit fees, penalties for violating the permit or that permits will be issued on a first come/first serve basis? Staff is further considering its recommendations related to this Section.

TOWN OF MONUMENT

ORDINANCE NO. _-2025

AN ORDINANCE REPEALING AND READOPTING TITLE 8 OF THE MONUMENT MUNICIPAL CODE

WHEREAS, the Town of Monument ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's Home Rule Charter approved by the electors on November 8, 2022 ("Charter"); and

WHEREAS, the Members of the Town Council ("Council") have been duly elected and qualified; and

WHEREAS, the Council has determined that it is necessary to repeal and readopt Title 8 of the Monument Municipal Code ("Code") to bring it into conformance with the Charter and provide general updates; and

WHEREAS, this Ordinance was introduced by title, considered at a public hearing, and voted upon at the regular meeting of the Town Council on October _, 2025

THE TOWN COUNCIL OF THE TOWN OF MONUMENT, COLORADO, ORDAINS:

Section 1. Incorporation. The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2. Repeal and Readopt Title 8 of the Monument Municipal Code. Title 8 of the Code as set forth in Exhibit A, attached hereto and incorporated herein, is repealed and readopted with underlined text being added and stricken text being deleted.

Section 3. Publication. Pursuant to Section 6.5, 3 of the Charter and Subsection 2.04.030, G of the Code, upon approval, this Ordinance shall be published on the Town's official website in full for not less than ten (10) days.

Section 4. Authentication and Filing. Upon passage, this Ordinance shall be authenticated by the Mayor and Town Clerk and maintained by the Town Clerk in such form as is sufficient to assure reasonable access by the public. Failure to authenticate any ordinance shall not invalidate it or suspend its operation.

Section 5. Effective Date. This Ordinance shall become effective and be in full force and effect ten (10) days after final publication.

Section 6. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions of application of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.

INTRODUCED, PASSED, and ADOPTED/REJECTED, by the Town Council of the Town of Monument Colorado this __ day of October, 2025 by a vote of _____ for and _____ against.

TOWN OF MONUMENT, COLORADO

By: _____
Mitch LaKind, Mayor

Attest:

_____
Tina Erickson, Town Clerk

EXHIBIT A
TO ORDINANCE NO. _-2025

Title 8

HEALTH AND SAFETY

Chapter 8.04 NUISANCES GENERALLY

8.04.010 Nuisance defined.

~~Anything which is injurious to the health or morals or indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property is declared a nuisance and as such shall be abated.~~Nuisance shall mean any of the following:

A. Conducting or maintaining any business, occupation, activity, building, land, or premises prohibited by State statute or this Code.

B. Continuously or repeatedly conducting or maintaining any business, occupation, operation, activity, building, land, or premises in violation of State statute or this Code;

C. Any building, structure, or land open to or used by the general public, the continuous use or condition of which presents a substantial danger or hazard to the health, safety, or welfare of the community.

D. Any unlawful pollution or contamination of any surface or subsurface waters in the Town, or of the air or any water, substance, or material intended for human consumption.

E. A thing, act, failure to act, occupation, activity, condition, or use of any building, land, substance, or property which otherwise constitutes, is known as, or declared a nuisance by virtue of common law, State statute, or this Code.

F. Any activity, operation, or condition which, after being ordered abated, corrected, or discontinued by lawful order of any Town department or officer, continues to be conducted or exist in violation of any statute, this Code, or any Town, county, or State regulation.

G. Any activity, operation, condition, building, structure, place, premises, or thing injurious to the health or safety of the Town citizens, or offensive to the senses so as to interfere with the comfortable enjoyment of life or property.

H. Any nuisance defined or declared as such by State statute or this Code.

I. Any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger or damage by storm, soil erosion,

or rodent infestation, or which becomes a place frequented by trespassers and transients seeking temporary hideout or shelter.

J. Any building or structure, or any portion of the building or structure, which is unsafe or unfit for use or occupancy because it has been constructed, exists, is used, or is maintained in violation of any applicable building or structural requirements or restrictions under the building codes as adopted by the Town.

~~A.~~K. Any building or structure in a condition that is unsanitary, a fire, life, or safety hazard, or likely to cause sickness or disease because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, or lack of sufficient fire-resistive construction, fire protection systems and connections, electrical systems and connections, fuel connections, or mechanical or plumbing systems and connections.

8.04.020 ~~County Health Department powers~~Reserved.

~~The County Health Department has the full power to take all measures necessary to promote the health and cleanliness, to abate all nuisances of every description on public and private property; to prevent the introduction of or spreading within the Town of malignant, contagious and infectious diseases and to remove, detain, isolate or quarantine any person or persons attacked by or having any such disease, or having been exposed thereto; to promulgate such rules and regulations as may be necessary to perform its functions. The County Health Department shall have the authority to enforce such rules of the Health Department of the state as are applicable to particular situations.~~

8.04.030 ~~Notice to abate~~Nuisances prohibited.

A. It shall be a violation of this Chapter for a person to do any of the following:

1. Do any act which constitutes a nuisance.

2. Create, operate, maintain, or conduct any nuisance.

3. Knowingly fail to act where such failure causes or continues a nuisance.

4. Permit or encourage any activity or condition constituting a nuisance.

5. Permit, encourage, aid, or abet in creating or maintaining a nuisance.

6. Interfere with, prevent, or attempt to interfere with or prevent abatement of any nuisance by a Town officer, employee, or agent acting pursuant to the provisions of this Chapter.

B. The prohibitions ~~of~~in this Chapter are subject to enforcement ~~may be enforced~~ under Title 2 and particularly, 2.36.500 and 2.36.600 of this Code.

C. Every period of 48 hours ~~continuance of~~ a nuisance continues after due notice has been given to abate the same shall be deemed a separate offense.~~Any state of things prohibited by this chapter shall be deemed a nuisance and any person who shall hereafter make or cause such nuisance to exist shall be deemed the author thereof; provided, that any person who shall have possession or control of any private ground or premises, whether that person is the owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has~~

~~been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of forty-eight (48) hours continuance of such nuisance after due notice given to abate the same. The written notice of forty-eight (48) hours may be given and served by the police chief or other officers as the chief may designate.~~

8.04.040 ~~Declaration of nuisance by board~~Reserved.

~~In the event that any such nuisance within or upon any private premises or grounds is not abated forthwith after the notice herein provided shall be given, the board of trustees (hereinafter called "board") may declare the same to be a nuisance and order the police chief to abate the same, which order shall be executed without delay; and the police chief shall have the authority to call for the necessary assistance therefor.~~

8.04.050 ~~Abatement without notice~~Reserved.

~~In such case of any such nuisance in or upon any street, avenue, alley, sidewalk, highway or public grounds in the Town, the police chief or board may abate the same forthwith without such notice given.~~

8.04.060 Assistance to abate authorized.

Any officer ~~who shall be~~ duly authorized to abate a~~ny~~ nuisance ~~specified in this chapter~~ shall have the authority to engage the necessary assistance~~,~~ and incur the necessary expenses thereof.

8.04.070 Re~~covery of expenses~~served.

~~The expense incurred by the Town in abating any nuisance may be recovered back by proper action from the creator thereof.~~

8.04.080 Authority to enter on property.

~~The mayor, police chief, trustees, or any other persons who may be directed or deputized by the board of trustees may enter upon or into any lot, house, or other building or premises, with proper respect for the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action or liability on account thereof.~~

A. The Town Manager shall have the power and authority to appoint and authorize any police officer, building inspector, code enforcement officer, engineering inspector, Planning Department employee, or other Town officer to inspect and examine any public or private property in the Town to ascertain the nature and existence of any nuisance.

B. When an inspection is made under this Chapter, or when an authorized inspector has reasonable cause to believe a nuisance exists in any building or upon any premises, the authorized inspector may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed on them, provided that:

1. If such building or premises is occupied, the authorized inspector shall first present proper credentials and request entry.

2. If such building or premises is unoccupied, the authorized inspector shall first make a reasonable effort to locate the owner, occupant, or other person(s) having charge or control of the building or premises, and present proper credentials and request entry if they locate the owner, occupant, or other person(s).

C. If entry is refused, or if the owner or occupant cannot be located after a reasonable effort, the authorized inspector shall leave at the building a written notice of intention to inspect not sooner than 24 hours after the time specified in the notice. The notice given to the owner or occupant or left on the premises shall state that the property owner has the right to refuse entry and that in the event of such refusal, inspection may be made only upon issuance of a search warrant by the Municipal Judge, or by a judge of any other court with jurisdiction.

D. The requirements of this Section shall not apply to public places ~~or privately owned vacant land~~ which may be inspected by an authorized inspector at any time without notice.

E. After expiration of the 24-hour notice period, the authorized inspector may appear before the Municipal Judge and, upon a showing of probable cause by written affidavit, shall obtain a search warrant entitling authorized inspectors to enter the building or upon the premises. Upon presenting the search warrant and proper credentials, or possession of the same in the case of an unoccupied building or premises, the authorized inspector may enter into the building or upon the premises using such reasonable force as necessary to gain entry.

F. For purposes of this Section, determining probable cause shall be based upon reasonableness. If a valid public interest and reasonable suspicion of violation justify the contemplated intrusion, there is probable cause to seek ~~issue~~ a search warrant. The person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises at issue to obtain a search warrant but must show some factual or practical circumstances that would cause an ordinarily prudent person to act. It is unlawful for any owner or occupant of the building or premises to deny entry to any authorized inspector with a warrant or to resist reasonable force used by an authorized inspector with a warrant acting pursuant to this Section.

G. If an emergency exists or law enforcement determines there are exigent circumstances regarding enforcement of any of this Chapter's provisions, an authorized inspector may enter any building or upon any premises within the Town's jurisdiction after presenting proper credentials.

1. If the building or premises is occupied, an authorized inspector shall present their credentials to the owner or occupant of the building or premises. If the building or premises is unoccupied, the authorized inspector must possess the requisite credentials before entering.

2. In an emergency or pursuant to exigent circumstances, an authorized inspector may use such reasonable force as necessary to enter the building or premises.

3. An emergency and/or exigent circumstances includes any situation where there is imminent danger of loss of, or injury or damage to, life, limb, or property, or where there is an illicit discharge or in any case where law enforcement determines there is an urgent need to act. It is unlawful for any owner or occupant of a building or premises to deny entry to any authorized inspector or to resist reasonable force used by the authorized inspector in gaining such entry.

H. Any Municipal Judge may issue search warrants upon a showing of probable cause as provided in Subsection (F).

Chapter 8.08 NUISANCES SPECIFICALLY

8.08.010 ~~Unwholesome business prohibited~~Reserved.

~~Offensive or unwholesome businesses or establishments are prohibited. From and after the effective date of this code, it is unlawful for any person of any kind to allow or suffer on his or her premises or any premises which he or she is entitled to possess any offensive or unwholesome business or establishment within the Town, or within one mile beyond the outer limits of the Town as such outer limits are now, or may be hereafter, constituted.~~

8.08.020 Discharge of noxious liquids.

It is unlawful and deemed a nuisance to discharge out of or from, or permit to flow from any house or place in the Town, foul or noxious liquid or substance of any kind whatsoever~~,~~ into or upon any adjacent ground or lot,~~or~~ into any street, alley, or public place, or into any municipal storm sewer system in the Town. Any unclean, leaking, foul, unsafe, or dangerous, defective, or filthy drain, ditch, trail, or gutter, or any leaking or broken slop, garage, or manure box or receptable of like character, whenever or wherever found in the Town is unlawful and deemed a nuisance. It is unlawful and deemed a nuisance for any property owner to apply or use any herbicide, pesticide, insecticide, rodenticide, disinfectant, fumigant, or other harmful chemical, gas, or vapor upon their property in such a manner that the harmful chemical, gas, or vapor leaches, escapes, migrates, or flows from their property and deposits in or on any other public or private property.

8.08.030 ~~Stale matter~~Offensive locations.

A. Any cellar, vault, drain, sewer, pond of water, or other place in the Town that is noxious or offensive to others, or injurious to public health through accumulation or deposition of noxious, offensive, or foul water or other substances, or conducive to breeding mosquitos is unlawful and deemed a nuisance.

B. Excavations deeper than five feet, cisterns, wells, and excavations used for storing water within the Town are unlawful and deemed a nuisance unless the same are adequately covered with a locked lid, other covering weighing at least 60 pounds, or securely fenced with a solid fence at least five feet high. It is unlawful for any person to permit such nuisance to remain on premises owned or occupied by that person.

C. It is unlawful and deemed a nuisance to keep, collect, ~~or~~ use, or cause to be kept, collected, or used in the~~is~~ Town~~,~~ any stale, putrid, or stinking fat, ~~or~~ grease, or other matter.

D. It is unlawful and deemed a nuisance to deposit in or throw into, or permit to be deposited in, or thrown into, any sewer, sewer inlet, or privy vault that has a sewer connection any article whatsoever that might cause such sewer, sewer inlet, or privy vault to overflow, back up, or otherwise become noxious, offensive to others, or injurious to the public health, safety, or general welfare of the Town residents.

E. It is unlawful and deemed a nuisance to fail to maintain the condition of a property or improvement so as to prevent disrepair and present a neat, orderly appearance.

F. No slaughterhouse or other place for slaughtering animals shall be kept within the Town.

8.08.040 ~~Sewer inlet~~Reserved.

~~It is unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault to become nauseous or offensive to others or injurious to public health.~~

8.08.050 ~~Slaughterhouse~~Reserved.

~~No slaughterhouse or other place for slaughtering animals shall be kept within this Town.~~

8.08.060 Dead animals—Removal.

When an~~y~~ animal ~~shall~~ dies in the~~is~~ Town, ~~it shall be the duty of~~ the owner or keeper thereof ~~to~~ shall remove the body of such animal forthwith beyond ~~the~~Town limits ~~of the Town~~. If such body ~~shall~~ is not forthwith ~~be~~ removed, the same shall be deemed a nuisance~~, and such owner or keeper shall cause a nuisance to exist~~. When the body of a~~ny~~ ~~such~~ dead animal ~~shall be~~is in the Town street, highway, or public grounds ~~in this Town~~, ~~it~~ a Town employee or Police Chief shall ~~be the duty of the police chief to~~ cause such body to be removed forthwith beyond ~~the~~ Town limits ~~of the Town~~.

8.08.070 ~~Stagnant ponds~~Reserved.

~~Any cellar, vault, drain, sewer, pond of water, or other place, upon or within any private premises or grounds, in this Town, that shall be nauseous or offensive to others, or injurious to public health, through an accumulation or deposition of nauseous, offensive, or foul water, or other substances, shall be deemed a nuisance. This applies in all cases for which no other specific provisions are made in this chapter or any ordinance of the Town.~~

8.08.080 ~~Open wells, cisterns or excavations~~Reserved.

~~It is declared that excavation exceeding five feet in depth, cisterns and wells, or an excavation used for storage of water, are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty (60) pounds or are securely fenced with a solid fence to a height of at least five feet and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by that person.~~

8.08.090 Noise~~-~~making devices to attract children.

The use of bells, whistles, sirens, music horns, or any other noise~~-~~making devices ~~for the purpose of~~ to attract~~ing~~ children or minors to any vehicle upon the Town streets, highways, rights-of-way, alleys, or public ways ~~of the Town~~ for the purpose of selling, distributing, or giving away any product ~~whatsoever,~~ to such minors~~,~~ is unlawful and ~~declared~~ deemed ~~to be~~ a ~~public~~ nuisance

~~and hazard and is expressly prohibited and is unlawful~~, excepting such activities carried on as part of duly authorized public parades or processions.

8.08.100 Handbills, posters, and placards.

Any handbill, poster, placard, or painted or printed matter ~~which shall be~~ stuck, posted, or pasted ~~up~~on any public or private house, store, or other buildings, or ~~up~~on any fence, power pole, telephone pole, or other structure~~,~~ without the owner, agent, or occupant's permission ~~of the owner, agent, or occupant of the house, shall be~~is unlawful and deemed a nuisance.

8.08.110 Purpose—Graffiti.

The purpose of ~~this~~ the following subsections is to protect the health, safety, and welfare of all ~~the~~ Town citizens ~~of the Town~~ by eliminating the proliferation of graffiti within the Town, as graffiti creates a condition of blight within the Town and contributes to ~~the~~ deterioration of neighborhoods, ~~the~~ depreciation of property values, and increases in criminal activity.

8.08.120 Definitions.

"Graffiti" means any writing, word, initials, slogan, symbol, figure, design, drawing, or other inscribed material scratched, sketched, written, sprayed, painted, or otherwise applied ~~illicitly~~ without the prior permission of the property owner to any interior or exterior surface of a permanently fixed object.

"Permanently fixed object" means an~~y~~ object affixed to or attached to real property within the Town, or the real property itself, if the object is not designated for or is incapable of being readily removed from the real property. This includes, but is not limited to,~~:~~ private homes, duplexes, apartments, business establishments, buildings, sheds, garages, parking structures, retaining walls, rocks, bridges, fences, gates, posts, trees, telephone poles, utility boxes, street signs, sidewalks, garbage dumpsters, signs, and~~or~~ billboards.

8.08.130 Graffiti prohibited.

It shall be unlawful for ~~A~~a person to~~shall not write, paint, draw, or otherwise inscribe or mark of the type which is commonly known and referred to as~~ graffiti any interior or exterior surface of a permanently fixed object ~~upon any permanently fixed object or other structure, or other real or personal property either publicly or privately owned~~ within the Town.

8.08.140 Entrance by Police or designee.

If a Police Officer or their designee observes~~Upon detecting the existence of~~ graffiti ~~up~~on private property~~,~~ within the Town which is visible from any area open to the public ~~, a Police Officer or designee~~that person may, at any reasonable hour, take reasonable measures to document the existence ~~and nature~~ of the graffiti and determine the ownership of the premises on which the graffiti is located.

8.08.150 Removal of graffiti.

It is unlawful for the owner or occupant of any real property to permit graffiti to remain ~~upon any permanently fixed object~~ on the owner's or occupant's property for a period exceeding ~~twenty-four (~~24~~)~~ hours after receiving notice of the graffiti ~~existence~~.

8.08.160 Notice and order.

This Section will be enforced pursuant to the provisions in 2.36.500 or 2.36.600.

~~A. The Town designee shall commence proceedings pursuant to~~under ~~this c~~Chapter ~~by issuing a notice and order to the owner~~, ~~or~~ their ~~agent~~, ~~of the owner or occupant of any premises upon which the designated enforcement individual has reasonable cause to believe that a condition as described in this c~~Chapter ~~exists.~~

~~B. Such notice and order shall:~~

~~1. Be in writing.;~~

~~2. Be personally served whenever feasible on the owner, or~~ their ~~agent of the owner~~, ~~and occupant of such premises or, when such personal service is not feasible, either posted conspicuously at the premises or mailed to such person by certified mail, return receipt requested to the~~ owner, ~~owner's~~ their ~~agent~~, ~~or the occupant's last known address.;~~

~~3. Describe with reasonable particularity the condition existing on the premises which giv~~inges rise to the issuance of the notice and order~~.;~~

~~4. Specify the twenty-four (24) hour period within which the condition must be abated or otherwise corrected.~~

8.08.170 Failure of owners to comply.

A. If an owner receives notice of graffiti and~~n the event an owner of any premises located within the Town~~ fails to remove the graffiti in compliance with the provisions of this ~~c~~Chapter, the Town ~~is authorized to~~may have the graffiti abated and ~~to~~ assess the cost of removal plus a surcharge not to exceed ~~twenty-five (~~25%~~)~~ ~~percent~~ for administrative costs~~,~~ against the property. ~~in the form of a lien i~~If the owner ~~thereof~~ fails to pay within ~~twenty (~~20~~)~~ days of the billing, the Town is entitled to a lien for the costs and surcharge in accordance with the provisions of this chapter.

B. ~~Inspection fees for repeat offenders.~~The Town designee shall be authorized to assess an inspection fee of not less than $100.00 for each re-inspection necessitated by a repeat offender's continued violation and failure to abate following issuance of a notice and order to abate.

1. For purposes of this subsection, "repeat offender~~s~~" means ~~the~~ a property owner ~~of property which~~who has ~~been~~ previously been cited for one or more violations of this ~~c~~Chapter at least two or more times during any successive six-month period; ~~. For purposes of this subsection~~and~~,~~ "re-inspection" means any and all inspections subsequent to an inspection after issuance of the first notice and order to the owner for a violation on the subject property.

~~2. The Town designee shall be authorized to assess an inspection fee of not less than one hundred dollars ($100.00) for each re-inspection necessitated by the repeat offender's continued violation and failure to abate following issuance of a notice and order to abate.~~

2~~3~~. In the event one or more re-inspection fees is assessed and the property owner or owner's agent fails to pay the fee(s) within ~~twenty (~~20~~)~~ days, the Town designee is authorized to file a lien against the property. The Town designee is further authorized to include in one lien assessment action any

and all costs incurred by the Town associated with the removal, correction, or other abatement necessitated by the property owner's continued violation and failure to abate following ~~issuance of~~ a notice and order to abate.

8.08.180 Lien assessment.

A. ~~Authority. When~~If the owner or occupant of property fails to comply with an order to abate and the Town designee has re-inspected and removed, corrected, or otherwise abated the condition giving rise to ~~the issuance of~~ the notice and demand~~order through the Town of Monument Public Works Department or a private contract~~, the Town designee is authorized to commence lien assessment proceedings against the property in accordance with the provisions of this ~~s~~Section. ~~In addition, t~~The Town designee is further authorized to assess an administrative surcharge of ~~twenty-five (~~25%~~)~~ ~~percent~~ of the cost of ~~private~~ abatement.

B. ~~Notice.~~ Within ~~ten (~~10~~)~~ days of abatement ~~through a private contract~~by the Town, the Town designee shall ascertain the name and address of the property owner from the El Paso County Assessor's records and ~~shall~~ send the property owner a notice of lien assessment ~~which shall~~ containing ~~-~~the following information:

1. The address of the property to be assessed and the name and address of the property owner.~~;~~

2. The dates of the notice and order, ~~any~~ re-inspections, and the order to abate.~~;~~

3. The name of the Town ~~of Monument~~ Public Works Department employee or ~~the name of the~~ private contractor who abated the condition ~~giving rise to the issuance of~~in the notice and order.~~;~~

4. The total assessment amount ~~of the assessment~~, including re-inspection fees, the cost of abatement, and ~~the amount of~~ the administrative surcharge.~~;~~

5. A due date for assessment payment ~~of the assessment~~ which is not less than ~~twenty (~~20~~)~~ days after the date of the notice of lien assessment.~~;~~

6. A statement that failure to pay the assessment within the time ~~period~~ set forth in the notice of lien assessment will result in ~~the~~ imposition of a lien against the property.~~;~~

7. A statement explaining the appeal procedure for the notice of assessment.

C. ~~Service of the Notice of Assessment.~~The notice of lien assessment shall be mailed to the property owner via certified first class U.S. mail, return receipt requested. A return receipt signed by the property owner or the property owner's agent shall be prima facie evidence of service on the date indicated by the owner, agent, or U.S. Postal Service. In the event the property owner or property owner's agent fails to receive or accept service of the notice of lien assessment via certified first class U.S. mail, return receipt requested, the Town designee is authorized to post such notice in a conspicuous place on the subject property.

~~1. Mailing. The notice of assessment shall be mailed to the property owner via certified first class U.S. mail, return receipt requested. A return receipt signed by the property owner or an agent~~

~~of the property owner shall be prima facie evidence of service on the date indicated by the owner, agent or U.S. Postal Service.~~

~~2. Posting. In the event the property owner or an agent of the property owner fails to receive service of the notice of lien assessment via certified first class U.S. mail, return receipt requested, the Town designee is authorized to post such notice in a conspicuous place on the property to be assessed.~~

D. ~~Appeal and Hearing.~~A property owner must appeal a notice of lien assessment in writing within 10 days of its mailed receipt or within 10 days of posting on the subject property. The notice of appeal must state the name and address of the property owner, the address of the property assessed, and the grounds for appeal.

~~1. Time. A property owner must appeal a notice of lien assessment in writing within ten (10) days of its mailed receipt by the property owner or the owner's agent, or within ten (10) days of posting on the property to be assessed.~~

~~2. Contents. The notice of appeal must state the name and address of the property owner, the address of the property assessed and the grounds for appeal.~~

1~~3~~. ~~Hearing. The appeal of a~~A notice of lien assessment appeal shall be heard by the Town Manager or ~~the Manager's~~their duly appointed designee.

2~~4~~. ~~Decision.~~ The Town Manager or their ~~Manager's~~ duly appointed designee, may, after hearing the property owner's objections, make any modification or change to the lien assessment ~~as may seem~~deemed equitable and just~~,~~ or ~~may~~ confirm the assessment~~. The Hearing Officer~~ , but shall not modify or change the amount of the re-inspection fee or ~~the~~ administrative surcharge.

E. ~~Lien Assessment.~~ If not appealed, the total assessment shall then be levied, assessed, and charged against the property. If appealed, the ~~Hearing Officer's~~ determination of the total lien assessment shall then be levied, assessed, and charged against the subject property ~~upon which abatement action was taken~~ not less than five days after the date of the ~~Hearing Officer's~~ determination. In either event, the lien assessment shall become a perpetual lien against the property, superior and prior to all other liens and encumbrances excepting liens for general and special taxes. The Town designee shall certify any lien assessment to the El Paso County Treasurer who shall collect the lien assessment in the same manner as ad valorem taxes~~ are collected~~.

8.08.190 Additional provisions.

The ~~above enumerated~~ provisions of this ~~s~~Section are ~~in no way deemed~~not ~~to be~~ exclusive. ~~and a~~Any condition~~thing~~ declared a nuisance~~ under Section 8.04.010~~ shall be abated in accordance with the provisions ~~contained t~~herein and shall be ~~in addition,~~ subject to the penalties ~~provided~~ set forth in ~~this code,~~ Chapter 1.20 of this Code.

Chapter 8.12 JUNK AND ABANDONED VEHICLES ~~AS A NUISANCE~~

8.12.010 Nuisance declared.

All places used or maintained as junkyards, ~~or~~ dumping grounds, ~~or~~ for ~~the~~ wrecking or disassembling ~~of~~ automobiles, trucks, tractors, or machinery of any kind, ~~or for the~~ storing or leaving ~~of~~ worn out, wrecked, or abandoned automobiles, trucks, tractors, trailers, boats, ~~and~~ house trailers, or machinery of any kind, ~~or of~~ any of the parts thereof, or ~~for storing or leaving of~~ any machinery or equipment used by contractors, ~~or~~ builders, or ~~by~~ other persons, ~~which places are~~ kept in ~~such~~ a manner ~~as to~~ essentially interferinge with the comfortable enjoyment of life or property by others~~,~~ are unlawful and ~~declared~~ deemed ~~to be~~ a nuisance.

A. As used in this Section, "abandoned" means any of the following:

1. Any automobiles, trucks, tractors, trailers, boats, house trailers, or machinery left unattended on private property for 48 hours or more without the consent of the owner, occupant, or tenant of such property or such person's agent.

2. Any automobiles, trucks, tractors, trailers, boats, house trailers, or machinery left unattended on public property, including any portion of a street or highway right-of-way, within Town limits for 24 hours or more, unless the owner or driver has either conspicuously affixed a dated notice to the vehicle or has otherwise notified the police department of their intent to remove such vehicle, or unless the vehicle is parked on a public street within 50 feet of the owner's property. Notwithstanding such notification of intent to return and remove the vehicle, if it remains unattended for more than 48 hours, it shall be presumed abandoned.

3. Any automobiles, trucks, tractors, trailers, boats, house trailers, or machinery found standing or parked on any public street, Town property, or private property that the police department determines is inoperable, lost, stolen, or unclaimed.

~~A.~~B. As used in this Section, "inoperable" means not displaying current, valid license plates, if applicable, lacking any part necessary for legal operation on a public street, if applicable, or lacking glazing, lights, indicators, body sheet metal, or paint on any part of a vehicle, if applicable.

8.12.020 Storage outdoors ~~unlawful~~prohibited~~—Nuisance~~.

No vehicle, including, but not limited to, automobiles, trucks, tractors, travel trailers, fifth wheel trailers, horse trailers, motor homes, campers (whether or not mounted on motor vehicles), buses, boats, or any ~~of the~~ parts thereof, which is inoperable, dismantled, wrecked, discarded, or ~~is~~ without valid licensing tags ~~or a valid Colorado Motor Vehicle Inspections sticker~~ shall be kept or stored outdoors on any property zoned residential within the ~~municipal~~ Town limits ~~of the Town,~~ except as provided in this Cchapter. Such vehicle(s) shall be deemed a public nuisance and ~~as such shall be~~ abated in accordance with ~~the rules in this title governing nuisances~~Chapter 2.36 of this Code.

8.12.030 Exceptions.

A. Automobiles or trucks that would otherwise be deemed a nuisance under ~~Section~~ ~~8.12.020~~this Chapter may be maintained outdoors upon a parcel of residential property if the vehicle is ~~upon a parcel of residential property if the~~

~~vehicle is~~ a "collector's item" as defined by ~~C.R.S.~~ Section 42-12-101, *et seq.*, C.R.S.

~~To qualify as a collector's item, an automobile or truck must be at least twenty-five (25) years old or recognized by the Executive Director of the State Department of Revenue as being antique or having unique interest or historic value or be a "parts car" as defined by C.R.S. Section 42-12-101. The automobile or truck must be titled and registered as required under C.R.S. Section 42-12-102. The property owner bears the burden of proving that the vehicle is a collector's item.~~

B. Automobiles or trucks that would otherwise be deemed a nuisance under ~~Section 8.12.020~~this Chapter may be maintained outdoors upon residential property if such automobile or truck is actively being made operable~~ and able to license,~~ and is made operable within ~~one hundred eighty (~~180~~)~~ days of receipt of notice that the automobile or truck is deemed a nuisance. In such cases, the owner of the residential property and automobile or truck must attest to the intent to make the vehicle operable and a provide a general plan for when it is anticipated to be completed.

8.12.040 Maintenance of exception~~ required~~.

An automobile or truck meeting an exception under Section 8.12.030 must be maintained in ~~such~~ a manner that ~~it~~ does not constitute a health, safety, or fire hazard.

8.12.050 Limit ~~to~~ of number of excepted vehicles.

No more than five automobiles or trucks which would otherwise be deemed nuisances ~~pursuant~~ under~~to~~ ~~provisions of Section 8.12.020 above~~this Chapter but ~~for~~ that are~~their classification as~~ excepted~~cepted~~ ~~automobiles or trucks pursuant to~~pursuant to ~~the provisions of~~ Section 8.12.030 ~~shall~~ may be maintained upon any property zoned residential within the ~~municipal~~ Town limits~~ of the Town~~.

8.12.060 Mobile homes.

Nothing in~~The provisions of~~ this ~~c~~Chapter shall~~ not~~ be construed to permit the storage or occupancy ~~within the Town limits~~ of any mobile home, as defined ~~pursuant~~ by~~to~~ the Town's current subdivision regulations, ~~of the Town~~within the Town limits ~~-~~except on land zoned for mobile home use.

8.12.061 Shipping containers.

A. The placement, use, or storage of conex boxes or shipping containers as permanent or temporary structures, buildings, storage units, or for any other purpose on any property within the Town is unlawful and deemed a nuisance. For purposes of this Section, a "conex box" or "shipping container" means any standardized, reusable steel box used for the storage or movement of materials and products within a global containerized intermodal freight transport system including, but not limited to, ISO containers, cargo containers, and similar structures.

B. This prohibition shall not apply to any of the following:

1. The temporary use of conex boxes or shipping containers for loading or unloading goods, provided such use does not exceed seven consecutive days and is directly related to an active delivery or removal of goods.

2. Use by governmental or emergency services in response to a declared emergency or disaster.

3. Any other use expressly authorized by the Town Council through a special permit or variance.

8.12.070 Enforcement of Chapter 8.12.

The provisions of this Chapter Chapter 8.12 shall be subject to enforcement under enforced pursuant to the provisions of Chapter 2.36 of this Monument Municipal Code. InAt the discretion of the Town Manager, Code Officer, or the police department, violations of this Chapter Chapter 8.12 shall may also result in abe subject to summons into Municipal Court as a Code violation of the Monument Municipal Code.

Chapter 8.16 LITTER

8.16.010 DefinitionLittering prohibited.

A. Depositing, throwing, or leaving, or causing to be deposited any litter on any public or private property or in any waters shall be deemed littering. Littering is unlawful and deemed a nuisance.

B. Any of the following shall be an affirmative defense to littering:

1. The property is an area legally designated for disposing of such material and the person is authorized by the proper public authority to use the property for this purpose.

2. The litter is properly placed in a receptable or container installed on such property for that purpose in a manner that prevents scattering.

3. The person is the owner or tenant in lawful possession of the property, or they have first obtained written consent fromof the owner or tenant in lawful possession, or the act is done under the personal direction of the owner or tenant.

C. The following definitions shall apply to this Chapter:

1. "Litter" means all rubbish, waste material, refuse, garbage, trash, debris, or other foreign substances, solid or liquid, of every form, size, kind, and description.

2. "Public or private property" means and includes, but is not limited to, the right-of-way of any road or highway, any body of water or watercourse, including frozen areas or the shores and surrounding areasbeaches, any park, playground, or building, any recreation area, any residential, farm, or ranch properties and timberland, any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited, temporarily or continuously uninhabited, or vacant, including any yard, grounds, walk, driveway, porch, steps, vestibule

or mailbox belonging or appurtenant to such dwelling, house, building, or other structure, buildings, streets, sidewalks, gutters, boulevards, alleys, squares, spaces, and grounds.

~~For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.~~

~~"Garbage" is putrescent animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.~~

~~"Litter" is "garbage," "refuse," and "rubbish" as defined in this section and all other waste material which if thrown or deposited as prohibited in this chapter, tends to create a danger to public health, safety and welfare.~~

~~"Newspaper" is any newspaper of general circulation as defined by general law, any newspaper duly entered with the Post Office Department of the United States, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, means and includes any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.~~

~~"Park" is a park, reservation, playground, beach, recreation center or any other public area in the Town, owned or used by the Town and devoted to active or passive recreation.~~

~~"Person" is any person, firm, partnership, association, corporation, company or organization of any kind.~~

~~"Private premises" is any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.~~

~~"Public place" is any and all streets, sidewalks, boulevards, alleys or other public ways and any and all public parks, squares, spaces, grounds and buildings.~~

~~"Refuse" is all putrescent and nonputrescent solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles and solid market and industrial wastes.~~

~~"Rubbish" is all nonputrescent solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.~~

~~"Town" is the Town of Monument.~~

~~"Vehicle" is every device in, upon or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks.~~

8.16.020 ~~Litter in public places~~Reserved.

~~No person shall throw or deposit litter in or upon any street, sidewalk or other public place within the Town, except in public receptacles, or in authorized receptacles for collection.~~

8.16.030 ~~Placement of litter in receptacles to prevent scattering~~Reserved.

~~Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property.~~

8.16.040 ~~Sweeping litter into street prohibited~~Reserved.

~~No person shall sweep into or deposit into any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.~~

8.16.050 Merchants' duty to keep sidewalks free of litter.

~~No person owning or occupying a place of business shall sweep into or deposit into any gutter, street or other public place within the Town the accumulation of litter from any building or lot or from any public or private sidewalk or driveway.~~ Persons owning or occupying places of business within the Town shall keep the sidewalk in front of their business premises free of litter.

8.16.060 ~~Litter thrown by persons in vehicles~~Reserved.

~~No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the Town, or upon private property.~~

8.16.070 Truck loads causing litter.

No person shall drive or move any truck or other vehicle within the Town unless such vehicle is so constructed or loaded as to prevent any load, contents, or litter from being thrown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the Town upon any road, street, alley, or other public place so that the vehicle deposits upon such road, street, alley, or other public place any mud, dirt, sticky substances, litter, or foreign matter of any kind.

Chapter 8.20 NOISE CONTROL

8.20.010 Nuisance declared.

~~The m~~Making ~~of~~ unnecessary noises ~~up~~on, near, or adjacent to Town ~~the~~ streets, highways, and other public places ~~in the Town~~ is ~~declared~~ unlawful and deemed ~~to be~~ a ~~public~~ nuisance. ~~The enumeration of the~~Listing ~~particular~~ specific offenses ~~particularly~~ defined in this ~~c~~Chapter shall not ~~be construed as limiting the generality of this~~limit the ~~c~~Chapter's general scope or restrict ~~or limiting the~~ offenses ~~hereunder~~ to ~~the particular offenses enumerated~~only those listed in this ~~c~~Chapter.

8.20.020 Objectionable noise not permitted.

~~Every~~ All activitiesy ~~to which~~ covered by this ~~c~~Chapter ~~applies~~ shall be conducted ~~in a manner~~ so that any noise produced is not objectionable due to intermittence, beat frequency, or shrillness.

8.20.030 Definitions.

As used in this ~~c~~Chapter, unless the context otherwise requires, the following words and phrases shall be defined ~~mean~~ as follows:

~~"Commercial zone" means:~~All zones shall be as defined in Chapter 18.03, Article 2, of this Code.

~~1. An area where offices, clinics and the facilities needed to serve them are located;~~

~~2. An area with local shopping and service establishments located within walking distances of the residents served;~~

~~3. A tourist-oriented area where hotels, motels and gasoline stations are located;~~

~~4. A large integrated regional shopping center;~~

~~5. A business strip along a main street containing offices, retail businesses and commercial enterprises;~~

~~6. A central business district or a commercially dominated area with multiple-unit dwellings.~~

"db(A)" means sound levels in decibels measured on the "A" scale of a standard sound level meter having characteristics defined by the American National Standards Institute Publication S1.4-1971 or any succeeding edition of such standards.

"Decibel" means~~is~~ a unit used to express the magnitude of a change in sound level. ~~The difference in decibels between two sound pressure levels is twenty (20) times the common logarithm of their ratio.~~ In sound pressure measurements, sound levels are defined as ~~twenty (~~20~~)~~ times the common logarithm of the ratio of that sound pressure level to a reference level of 2×10-5 N/m^2 (Newton's/meter squared). As an example of the effect of the formula, a three-decibel change is a ~~one hundred (~~100%~~) percent~~ increase or decrease in the sound level, and a ~~ten (~~10~~)~~ decibel change is a ~~one thousand (~~1,000%~~) percent~~ increase or decrease in the sound level.

~~"Industrial zone" means an area in which noise restrictions on industry are necessary to protect the value of adjacent properties for other economic activity but shall not include agricultural operations.~~

~~"Light industrial and commercial zone" means:~~

~~1. An area containing clean and quiet research laboratories;~~

~~2. An area containing light industrial activities which are clean and quiet;~~

~~3. An area containing warehousing; or~~

~~4. An area in which other activities are conducted where the general environment is free from concentrated industrial activity.~~

~~"Residential zone" means an area of single-family or multifamily dwellings where businesses may or may not be conducted in such dwellings. The zone includes areas where multiple-unit dwellings, high-rise apartment districts, and redevelopment districts are located. A residential zone may include areas containing accommodations for transients such as motels and hotels and residential areas with limited office developments, but it may not include retail shopping facilities. "Residential zone" includes hospitals, nursing homes and similar institutional facilities.~~

8.20.040 Maximum permissible noise levels.

Sound levels of noise radiating from a property line ~~at a distance of twenty-five (~~25~~)~~ feet or more therefrom in excess of the db(A) established for the following time periods and zones is unlawful and deemed a nuisance~~shall constitute prima facie evidence that such noise is a public nuisance and a violation of the Town code subjecting the offenders to penalties as set forth in this code~~.

Zone	**7:00 a.m. to next 7:00 p.m.**	**7:00 p.m. to next 7:00 a.m.**
Large Lot Residential (LLR) zone district	55 db(A)	50 db(A)
Single-Family Detached Low Density (SFD-1) zone district	55 db(A)	50 db(A)
Single-Family Detached Medium Density (SFD-2) zone district	55 db(A)	50 db(A)
Residential Attached (RA) zone district	55 db(A)	50 db(A)
Mobile Home Park (MHP) residential zone district	55 db(A)	50 db(A)
Downtown Business (DB) zone district~~Commercial~~	60 db(A)	55 db(A)
Commercial Center (CC) zone district	60 db(A)	55 db(A)
Business Campus (BC) zone district	80 db(A)	75 db(A)
Light Industrial (LI) zone district	70 db(A)	65 db(A)
~~Industrial~~Public (P) zone district	68~~7~~0 db(A)	57~~6~~5 db(A)
Regency Park Overlay Zone District - Planned Residential District—Estate (PRD-2)	55 db(A)	50 db(A)
Regency Park Overlay Zone District - Planned	55 db(A)	50 db(A)

Residential District— Single-family (PRD-4)		
Regency Park Overlay Zone District - Planned Residential District— Single-family (PRD-6)	55 db(A)	50 db(A)
Regency Park Overlay Zone District - Planned Residential District— Multiple Family (PRD-10)	55 db(A)	50 db(A)
Regency Park Overlay Zone District - Planned Commercial Development District (PCD)	60 db(A)	55 db(A)
Regency Park Overlay Zone District - Planned Industrial Development District (PID)	70 db(A)	65 db(A)
Regency Park Overlay Zone District - Planned Multi-Use Development District (PMD)	70 db(A)	65 db(A)

A. ~~In the hours b~~Between ~~seven~~ 7:00 a.m. and ~~the next~~ 7:00 p.m., the noise levels permitted in this S~~s~~ection may be increased by ~~ten (~~10~~)~~ db(A) for a period ~~of~~ not ~~to~~ exceeding ~~fifteen (~~15~~)~~ minutes in any one-hour period.

B. Periodic, impulsive, or shrill noises shall be ~~considered~~ a violation when such noises are ~~at a sound level of~~ five db(A) less than those listed in this S~~s~~ection.

C. This ~~c~~Chapter ~~is not intended~~does not ~~to~~ apply to ~~the operation of~~ aircraft or ~~to~~ other activities ~~which are~~ subject to federal law ~~with respect to noise control~~.

D. Construction projects shall be subject to the maximum permissible noise levels ~~specified~~ for Light ~~i~~Industrial zones ~~for the period within which~~during the construction period ~~is to be completed pursuant to~~in an~~y~~ applicable construction permit issued by proper authority or, if no time limitation is imposed, for a reasonable period of time for project ~~competition~~completion ~~of project~~.

E. All railroad rights-of-way shall be considered ~~as~~ Light ~~i~~Industrial zones for purposes of this C~~c~~hapter, and ~~the operation of~~ train~~s~~ operation shall be subject to the maximum permissible noise levels specified for such zone.

It is unlawful for trains operating within the Town ~~of Monument~~ to blow or sound their whistles or to make, continue, or cause to be made or continued, any loud, unnecessary, or unusual noise which ~~either~~ annoys, disturbs, injures, or endangers the comfort, repose, convenience, health, peace, or safety of others~~,~~ at intersections or crossings within the Town ~~of Monument town limits~~ between the hours of ~~eleven~~

11:00 p.m. and ~~six~~ 6:00 a.m., mountain time, unless, due to specific circumstances surrounding the crossing at that time, blowing or sounding ~~of~~ the whistle is required in the exercise of due care and deemed necessary for safety. This shall be in addition to the noise prohibitions ~~on noise relative to industrial standards~~ stated elsewhere in this ~~s~~Subsection.

F. This ~~c~~Chapter ~~is~~ does not apply~~icable~~ to ~~the use of~~ property ~~for purposes of~~used for ~~conducting~~ speed or endurance events involving motor or other vehicles.~~,~~ ~~but such~~This exception shall ~~is effective~~ only apply during the specific period ~~of time within which such use of the property is~~ authorized by the political subdivision or governmental agency ~~having~~ with~~lawful~~ jurisdiction over~~to authorize~~ such use.

G. ~~In all~~ When measuring sound levels ~~measurements~~, ~~consideration shall be given to the effect of~~ the impact of ~~the~~ ambient noise ~~level created by the encompassing noise of the environment~~ from all environmental and other sources present at the time and ~~place~~ location of ~~such sound level~~the measurement shall be taken into account.

H. This ~~c~~Chapter doe~~s~~ not apply~~icable~~ to ~~the use of~~ property used by the state, any political subdivision of the state, or any ~~other~~ non-profit entity ~~not organized for profit, including, but not limited to, nonprofit corporations,~~ or any of their lessees, licensees, or permittees, for the purpose of promoting, producing, or holding cultural, entertainment, athletic, or patriotic events including, but not limited to, concerts, music festivals, and fireworks displays. This ~~s~~Subsection shall not ~~be construed to~~ limit the authority of any political subdivision ~~having~~ with jurisdiction to regulate noise abatement pursuant to ordinance or a~~ny~~ permit ~~which may be~~ issued for the activity or event.

8.20.050 Construction project h~~H~~ours of operation ~~for construction projects~~.

A. Construction projects involving ~~the~~ use of motorized equipment, pneumatic or hydraulic devices, power tools, hammers, or any other noise-producing machinery, tool, or equipment, whether for actual construction purposes or ~~for~~ deliveries of construction materials, ~~are~~ shall be restricted to the following hours of operation when located within a one-quarter mile radius of ~~a "residential zone" as defined in this chapter~~:

1. Monday through Friday ~~from the hours of~~between 7:00 a.m. ~~to~~ and 7:00 p.m.

2. Saturday ~~from the hours~~between ~~of~~ 8:00 a.m. ~~to~~ and 6:00 p.m.

3. No work is permitted on Sundays and ~~National~~ Federal and State Holidays.

B. The following exceptions apply to the ~~above~~ restrictions in this Subsection ~~are provided~~:

1. Public utilities~~,~~ and/or contractors working for public utilities~~,~~ may ~~effect~~ conduct repairs or perform scheduled maintenance to their facilities at any time.

2. Emergency repairs to any public facility may be undertaken without restriction.

3. Pumping equipment used for dewatering operations in conjunction with a construction project, if required to allow the construction of underground facilities, detention/retention areas, etc., may operate without restriction if ~~it is proven to be necessary~~required for such installation as~~. Such~~ determined~~ation shall s~~ by~~e made by~~ the ~~Town~~ Director of ~~Development Services~~Public Works.

4. These restrictions do not apply to individual homeowners doing their own work.

C. The Town may require construction operations to cease during permitted Saturday hours if ~~such~~ construction operations ~~are proven to~~ exceed the maximum permissible noise levels~~ as defined in Section 8.20.040,~~ or if the Town receives an excessive number of complaints~~ is received by the Town~~.

~~D. All noise level restrictions included in Section 8.20.040 of this chapter shall remain applicable for the hours of operation listed above.~~

8.20.060 Enforcement~~ of Chapter 8.20~~.

The provisions of this Chapter~~ Chapter 8.20~~ shall be subject to enforcement under ~~the provisions of~~ Chapter 2.36 of this~~e Monument Municipal~~ Code. ~~In~~ At the discretion of the Town Manager, Code Officer, or ~~the~~ police department, violations of this Chapter~~ Chapter 8.20~~ ~~shall~~ may also ~~be subject to~~ result in a summons into Municipal Court as a Code violation~~ of the Monument Municipal Code~~.

Chapter 8.24 REFUSE ACCUMULATIONS AND BUILDING MAINTENANCE

8.24.010 ~~Refuse d~~Definition~~s~~~~ed~~.

~~For the purposes of~~As used in this ~~c~~Chapter, unless the context otherwise requires, the following words shall be defined as follows:~~ the word~~

"~~r~~Refuse" means and includes ~~any~~ branches, grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials including, but not limited to, plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks, or loose, discarded, or unused material; all rubbish of any kind or nature~~ whatsoever;~~, and any other materials commonly known as rubbish or refuse of any kind or character~~ or by any means known~~.

"Junk" means and includes any manufactured goods, appliance, fixture, furniture, mattress, machinery, vehicle, metal, iron, tires, cable, old cordage, personal property, or any other thing or part, whether of value or valueless, demolished, broken, discarded, dismantled, partially dismantled, dilapidated, or so worn, deteriorated, or in a condition that it would not normally be usable in its current state for its original manufactured use. This shall include, but is not limited to, used lumber, rags, rubber, scrap metal, scrap material, waste, rubble, or machinery or automobile parts.

8.24.015 ~~Junk defined~~Reserved.

~~For the purposes of this chapter the word "junk" means and includes any manufactured goods, appliance, fixture, furniture, mattress, machinery, vehicle, metal, iron, tires, cable, old cordage,~~

~~personal property or any other thing or part, whether of value or valueless, or demolished, broken, discarded, dismantled, partially dismantled, dilapidated, or so worn, deteriorated or in a condition that it would not be normally usable in its current state for its original manufactured use. This shall include, by way of illustration only and without limitation, used lumber, rags, rubber, scrap metal, scrap material, waste, rubble, or machinery or automobile parts.~~

8.24.020 Accumulation of refuse and/or junk prohibited~~ and declared nuisance~~.

~~Any~~ The accumulation of refuse and/or junk on any premises, improved or unimproved, in the Town is unlawful~~prohibited~~ and ~~is~~ deemed~~declared to be~~ a nuisance.

8.24.030 Reserved.

8.24.040 Accumulation and deposit of garbage prohibited.

No person shall deposit or place any garbage, rubbish, waste material, or ashes in ~~such~~ a manner that the same is or tends to endanger the public health. No person ~~having the~~ occupying~~ancy~~, controlling, or managing~~ement of~~ any premises shall cause or permit ~~any~~ garbage, waste material, rubbish, or ashes to ~~be~~ accumulate~~d~~ ~~thereon~~ in ~~such~~ a manner that ~~the same is~~creates a nuisance or ~~in such a manner as it~~ endangers the public health. No person shall ~~in any manner~~ throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials, or ashes in or upon any public street, alley, or other public place or upon ~~his or her~~their own premises or the premises of another.

8.24.050 Refuse and/or junk ~~not to be~~ thrown in street or vacant lot prohibited.

No hay, straw, excelsior, paper, or other combustible material, branches, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones, or rubbish of any kind or nature ~~whatsoever~~ or any other refuse, ~~or~~ material, or junk shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot, or other property.

8.24.060 Refuse and/or junk on premises—Responsibility of owners or lessees.

~~It shall be the duty of~~ E~~e~~very ~~person, whether~~ owner, lessee, or renter~~,~~ of any vacant lot, building, or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement, or any other establishment~~,~~ shall at all times ~~to~~ maintain the premises in a clean and orderly condition, and shall not permit~~ting no~~ the deposit or accumulation of refuse, ~~or~~ materials, or junk other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation ~~shall~~ is unlawful and deemed~~constitute~~ a nuisance.

8.24.070 Building materials ~~to be removed from~~at construction sites.

All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire, or metal binding, sacks, or loose, discarded, or unused material of any kind ~~resulting~~ deriving from the wrecking, constructing, or reconstructing of any room, basement, wall, fence, ~~or~~ sidewalk, or building~~,~~ shall ~~be~~ promptly be removed or discarded ~~in such a manner~~so as not to be scattered about by the wind or otherwise and, as soon as possible, ~~be~~ removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse, ~~or~~ materials, or junk upon adjacent property.

8.24.080 Removal of refuse and/or junk from businesses~~ required~~.

Discarded automobile parts, stoves, furniture, wool, hides, junkyard refuse, and/or junk shall be removed periodically from business ~~such respective~~ establishments within the Town by

the proprietor so that the premises are clean and orderly at all times. Silt and similar deposits from automobile wash racks shall be removed to ~~the Town~~a dump by the establishment creating such deposit. Any accumulation of highly explosive or inflammable refuse ~~that is highly explosive or inflammable~~ which might endanger life or property shall be removed to such places as approved by the Police Chief or the Fire Chief ~~of the Fire Department~~ with~~;~~ such removal ~~to be~~ handled by the establishments responsible therefor.

8.24.090 Accumulation and use of manure.

Other than a light spread of manure which may be applied on lawns or gardens for fertilizing purposes, manure shall not be kept on any property for any purpose or kept in any place for later use~~,~~ but shall be either plowed under or removed by the owner, occupant, or agent.

8.24.100 Burning ~~of~~ garbage and waste material.

No person, except ~~authorized~~ personnel authorized by the Town Fire Department, shall set on fire or burn any garbage, rubbish, or waste material or any hay, grass clippings, or other combustible materials, except waste paper, in any ash pit or other receptacle or upon the ground. Any such act is unlawful and deemed a nuisance ~~because of smoke and odor~~.

8.24.110 Sanitary conditions and maintenance requirements.

A. It shall be unlawful and deemed a nuisance for~~If~~ any commercial building or site; multiple residential dwelling units, including the site; or in any residential unit sharing a common wall, such as an apartment building, located within the Town, whether occupied or vacant, ~~is found~~ to exhibit inadequate maintenance, dilapidation, decay, damage, faulty construction, inadequate light, or an opening or openings which may provide unauthorized entry or a means for animals to enter the premises~~, it shall be declared a nuisance~~.

B. ~~It shall be the duty of e~~The~~each~~ owner of any premises located within the Town ~~to~~ shall maintain the~~any~~ premises, whether occupied or vacant, in a safe and sanitary condition as prescribed by the ~~Monument~~ Code and applicable ~~S~~statutes and regulations.

8.24.120 Enforcement ~~of Chapter 8.24~~.

The provisions of this Chapter ~~Chapter 8.24~~ shall be subject to enforcement under ~~the provisions of~~ Chapter 2.36 of this~~e Monument Municipal~~ Code. ~~In~~ At the discretion of the Town Manager, Code Officer, or ~~the~~ police department, violations of this Chapter ~~Chapter 8.24~~ ~~shall~~ may also result in a~~be subject to~~ summons into Municipal Court as a Code violation ~~of the Monument Municipal Code~~.

Chapter 8.28 WEEDS

8.28.010 Purpose~~—Exclusion~~.

~~A.~~ The purpose of this ~~c~~Chapter is to protect the public health, safety, and welfare of the Town's ~~people~~ citizens ~~of the Town~~ by eliminating and controlling, to the extent possible, the growth and proliferation of weeds within the Town which become a fire ~~hazard~~, ~~a~~ traffic, or~~and~~ pedestrian hazard, ~~which~~ clog drainageways, and are designated as noxious weeds or undesirable plants.

~~B. This chapter shall not apply to land within the Town in its natural state which is overgrown with native grasses and plants. "Land in its natural state" means land which has not been disturbed by digging, scraping or plowing so as to disturb the natural growth indigenous to the area.~~

8.28.020 Definitions.

~~The following terms, as used in this chapter shall have the meanings hereinafter designated, unless the context specifically indicates otherwise, or unless such meaning is excluded by express provisions:"Owner" means and includes the owner of record, whether person, partnership, firm, corporation or other association of persons, any authorized agent or representative of the owner of record, and any occupant of the premises.~~

"Premises" means all or any portion of a lot~~ or portion thereof~~, parcel of land, building, or establishment, including ~~any~~ adjacent easements or rights-of-way~~ adjacent to the lot or portion thereof, parcel of land, building or establishment including easements and rights-of-way owned by the Town which where developed property is adjacent to said rights-of-way it shall be the duty of the property owner to maintain~~. For ~~the~~ purposes of any duty or obligation imposed by this ~~c~~Chapter, the term ~~shall also~~ includes an area extending to the center line of any alley adjacent to ~~such~~ all or any~~lot or~~ portion~~ thereof,~~ of a parcel of land, building, or establishment~~,~~ or if no such alley exists, that area, including all easements of record, to all or any lot~~ or portion thereof~~, parcel of land, building, or establishment including ~~the~~any street curbs and gutters ~~of the street~~ on any side~~ of such lot or portion thereof, parcel of land, building or establishment~~. ~~Should~~ If there ~~exist~~ is no adjacent private property, the premises shall ~~be deemed to~~ include the entire width of any adjacent alley.

"Weed" means any plant which meets all the following criteria:

~~1~~A. Ordinarily grows without cultivation.~~;~~

~~2~~B. Is not grown for the purpose of landscaping or food production.~~; and~~

~~3~~C. Will ~~attain such a large~~ grow~~th of~~ to not less than nine inches in height, or grows or accumulates such as to become a fire, traffic, or pedestrian hazard when mature.

8.28.030 Fire hazards.

A. The growth of weeds,~~ or~~ the accumulation of cuttings, mowing, or other debris, or non-removal of ~~the same~~either of these from premises located within the Town is declared ~~to be~~ a fire hazard ~~when~~ if such growth or accumulations are within ~~fifty-five (~~55~~)~~ feet of any building or structure~~,~~ and ~~are determined~~ deemed ~~to be~~ a fire hazard by the Town code enforcement designee ~~of the Town~~ or ~~the~~ duly authorized representative of the fire department or fire protection district investigating ~~the~~ an alleged violation.

B. ~~It shall be the duty of each o~~Owners of any premises located within the Town ~~to~~ shall at all times cut and mow ~~the~~ weeds~~,~~ or remove accumulations of cuttings, mowing, or other debris~~,~~ which are within ~~fifty-five (~~55~~)~~ feet of any building or structure when ~~determined~~ deemed a fire hazard by the Town code enforcement designee ~~of the Town~~ or ~~the~~ duly authorized representative of the fire department or fire protection district~~ to be a fire hazard~~.

8.28.040 Traffic and pedestrian hazards.

A. The growth of weeds, ~~or~~ the accumulation of cuttings, mowing, or other debris, or the non-removal of ~~the same~~either of these from premises located within the Town is declared ~~to be~~ a traffic and pedestrian hazard if the growth or accumulations have the effect of obstructing the sight or line of sight of any traffic-control device or the safe movement of traffic or pedestrians within the Town.

B. The growth of weeds, ~~or~~ the accumulation of cuttings, mowing, or other debris, or non-removal of ~~weeds, cuttings, mowing or other debris~~either of these from any property adjoining a public right-of-way in which such growth or accumulation extends beyond the edge of the street or street curb into the property, regardless of the presence of sidewalks, and which interferes with ~~the movement of~~ pedestrian~~s~~ movement is declared ~~to be~~ a traffic and pedestrian hazard. Such weeds must be cut and removed from the property to a distance of at least ~~twelve (~~12~~)~~ feet ~~back~~ from the edge of the street or base of a curb unless the right-of-way has been otherwise established ~~to be otherwise~~.

C. ~~It shall be the duty of each o~~Owners of any premises within the Town ~~to~~ shall at all times cut and mow the weeds, or remove any accumulations thereof, on the property line and ~~the~~ edge of the street or street curb in the front, rear, ~~or~~and side of the owner's property whenever such growth or accumulations constitute a traffic or pedestrian hazard. ~~It shall be the duty of each o~~Owners of any premises containing weeds which interfere with the traffic or pedestrian line of sight at any intersection ~~to~~ shall cut and remove such weeds to a distance of ~~fifty-five (~~55~~)~~ feet from the street corner and diagonally across the corner in a triangular area~~. In addition to the fifty-five (55) foot triangle, there must be~~ and ensure a clear line of sight from a stopped vehicle, as measured ~~fifteen (~~15~~)~~ feet from the curb line of the cross street, a distance of ~~ten (~~10~~)~~ times the posted speed limit of the oncoming traffic (e.g. 10 × 35 mph = 350 feet).

8.28.045 Growth and accumulation of weeds.

A. The growth of weeds ~~not less~~taller than nine inches in height, ~~or~~ the accumulation of cuttings, mowing, or other debris, or the non-removal of the same from premises located within the Town, whether commercial lots, individual privately owned sites, ~~whether~~ residential, ~~or~~ non-residential, vacant, or improved, ~~located within the Town,~~ is ~~declared~~ unlawful and deemed~~to be~~ a nuisance.

B. It is unlawful for any owner or tenant ~~person having or being entitled to the ownership or possession~~ of ~~s~~aid premises, or any part thereof, to fail to cut or otherwise control and remove ~~such~~ weeds growing upon said premises, ~~or up~~on the sidewalks abutting said premises, or fail to remove any accumulation~~,~~ of weeds from said premises ~~and to fail to do so~~ as often as necessary to assure compliance with this ~~c~~Chapter.

C. Nothing in this ~~s~~Section ~~is meant to~~ precludes ~~the~~ use of grass clippings or other mulch and/or composting, provided ~~that~~ there is no odor objectionable to the senses of the average person or unsightly accumulation of the materials.

D. The Town may ~~determine that such areas are~~provide exemptions for the following: natural open space, natural parks, conservation areas, erosion control areas, ~~or~~ irrigation and/or detention areas, and areas owned and maintained by the Town.

8.28.050 Clogging ~~of~~ drainageways.

A. The growth of weeds, ~~or~~ the accumulation of cuttings, mowing, or other debris, or the non-removal of the same from premises located within the Town is ~~declared to be~~ unlawful and deemed a nuisance ~~whenever~~ if such growth or accumulation causes or results in ~~the~~ clogging ~~of~~ drainageways or any drainage structure ~~which is~~ used for the purpose of conveying stormwater drainage to safe outfall points.

B. ~~It shall be the duty of each o~~Owners of any premises located within the Town ~~to~~ shall at all times cut and mow the weeds on their ~~respective~~ premises~~,~~ and ~~to~~ remove accumulations thereof~~,~~ when~~ever~~ the~~at~~ growth or accumulation clogs drainageways or other drainage structures ~~which are~~ designed to convey stormwater drainage flows to safe outfall points.

8.28.060 ~~Failure of owners to comply~~Reserved.

~~In the event an owner of any premises located within the Town fails to cut and destroy weeds, or to have weeds, rubbish, debris or other accumulations cut, destroyed or removed in compliance with the provisions of this chapter, the Town is authorized to have the weeds, rubbish, debris or other accumulations cut, removed or destroyed and to assess the cost of cutting, removal or destruction plus a surcharge not to exceed twenty-five (25) percent for administrative costs, against the property in the form of a lien if the owner thereof fails to pay within twenty (20) days of billing in accordance with the provisions of this chapter.~~

8.28.070 Reserved.

8.28.080 Reserved.

8.28.090 Reserved.

8.28.100 Reserved.

8.28.110 Reserved.

8.28.120 Reserved.

8.28.130 Reserved.

8.28.140 Undesirable plant management.

~~A.~~ Noxious weed control shall be managed and considered in accordance with the Colorado Noxious Weed Act, ~~Title – Authority. This section shall be known as the Town of Monument's Undesirable Plant Management Ordinance. This section is established in accord with~~ Title 35, Article 5.5, Colorado Revised Statutes.

~~B. Advisory Commission Created. The board of trustees shall act as the Undesirable Plant Management Advisory Commission and shall have the powers and duties set forth in Section 35-5-107, C.R.S.~~

~~C. Undesirable Plants Declared. In accord with Section 35-5-108, C.R.S., the following plants are declared to be undesirable plants subject to this section:~~

~~1. Leafy spurge (euphorbia esula);~~

~~2. Diffuse knapweed (Centaurea diffusa);~~

~~3. Russian kapweed (Centaurea repens);~~

~~4. Spotted knapweed (Centaurea macu-losa);~~

~~5. Canada thistle (Cirsium, arvense).~~

~~D. Control of Undesirable Plants.~~

~~1. Undesirable plants located within the Town limits shall be controlled. "Control" means preventing an undesirable plant from forming viable seeds or vegetative propagules.~~

~~2. Enforcement of this section shall be the duty of the Town's Manager or designee. As the Town's Enforcement Administrator the Town Manager or designee shall have the inspection and abatement authority set forth in Sections 35-5.5-110(1), (2), (3) and (6), and 35-5.5-110(3), C.R.S.~~

~~3. The Town Manager shall determine suitable methods of biological, chemical and integrated management methods, as defined by Section 35-5.5-103, C.R.S., for the control of undesirable plants. These methods shall be reduced to writing and, upon approval by the Board of Trustees shall be applied to private and public property in the Town as may be necessary for the control of undesirable plants.~~

~~E. Arbitration Panels. In the event a landowner or occupant requests an arbitration panel as provided for by Section 35-5.5-109(4) or 35-5.5-110(2), C.R.S., the Board of Trustees shall appoint panel members, as provided by state law. All panel members shall be compensated at a rate not to exceed six dollars ($6.00) per hour, which cost shall be paid by the landowner or occupant requesting the arbitration panel.~~

~~F. Enforcement of Control Efforts. In the event a landowner or occupant fails to comply with the notice to control identified undesirable plants or the management plan development by the arbitration panel the Town Manager or designee is authorized to compel the control of the undesirable plants at such time, upon such notice, and in such manner as the Town Board shall prescribe by resolution; and, upon successfully achieving the level of control called for in the notice to control or the management plan developed by the arbitration panel, to assess the whole cost thereof, including fifteen (15) percent of the total control costs to cover inspection and other incidental costs in connection with the control, upon the tract of land where the undesirable plants are located. As provided in Section 35-5.5-109(5)(a), C.R.S., this assessment shall be deemed a lien and collected provided by state law. However, in the event the undesirable weeds are located on public lands, the Town Manager or designee shall proceed on the Town's behalf as provided by Section 35-5.5-110, C.R.S.~~

~~G. Control on Town Property. It shall be the duty and responsibility of the Town Manager or designee to control all undesirable plants located upon Town-owned property and upon Town-controlled rights-of-way except that property owners shall have the same obligation to control undesirable plants on Town property as is~~

~~defined in Section 8.28.020 providing for owner responsibility of easements and areas in alleys. The Town Manager shall coordinate control efforts on Town-owned or controlled property and shall determine departmental support as required and cost of compliance with this section.~~

~~H. Declaration of Public Nuisance. Those undesirable plants identified in this section, their carriers, and any and all premises, plants and things infested therewith are declared to be a public nuisance and, notwithstanding subsections A through G of this section, the Board of Trustees may by resolution or ordinance take such action, including removal and destruction of such nuisance, as it in its discretion deems necessary to protect the public health, safety or welfare, all as provided by Section 35-5.5-113, C.R.S.~~

8.28.150 Enforcement ~~of Chapter 8.28~~.

The provisions of this Chapter ~~Chapter 8.28~~ shall be subject to enforcement under ~~the provisions of~~ Chapter 2.36 of thi~~s~~ ~~e Monument Municipal~~ Code. ~~In~~ At the discretion of the Town Manager, Code Officer, or ~~the~~ police department, violations of this Chapter ~~Chapter 8.28~~ ~~shall~~ may also result in a~~also be subject to~~ Municipal Court summons ~~into Municipal Court~~ as a Code violation ~~of the Monument Municipal Code~~.

Chapter 8.30 STORMWATER DISCHARGE AND EROSION CONTROL

8.30.010 Purpose.

A. The purpose of this ~~c~~Chapter is to protect the public health, safety, and welfare of the Town's citizens ~~of Monument,~~ and to protect the public infrastructure~~,~~ and ~~to protect~~ downstream environments from detrimental effects due to illicit discharge, excessive stormwater runoff, and sedimentation by eliminating and controlling, to the maximum extent possible, sources of concentrated stormwater runoff from private property in excess of historical flows, volumes, and velocities~~;~~ and ~~by~~ eliminating and controlling erosion~~,~~ and the resulting migration of sediment and other debris at the source.

B. As part of the National Pollutant Discharge Elimination System (NPDES) - Phase II program administered in Colorado by the Colorado Department of Public Health and Environment, the Town ~~of Monument~~ has been awarded a Colorado Discharge Permit System General Permit (MS4 Permit). This permit, ~~made~~ effective March 10, 2008, authorizes the Town ~~of Monument~~ to discharge stormwater associated with municipal separate storm sewers in its permitted area into state waters. As part of this permit, the Town ~~of Monument~~ is required to establish measures to protect the quality of stormwater entering State waters.

8.30.020 Definitions.

~~The following terms a~~As used in this ~~c~~Chapter, unless the context otherwise requires, the following words shall ~~have the meanings hereinafter designated~~be defined as follows:

"Best M~~m~~anagement P~~p~~ractices (BMPs)" means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of stormwater.

"Erosion and Stormwater Quality Control Plan (ESQCP)" ~~is~~ means a plan for controlling erosion, sedimentation, and stormwater quality during construction in compliance with the laws,

ordinances, regulations, standards, and specifications~~, as~~ adopted by the Town consistent with ~~from~~ the City of Colorado Springs/El Paso County Drainage Criteria Manual (DCM).

"Land in its natural state" means property that has not been disturbed by digging, scraping, or plowing so as to disturb the natural growth indigenous to the area.

"Municipal separate storm sewer system (MS4)" ~~is defined as~~means the conveyance system, ~~of conveyance (~~including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, and~~or~~ storm drains,~~)~~ owned and operated by the Town.

"National ~~p~~Pollutant ~~d~~Discharge ~~e~~Elimination ~~s~~System (NPDES)" means the permitting program established under~~implementation section of~~ the Federal Clean Water Act to regulate the discharge of pollutants into waters of the United States.

"Operations and Maintenance Agreement" ~~i~~means a legally recorded document that acts as a property deed restriction and provides for long-term maintenance of stormwater management facilities.

~~"Owner" means and includes the owner of record of a property, whether person, partnership, firm, corporation or other association of persons, any authorized agent or representative of the owner of record, and any occupant of the premises.~~

"Site development contractor" means a licensed and insured contractor permitted to conduct earthmoving operations in the State ~~of Colorado~~.

8.30.030 A~~rea of a~~pplicability~~/inclusion~~ and exclusion.

The entire area located within the ~~municipal~~ Town's boundaries ~~of the Town of Monument, as may be amended from time to time,~~ shall be subject to ~~the regulations and enforcement policies and procedures contained in~~ this ~~c~~Chapter. ~~Therefore, a~~All ~~of the~~ requirements imposed upon the Town as an MS4 within the Town's NPDES permit boundaries shall ~~now~~ be applicable to, and enforceable, within the entire~~ty of the~~ Town limits.

This ~~c~~Chapter shall not apply to land within the Town in its natural state which ~~has been heretofore~~is undeveloped, undisturbed, or unaltered through vegetation removal, grading, or other construction activity. ~~"Land in its natural state" shall mean property that has not been disturbed by digging, scraping, or plowing so as to disturb the natural growth indigenous to the area.~~

8.30.040 Enforcement authority.

For ~~the~~ purposes of this ~~c~~Chapter, the ~~d~~Department of ~~development services~~Public Works or its assignee is designated as the enforcement authority ~~for all regulations contained in this chapter~~.

8.30.050 Construction sites.

A. Any individual construction site with a gross area of disturbance of one-half acre or more shall be subject to ~~the regulations in~~ this ~~c~~Chapter. The site development contractor retained by the site owner shall obtain ~~As such,~~ a site development permit ~~is required to be obtained by the site development contractor retained by the owner of the site,~~ and accept ~~who is~~ responsibility~~e~~ for maintaining all erosion and sedimentation control on the site. The contractor shall follow ~~A~~all applicable Town procedures for obtaining a site development permit ~~must be followed by the contractor~~ prior to any site disturbance ~~of the site~~, including ~~the~~ preparation,

submittal, and approval by the Town~~,~~ and all applicable agencies~~,~~ of an ESQCP~~erosion and stormwater quality control plan,~~ pursuant to ~~the requirements of Chapter 17.45 of this Code.~~the Town Code as appropriate.

B. Any individual construction site with a gross area of disturbance less than one-half acre shall ~~be required to~~ provide evidence through a sketch, narrative, or other means~~,~~ that ~~best management practices (~~BMPs~~)~~ are being implemented~~ to assure compliance with the standards of this chapter~~.

C. ~~Maximum Area of Disturbance. In order t~~To mitigate the potential for erosion, sedimentation, excessive stormwater runoff, dust, and other hazards associated with earthmoving and grading operations, the maximum area of any site that can be graded or otherwise disturbed from its natural state at any one time is ~~twenty-five (~~25~~)~~ acres. Developments larger than ~~twenty-five (~~25~~)~~ acres must submit a phasing plan for site development that addresses temporary and permanent erosion control measures for each phase of ~~the~~ development. ~~The i~~Installation of all erosion control and sedimentation prevention measures shall~~must~~ be completed for each phase and accepted by the D~~d~~epartment prior to initiating~~on of~~ the next development phase~~ of development~~.

D. All construction sites shall have an ~~erosion and stormwater quality control plan~~ESQCP to assure adequate design, implementation, and maintenance of BMPs to reduce pollutant discharges, control stormwater runoff and sedimentation, and protect water quality. The contents of this ~~p~~Plan shall comply with ~~Chapter 16.40 of this Code.~~the Town Code as appropriate.

E. ~~Compliance.~~

~~1.~~ Compliance inspections shall be conducted by Town ~~of Monument~~ representatives on a routine basis to determine if the site development contractor is adhering to ~~all of the regulations of~~ this ~~c~~Chapter~~ and those applicable regulations contained in Chapter 16.40 of this Code~~.

1~~2~~. Complaint response inspections ~~will~~ shall be conducted by the ~~d~~Department if it receives~~when~~ a report of deficiencies~~ is received~~.

2~~3~~. The Town shall complete ~~Monthly~~ inspection reports every 45 days ~~will be completed by the Town,~~ outlining all deficiencies observed and maintenance techniques that should be implemented~~need to be utilized~~.

3. Builders/Developers shall complete bi-weekly inspection reports and submit them to the Department of Public Works to maintain compliance with the Town's MS4 permit.

8.30.060 Post-construction stormwater management.

A. ~~Rationale.~~ Post-construction stormwater management in areas undergoing new development or redevelopment is necessary because runoff from these areas has been shown to significantly affect receiving water bodies and other downstream conveyances. There are generally two forms of substantial impacts from post-construction runoff. The first is caused by an increase in the type and quality of pollutants in stormwater runoff. As runoff flows over areas altered by development,

it may pick up harmful sediment and chemicals such as oil and grease, pesticides, heavy metals, and nutrients (e.g., nitrogen and phosphorus). These pollutants often become suspended in runoff and are carried to receiving waters, roadside ditches, and other conveyances. The second type of post-construction runoff impact occurs by increasing the quantity of water concentrated in offsite areas due to the reduction of historical flows from a wide overland area to one or more concentrated discharge points. This ~~has the effect of~~ increas~~ing~~es the volume and velocity of stormwater runoff from developed sites even though the overall historical stormwater flow leaving the site has been restricted to at or below historical levels. In addition, increased areas of imperviousness interrupt the natural cycle of gradual water percolation ~~of water~~ through vegetation and soil. Water ~~is~~ instead collect~~ed~~s from surfaces such as asphalt and concrete and is routed to drainage systems where large volumes of runoff quickly flow downstream, often with detrimental effects to the MS4~~,~~ such as scouring ~~of~~ roadside ditches and banks, migration of silt and sediment into the municipal stormwater system and/or protected downstream environments, and flooding.

B. ~~Operation and Maintenance of Permanent BMPs.~~ In accordance with the MS4 permit ~~effective March 10, 2008~~, the Town has developed a program to ensure continuous operation and maintenance of permanent BMP's. The ~~o~~Operations and ~~m~~Maintenance ~~plan~~ Agreement must include the following elements:

1. ~~Site Specific Design -~~ Each site ~~should~~ shall be individually designed with the proper BMPs ~~that are~~ deemed necessary by the engineer~~-~~ of~~-~~ record. Chapter 4 of the City of Colorado Springs/El Paso County Drainage Criteria Manual, Volume 2 (DCM, Vol. 2) contains guidance and requirements for ~~the~~ selecti~~o~~ng and siting ~~of~~ permanent BMPs for new development and significant redevelopment. Maintenance recommendations are provided for each BMP. The site design shall comply with these criteria and to the extent possible, the recommendations.

2. ~~PE Certification for BMP Construction - Colorado State law regulates the practice of engineering and states that observation of construction to evaluate compliance with plans and specifications is considered the practice of engineering and must be performed by a licensed professional engineer or supervised by a licensed professional engineer. Therefore, o~~Once construction is complete, as-built plan certification and a letter of substantial conformance shall be submitted by a State licensed professional engineer ~~(PE) in the State of Colorado~~ to ensure that constructed stormwater management practices and conveyance systems comply with the specifications ~~contained~~ in the approved plans. At a minimum, as-built certification shall include ~~three sets~~one electronic set and one hard copy set of drawings comparing the approved plans with what was constructed. The certification shall be submitted to the ~~d~~Director of ~~development services~~Planning. E~~rosion and s~~Stormwater and ~~q~~Quality ~~c~~Control ~~p~~Plan financial assurances ~~will~~ shall not be released until the certification is received and accepted by the D~~d~~irector of ~~development services~~Planning.

3. ~~Inspection and Maintenance Plan - For p~~Projects greater than one acre shall have~~,~~ an inspection and maintenance plan (IM Plan)~~ is needed to~~ which ensures the continued function of the permanent BMPs as designed and constructed. The IM P~~p~~lan shall be developed concurrently with the facility design~~ of the facility~~, submitted with the ~~e~~E~~rosion and s~~S~~tormwater Q~~quality c~~C~~ontrol p~~P~~lan~~, and reviewed by the Town~~ of Monument~~. The IM ~~p~~Plan shall specify those responsible for inspection and maintenance~~ (i.e., property owner, homeowners' association)~~, list recommended inspection and maintenance activities and frequencies, address access, specify approximate annual maintenance costs, and specify responsibility~~ies~~ for financing and conducting maintenance activities. Maintenance and inspection activities and frequencies are listed for each BMP in Chapter 4 of the DCM, Vol. 2.

4. ~~Maintenance Agreement -~~ Unless a permanent stormwater quality BMP is dedicated to and accepted by the Town, the responsible party must execute an Operations and M~~m~~aintenance ~~a~~Agreement binding on all subsequent land owners ~~of land~~ served by the BMP. This A~~a~~greement ~~is~~hall be a legally recorded document that acts as a property deed restriction~~,~~ and which provides for long-term maintenance of stormwater management practices. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. The ~~a~~Agreement shall identify~~ies~~ by name or official title the person(s) responsible for carrying out the maintenance and refer~~s~~ to the approved IM P~~p~~lan for required maintenance and inspection activities. The ~~a~~Agreement shall provide~~s~~ that~~,~~ in the event maintenance or repair is neglected, or the stormwater management facility becomes a danger to public health or safety, the Town has the authority to perform the work and recover the costs from the owner. The Agreement shall also provide that the Public Works Department may enter the property at reasonable times and in a reasonable manner for the purpose of inspection or maintenance and to confirm the information in the annual inspection report submitted by the responsible party for maintenance. This shall include the right to enter a property when there is a reasonable basis to believe that inspections and maintenance are not occurring or have not occurred, and to enter when necessary to perform maintenance at the responsible party's expense.

   The Town ~~will~~ shall provide an Agreement template ~~of the agreement~~ for completion by the responsible party. A signed Operations and ~~m~~Maintenance ~~a~~Agreement shall be submitted to the Town~~ of Monument~~. The Town ~~will~~ shall not release any financial sureties for the project until the Operations and ~~m~~Maintenance ~~a~~Agreement is recorded.

5. ~~Inspections -~~ The Operations and ~~m~~Maintenance ~~a~~Agreement shall state the party responsible for performing periodic inspections of the stormwater BMPs and submitting an annual report to the ~~Director of~~ Public Works Director. The annual report ~~must~~ shall include, at a minimum, completed

inspection forms, a list of maintenance activities required, and a list of maintenance performed during the prior year. The annual report ~~must~~ shall be submitted to the Public Works Director no later than May 31st of each year. The completed report ~~must~~shall be sent to:

Director of Public Works
P.O. Box 325
645 Beacon Lite Road
Monument, CO 80132

In the event ~~that~~ the self-inspection results are not submitted, the ~~Director of~~ Public Works Director or their designee ~~will~~ shall contact the responsible party by registered or certified mail regarding~~of~~ the missed inspection. The responsible party ~~will~~ shall have ~~twenty (~~20~~)~~ business days from the date of notice to complete the self-inspection and mail a completed report to the Public Works Director. A notice of violation (NOV) ~~wi~~shall be issued to the responsible party if a self-inspection is not submitted after the 20th business day.

6. If maintenance activities are not completed in a timely manner or as specified in the approved plan, the Public Works Department may complete the necessary maintenance at the responsible party's expense.

The Public Works Department ~~wi~~shall inspect private and public facilities once during the first year of operation and then once every one to five years, depending on the type of BMP, maintenance history, and other factors. The Public Works Department ~~wi~~shall also inspect facilities once an NOV has been issued for not performing self-inspections. A notification of inspection letter ~~will~~ shall be sent by the Public Works Director to the responsible party ~~to~~ informing them that an inspection is scheduled. The letter ~~wi~~shall include the date of the inspection, what to expect, and encourage ~~the~~ completion of routine maintenance actions by the responsible party prior to the inspection.

If deficiencies are noted during the inspection, the Public Works Department ~~will~~ shall notify the responsible party by registered or certified mail of the issues. The responsible party shall have ~~thirty (~~30~~)~~ days, or other time frame mutually agreed upon between the Public Works Department and the responsible party, to correct the deficiencies. The Public Works Department ~~wi~~shall then conduct a follow-up inspection to verify the repairs. If repairs are not undertaken or are not found to be done properly, the Public Works Director, ~~other staff under the direction of the Public Works Director~~their designee, or a contractor engaged by the Town may enter upon the subject private property and complete the necessary maintenance at the responsible party's expense.

If, during an inspection, ~~it is noted that~~ the condition of a BMP presents an immediate danger to the public health or safety due to an unsafe condition or improper maintenance, the Public Works Department can take immediate action to protect the public and make the facility safe. Any cost incurred by the Town shall be assessed against the responsible party.

7. ~~Right-of-Entry for Inspection and Maintenance. The terms of the maintenance agreement shall provide for the Public Works Department to enter the property at reasonable times and in a reasonable manner for the purpose of inspection or maintenance and to confirm the information in the annual inspection report submitted by the responsible party for maintenance. This includes the right to enter a property when there is a reasonable basis to believe that inspections and maintenance are not occurring or have not occurred, and to enter when necessary to perform maintenance at the responsible party's expense.~~

~~8. Recordkeeping -~~ Parties responsible for operation and maintenance of BMP's shall provide records of all maintenance and repairs performed to the Public Works Department upon request. All documentation ~~is~~ shall~~to~~ be kept by the responsible party for a minimum of three years.

C. All individual single-family residential lots ~~must~~ shall be landscaped pursuant to ~~the requirements of Section~~Chapter 18.05, Article 4~~17.52.040~~ of this Code with front yards ~~required to be~~ landscaped within six months of ~~the~~ issuance of a certificate of occupancy, and side and rear yards ~~required to be~~ landscaped within ~~twelve (~~12~~)~~ months of ~~the~~ issuance of a certificate of occupancy. A deferred permit may be issued by the Director for ~~a~~ good cause. ~~This regulation is intended to include all existing lots at the time of adoption of this chapter that have not been landscaped.~~ Temporary erosion control measures~~,~~ including, but not limited to, straw bales, rock socks, silt fences, and check dams~~,~~ must be in place for all lots that ~~have~~are not ~~received~~ landscap~~ed~~ing until such time as final landscaping inspection approval has been issued by the Department.

8.30.070 Enforcement.

~~For purposes of this c~~Chapter, the Town is authorized to designate an enforcement ~~representative who is authorized to enforce all provisions of this~~ Title, ~~except for those Chapters explicitly governed by 2.36.500 of this Code~~~~chapter.~~This Chapter will be enforced pursuant to the terms and conditions set forth in 2.36.500 or 2.36.600.

~~A. Notice and Order.~~

~~1. The~~ Town's ~~designated enforcement individual~~ representative~~for the Town shall commence proceedings pursuant to this c~~Chapter by issuing a notice and order to the owner, or~~ owner's agent, ~~of the owner or occupant of any premises upon which the designated enforcement individual~~representative ~~has reasonable cause to believe that a condition as described in this c~~Chapter exists. Such notice and order ~~shall:~~

~~2. Such notice and order shall:~~

~~a~~1. ~~Be in writing.;~~

~~b~~2. ~~Be personally served whenever feasible on the owner, or~~ owner's agent, ~~of the owner and occupant of such premises or, when such personal service is not feasible, either posted conspicuously at the premises or mailed to such person by certified mail, return receipt requested to the~~ owner's ~~or~~ owner's ~~agent's or the occupant's last known address.;~~

~~c~~3. ~~Describe with reasonable particularity the condition existing on the premises which gives rise to the issuance of the notice and order.~~;

~~d~~4. ~~Specify a reasonable period within which the condition must be abated or otherwise corrected.~~; ~~and~~

~~e~~5. ~~State that the owner, owner's agent, or occupant may~~an ~~appeal is available to the owner, agent of the owner, or occupant provided~~the ~~notice by written application therefore is made within ten (10) days of service, or posting, or the receipt of the~~such ~~notice and order.~~

~~B. Appeal of Notice and Order.~~

~~1. All appeals of notice and orders appeals shall be filed with the Town Manager and heard by the Manager or their Manager's designee. The Manager is authorized to adopt reasonable procedures for the hearing of such appeals.~~

~~C. Failure to Comply with Order to Abate.~~

~~1. Noncompliance Prohibited. It is unlawful for any person to fail or refuse to comply with any order issued pursuant to this c~~Chapter.

~~2. Abatement by Town Designee—Costs.~~ A. If~~n the event that~~ an~~y~~ order issued pursuant to this ~~c~~Chapter is not complied with at such reasonable times as specified therein, the Town designee, after notice to the owner, ~~or~~owner's agent, ~~of the owner~~ and occupant, may have removed, corrected or otherwise abated through private contract the condition giving rise to ~~the~~ issuance of the order to abate. The Town may seek a lien for cost and expenses associated with requiring compliance ~~of~~with the order which shall be independent of and in addition to any penalty provided for by this Code for violations of this ~~c~~Chapter.

B.1~~3~~. ~~Inspection Fees for Repeat Offenders.~~ The Town designee shall be authorized to assess an inspection fee of not less than $100.00 for each reinspection necessitated by a repeat offender's continued violation and failure to abate following issuance of a notice and order to abate.

1~~a~~. For purposes of this subsection, "repeat offenders" means ~~the~~a property owner ~~of property~~ who~~ich~~ has been previously cited for one or more violations of this ~~c~~Chapter at least two or more times during any successive six month period;~~. For purposes of this subsection,~~ and "reinspection" means any and all inspections subsequent to an inspection after issuance of the first notice and order to the owner for a violation on the subject property.

~~b. The Town designee shall be authorized to assess an inspection fee of not less than one hundred dollars ($100.00) for each reinspection necessitated by the repeat offender's continued violation and failure to abate following issuance of a notice and order to abate.~~

~~c~~2. In the event one or more reinspection fees is assessed and the property owner or owner's agent fails to pay the fee(s) within ~~twenty (~~20~~)~~ days, the Town designee is authorized to file a lien against the property. The Town designee is further authorized to include in one lien assessment action any

and all costs incurred by the Town associated with the removal, correction, or other abatement necessitated by the property owner's continued violation and failure to abate following ~~issuance of~~ a notice and order to abate.

~~D~~C. ~~Lien Assessment.~~

~~1. Authority.~~ When an ~~the~~ owner or occupant ~~of property~~ fails to comply with an order to abate and the Town designee has reinspected and removed, corrected, or otherwise abated the condition giving rise to ~~the issuance of~~ the notice and order through a private contract, the Town designee is authorized to commence lien assessment proceedings against the property in accordance with the provisions of this ~~s~~Section. ~~In addition, t~~The Town designee is further authorized to assess an administrative surcharge of ~~twenty-five (~~25%~~) percent~~ of the cost of private abatement.

1~~2~~. ~~Notice.~~ Within ~~ten (~~10~~)~~ days of abatement through a private contract, the Town designee shall ascertain the name and address of the property owner from the El Paso County Assessor's records and shall send the property owner a notice of lien assessment which shall contain all the following information:

a. The address of the property to be assessed and the name and address of the property owner.~~;~~

b. The dates of the notice and order, any reinspections, and the order to abate.~~;~~

c. The name of the private contractor who abated the condition giving rise to ~~the issuance of~~ the notice and order.~~;~~

d. The total amount of the assessment, including reinspection fees, ~~the~~ cost of private abatement, and ~~the~~ amount of the administrative surcharge.~~;~~

e. A due date for payment of the assessment which is not less than ~~twenty (~~20~~)~~ days after the date of the notice of lien assessment.

f. A statement that failure to pay the assessment within the time ~~period~~ set forth in the notice of lien assessment ~~will~~ shall result in ~~the~~ imposition of a lien against the property.~~;~~

g. A statement explaining the appeal procedure for the notice of lien assessment.

~~3~~2. ~~Service of the Notice of Assessment.~~

~~a. Mailing.~~ The notice of lien assessment shall be mailed to the property owner via certified first-class U.S. mail, return receipt requested. A return receipt signed by the property owner or ~~an~~ the owner's agent ~~of the property owner~~ shall be prima facie evidence of service on the date indicated by the owner, agent, or U.S. Postal Service.

~~b. Posting.~~ In the event the property owner or the~~an~~ owner's agent ~~of the property owner~~ fails to receive service of the notice of lien assessment via

certified first-class U.S. mail, return receipt requested, the Town designee is authorized to post such notice in a conspicuous place on the property to being assessed.

43. Appeal and Hearing.

a. Time. A property owner must appeal a notice of lien assessment in writing within ten (10) days of its mailed receipt by the property owner or the owner's agent, or within ten (10) days of posting on the property to being assessed.

b. Contents. The notice of appeal must state the name and address of the property owner, the address of the property assessed, and the grounds for appeal.

ea. Hearing. If appealed, Thea hHearing oOfficer may, after hearing the property owner's objections, make any modification or change to the lien assessment as may seems equitable and just, or may confirm the assessment. The hearing officer shall not modify or change the amount of the reinspection fee or the administrative surcharge.

d4. Lien Assessment. If not appealed, the total assessment shall then be levied, assessed, and charged against the property upon abatement action was taken not less than five 10 days after the property owner's or agent's mailed receipt of the notice of lien assessment or posting on the property to being assessed. If appealed, the Hhearing oOfficer's determination of the total assessment shall then be levied, assessed, and charged against the property upon which abatement action was taken not less than five days after the date of the hHearing Oofficer's determination. In either event, the assessment shall become a perpetual lien against the property, superior and prior to all other liens and encumbrances excepting liens for general and special taxes. The Town designee shall notify the Town Treasurer who shall certify any lien assessment to the El Paso County Treasurer who shall collect the lien assessment in the same manner as ad valorem taxes are collected.

ED. Abatement – Emergency Order.

1. WheneverIf the Town designee deems that an emergency exists which requiringes immediate action to protect the public health, safety, and welfare, the designee may, without prior notice or hearing, issue an order stating that such emergency exists and requiring that emergency abatement action be taken as deemed necessary to meet address the emergency. Notwithstanding any other provisions of this eChapter to the contrary, such order shall be effective immediately.

12. Any person to whom such emergency order is issued shall comply therewith immediately. , and iIt is unlawful to fail or refuse to so comply.

23. Ifn the event that thea person issued an to whom such emergency order is issued fails or refuses to immediately comply therewith, the Town designee may, without prior notice to the owner, owner's agent, or occupant or agent of the owner, have removed, corrected, or otherwise abated the condition giving rise to the issuance of the emergency abatement order.

~~F~~E. ~~Remedies—Additional.~~ The remedies provided for by this ~~c~~Chapter shall be cumulative and in addition to any other remedies ~~which may be~~ available to the Town Manager or designee. Nothing contained herein shall ~~be construed to~~ preclude the Town Manager from seeking ~~such~~ other remedies herein granted. In addition to the above, for land undergoing development with a valid Town site development permit ~~from the Town~~, verbal warnings by the ~~d~~Department may be used as an initial notification of noncompliance, followed by a written notice of noncompliance. Finally, a "stop work" order may be issued by the Department in the event the site development contractor fails to remedy the violation(s) cited by the Department within a reasonable time ~~frame~~, as determined by the Department. The Town reserves the right to revoke any site development permits issued to the contractor, at its sole discretion, for persistent, continual, or significant noncompliance with ~~the regulations of~~ this ~~c~~Chapter. ~~Should~~ If the Town issues a summons requiring an owner to appear in municipal court, each day of violation shall be a separate offense.

Chapter 8.32 SOLICITATION ~~PROHIBITED~~

8.32.010 Definitions.

~~A.~~ "Automated Teller Machine" ~~shall~~ means a device~~,~~ linked to a financial institution's account record which is able to carry out transactions~~,~~ including, but not limited to, account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

~~B.~~ "Automated Teller Machine Facility" ~~shall~~ means the area comprised of one or more automated teller machines and any adjacent space ~~which is~~ made available to banking customers after regular banking hours.

~~C.~~ "Obstruct" ~~shall~~ means to hinder, retard, or slow progress, ~~to retard progress, to~~ make accomplishment of obtaining a goal~~;~~ slower or more difficult, ~~to~~ be or come in the way of, or impede~~d~~.

~~D.~~ "Public Place" ~~shall~~ means a place to which the public or a substantial part of the public has access~~,~~ including streets, highways, transportation facilities, schools, places of amusement, parks, playgrounds, ~~and~~ the common areas of public and private buildings and facilities~~,~~ including parking lots, or any other area intended for use by the public. It shall include the front, entryway, doorway, ~~or~~ vestibule, or area of immediate access to any public place, store, shop, restaurant, tavern, or other place of business.

~~E.~~ "Soliciting" ~~shall~~ means to knowingly approach, accost, or stop another person in a public place ~~and~~ to make a request, whether by spoken words, bodily gestures, written signs, or other means, for a gift of money or other thing of value, regardless of the solicitor's purpose. ~~Soliciting includes, but is not limited to, seeking a donation where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the purchase is in substance a donation, or begging, or panhandling.~~ Soliciting does not include passively standing or sitting with a sign or other indication that one is seeking donations~~,~~ without addressing any ~~solicitation to any~~ specific person, other than in response to an inquiry by that person.

8.32.020 Aggressive soliciting prohibited.

It shall be unlawful for any person to engage in any of the following:

A~~1~~. ~~Engage in a~~Aggressively solicit~~ing~~ in any public place. Aggressive solicitation ~~is defined as~~means engaging in one or more of the following:

1~~a~~. Continuing to solicit from a person after the person has given a negative response to the soliciting.~~;~~

~~b~~2. Intentionally touching or causing physical contact with another person without that person's consent ~~in the course of~~while soliciting.~~;~~

~~c~~3. Intentionally blocking, obstructing, or interfering with the safe or free passage of a pedestrian or vehicle by any means~~,~~ including unreasonably causing a pedestrian or vehicle operator to take evasive action to avoid physical contact ~~in the course of~~while soliciting.~~;~~

~~d~~4. Using violent or threatening conduct toward a person solicited which would cause a reasonable person to ~~be~~ fear~~ful~~ for ~~his or~~ their safety.~~;~~

~~e~~5. Persisting in closely following or approaching the person being solicited and continuing to solicit after the person has informed the solicitor by words or conduct that they ~~person~~ do~~es~~ not want to be solicited or ~~does not want to~~ give money or anything of value to the solicitor.~~;~~

~~f~~6. Using profane or abusive language ~~which is~~ likely to provoke an immediate violent reaction from the person being solicited or ~~would~~ cause a reasonable person to ~~be~~ fear~~ful~~ for ~~his or~~ their safety.~~;~~

~~g~~7. Soliciting money from anyone ~~who is~~ waiting in line for tickets, ~~for~~ entry into a building, or ~~for~~ another purpose.~~;~~

~~h~~8. Approaching or following a person for solicitation as part of a group of two or more ~~persons, in a manner and with~~using conduct, words, or gestures intended or likely to cause a reasonable person to fear imminent bodily harm, ~~or~~ damage to or loss of property, or ~~otherwise to~~ feel ~~be~~ intimidated into giving money or ~~other~~ anything of value.

~~2~~B. Solicit on any private or residential property after ~~having~~ being~~en~~ asked to leave~~,~~ or refrain from soliciting~~,~~ by the owner or other person lawfully in possession of the property.

~~3~~C. Solicit within ~~twenty (~~20~~)~~ feet of any automated teller machine~~,~~ provided~~, however,~~ that when an automated teller machine is located within an automated teller machine facility, the distance shall be measured from the facility's entrance or exit ~~of the facility~~.

~~4~~D. Solicit in or upon any public transportation vehicle or public transportation facility within or at any bus stop, ~~or in any~~ parking lot, structure, or other parking facility.

~~5~~E. Solicit within six feet of a building~~n~~ entrance ~~to a building~~.

~~6~~F. Solicit any person entering or exiting a parked motor vehicle or in a motor vehicle stopped on the street.

~~7~~G. Solicit any person located within the patio or sidewalk area of a retail business establishment that serves food and/or drink.

~~8~~H. Solicit after dark, which shall mean one-half hour after sunset until one-half hour before sunrise.

8.32.030 License or permit.

Nothing in this ~~c~~Chapter shall ~~be construed to~~ prevent a person from acting in accordance with a valid license or permit.

8.32.040 Penalty.

A~~ny~~ person violating any provisions of this ~~c~~Chapter shall be ~~punished by a~~ fined ~~of~~ not more than ~~one thousand dollars (~~$1,000.00~~)~~ or may be~~by~~ imprisoned~~ment~~ ~~not to exceed~~for no more than ~~ninety (~~90~~)~~ days, or ~~by~~ both, per violation ~~such fine and imprisonment~~.

Chapter 8.34 KRATOM REGULATIONS

8.34.010 Definitions~~Prohibition of sale of kratom~~.

~~No business shall sell or offer to sell within the Town any kratom products.~~ "Kratom" means a product containing Mitragyna speciose, mitragynine, or 7-hydroxymitragynine or Mitragyna speciose, mitragynine, or 7-hydroxymitragynine derivatives in any form intended to be ingested, absorbed, inhaled, chewed, or applied to an individual's skin.

8.34.020 ~~Definitions~~Sale of kratom prohibited.

~~"Kratom" means a product that contains Mitragyna speciose, mitragynine, or 7-hydroxymitragynine or Mitragyna speciose, mitragynine, or 7-hydroxymitragynine derivatives in any form that is intended to be ingested, absorbed, inhaled, chewed, or applied to the skin of an individual.~~No business shall sell or offer to sell within the Town any kratom products.

8.34.030 Penalty.

Any person ~~who is~~ convicted of~~,~~ or who pleads guilty or no contest to ~~a~~ violati~~o~~ng ~~of~~ this ~~c~~Chapter shall ~~receive a penalty~~be fined ~~of~~ not more than ~~one thousand dollars (~~$1,000.00~~)~~ or be ~~by~~ imprisoned~~ment~~ for no more than ~~not to exceed~~ ~~ninety (~~90~~)~~ days ~~in jail~~, or both, per violation.

Chapter 8.36 UNLAWFUL CAMPING

8.36.010 Definitions.

~~A.~~ "Camp" ~~shall~~ means using property for the purpose of unauthorized overnight occupancy, residing or dwelling on public property with shelter overnight, or using public property for the purpose of overnight or longer occupancy ~~to pitch, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia~~. Evidence of unauthorized camps includes, but is not limited to, sleeping or making preparations to sleep by laying out personal belongings, bedding, bedroll(s), blanket(s), sleeping pad(s), sleeping bag(s), erecting or occupying a tent, makeshift shelter, lean-to, tarpaulin, enclosure, or other structure used for overnight living purposes, or any form of cover or protection from the elements other than clothing, or making or preparing for a fire, setup or using a camp stove, cooking device, or other type of heating source except for grills and personal grills permitted in designated areas by the Park Department. Camp shall include using a vehicle for overnight occupancy. Camp shall not include

the ordinary use of the parks such as resting, sleeping, or napping during the day, picnicking, picnicking on a blanket, or using parks or other public property for lawful purposes during normal park hours.

B. "Camp facilities" shall include but are not limited to tents, huts, temporary shelters, or vehicles if said vehicle is being used as a temporary living quarters.

C. "Camp Paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks or cooking facilities or equipment.

D. "Park" shall means the same as defined in Section 12.28.020 of this Code.

"Recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer primarily designed and used as temporary living quarters, that is either self-propelled, mounted on or drawn by another vehicle, transient, not occupied as a primary residence, and not immobilized or permanently affixed to a mobile home lot.

"Reside or dwell" means, without limitation, conducting such activities as eating, sleeping, cooking, or storing personal possessions.

"Shelter" means, without limitation, any cot, bed, mattress, hammock, tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, or any form of cover or protection from the elements other than clothing.

E. "Store" shall means to put aside or accumulate for use when needed, to put for safekeeping, to place, or leaveing in a location.

F. "Street" shall mean any highway, lane, road, street, right-of-way, boulevard, alley, and every way or place in the Town of Monument open as a matter of right to public vehicular travel.

8.36.020 Unlawful camping.

For purposes of promoting the health, safety and welfare within the Town, Iit shall be unlawful for any person to camp in the following areas any park, street, or publicly owned parking lot or publicly owned area, improved or unimproved, except as permitted pursuant to Section 8.36.060 of this Code.: For purposes of this Subsection, public property means, but is not limited to, a highway, highway median, street, street median, road, road median, alley, sidewalk, strips of land between streets and sidewalks, lanes, catch basins, pedestrian or transit mall, bike path, greenway, public parking lot, or any other structure or area encompassed within the public right-of-way; any park, parkway, mountain park, open space, natural area, all Town owned or managed trails or hard surface trails and areas adjacent to those areas, beach, playground, or other publicly owned recreation facility; a municipal watercourse, bodies of water, watercourses, stormwater infrastructure such as, but not limited to, bridges, pipes, inlets, and culverts; or any other grounds, buildings, or other facilities owned or leased by the Town or any other public entity regardless of whether such public property is vacant or occupied and actively used for any public purpose.

A. Any park;

B. Any street;

C. Any publicly owned parking lot or publicly owned area, improved or unimproved.

8.36.030 Stori~~na~~ge ~~of~~ personal property in public places.

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in ~~the following areas~~any park, street, or publicly owned parking lot or publicly owned area, improved or unimproved, except as otherwise provided by ordinance or as permitted pursuant to ~~Section~~ 8.36.060 of this Code.~~:~~

~~A. Any park;~~

~~B. Any street;~~

~~C. Any publicly owned parking lot or publicly owned area, improved or unimproved.~~

8.36.040 Penalty for violations.

A person ~~V~~violati~~o~~ng ~~of~~ any of the provisions of this ~~c~~Chapter shall be ~~punished by a~~ fined ~~of~~ not more than ~~one thousand dollars (~~$1,000.00~~)~~ or be ~~by~~ imprisoned for no more than ~~ment not to exceed ninety (~~90~~)~~ days, or by both, per violation ~~such fine and imprisonment~~.

8.36.050 Parked recreational vehicles exempt.

T~~he provisions of t~~his ~~c~~Chapter shall not apply to recreational vehicles parked on any street,~~,~~ ~~or in any~~ publicly owned parking lot, or publicly owned area, improved or unimproved, provided~~if~~ ~~said~~ the ~~recreational~~ vehicle is not parked ~~at that time being~~ in the same spot for more than seven consecutive days without being moved~~used as a temporary living quarters~~. ~~For purposes of this chapter, "recreational vehicle" means a travel trailer, motor home, truck camper, or camping trailer that is primarily designed and used as temporary living quarters, is either self-propelled or mounted on or drawn by another vehicles, is transient, is not occupied as a primary residence, and is not immobilized or permanently affixed to a mobile home lot.~~

8.36.060 Permit.

The Town Manager or designee ~~is authorized to~~may permit persons to camp, occupy, and use ~~camp facilities~~shelters~~,~~ ~~use camp paraphernalia,~~ or store personal property in parks, streets, or any publicly owned parking lot or publicly owned area, improved or unimproved, in the Town ~~of Monument~~. The Town Manager or designee shall approve a permit ~~as provided~~ under this ~~s~~Section ~~when~~if ~~, from a consideration of~~ the permit application and ~~from such~~ other information provided or ~~as may~~ otherwise ~~be~~ obtained~~, it is determined~~ demonstrates all the following~~that~~:

~~1~~A. Adequate sanitary facilities are provided and accessible at or near the camp site.

~~2~~B. Adequate trash facilities and trash collection ~~is~~ will ~~to~~ be provided.

~~3~~C. The camping activity will not unreasonably disturb or interfere with the peace, comfort, and repose of private property owners.

~~4~~D. The camping activity is not reasonably likely to cause injury to persons or property, ~~to~~ provoke disorderly conduct, or create a disturbance.

Any person denied a permit may appeal the denial to the ~~Board of Trustees~~Town Council by submitting such appeal in writing. The

Notice of ~~a~~Appeal ~~must~~ shall be ~~in writing and must be~~ filed with the Town Clerk within seven calendar days from the date of denial. Town Council's decision on the appeal shall be final.

MONUMENT TOWN COUNCIL
MEETING MINUTES
Monday, September 15, 2025 - 6:30 PM
Monument Town Hall - 645 Beacon Lite Rd., Monument CO 80132
Hybrid Meeting - Remote Participation Via Teams

DRAFT

1. Call Meeting to Order, Pledge of Allegiance, Roll Call:

Mayor Mitch LaKind called the regular meeting of the Monument Town Council and led those assembled in the Pledge of Allegiance. Proper notice of the meeting was posted for more than 24 hours in the designated posting locations. The following Councilmembers and staff were present for the meeting:

TOWN COUNCIL	TOWN STAFF
PRESENT: Mayor Mitch LaKind Mayor Pro Tem Steve King Councilmember Sana Abbott Councilmember Marco Fiorito Councilmember Kenneth Kimple Councilmember Laura Kronick Councilmember Chad Smith	Madeline VanDenHoek, Town Manager Patrick Regan, Police Chief Tina Erickson, Town Clerk Bob Cole, Town Attorney Will Williams, Director of IT Thomas Tharnish, Director of Public Works Jennifer Phillips, Director of Finance Laura Hogan, Director of Administration Dan Ungerleider, Director of Planning
ATTENDED REMOTELY:	
ABSENT WITH PRIOR NOTICE:	
ABSENT WITHOUT PRIOR NOTICE:	

2. Disclosures of Conflicts of Interest:

a. Disclosures of Potential Conflicts of Interest

b. Vote on Excluding Council Members With Potential Conflicts of Interest From Consideration, Discussion and Voting on Identified Matters

- No disclosures of potential conflicts of interest were submitted.

3. Approval of the Consent Agenda:

a. Agenda - September 15, 2025

b. Meeting Minutes - September 2, 2025

Councilmember Chad Smith made a motion to approve the consent agenda as presented, the motion was seconded by Councilmember Laura Kronick. Roll call vote was taken and the motion passed 7 to 0.

4. Proclamations:

a. Creek Week Proclamation

Alli Schuch with the Fountain Creek Watershed District gave a presentation on Creek Week 2025. Councilmember Marco Fiorito read the proclamation for Creek week 2025.

5. Presentations:

a. Regional Emergency Management Services

Andrew Notbohm with Pikes Peak Regional Emergency Management gave a presentation on the Regional Emergency Management Services (PPROEM). Regan spoke about the requirements by the State of Colorado for Monument.

6. Ordinances:

a. Ordinance No. 15-2025 - An Ordinance Approving a Major Amendment to the Planned Unit Development for Native Sun Construction at 15010 Woodcarver Road

Councilmember Chad Smith made a motion to continue Ordinance No. 15-2025 to October 6, 2025 and the motion was seconded by Councilmember Laura Kronick. Roll call vote was taken and the motion passed 7 to 0.

7. Resolutions:

a. PUBLIC HEARING on Resolution No. 56-2025 - A Resolution Approving A Final Plat For Lewis Palmer Subdivision Filing 1

Ungerleider presented resolution no. 56-2025 as included in the council packet. Mayor Mitch LaKind opened the public hearing, no public comments were received. Mayor Mitch LaKind closed the public hearing. Councilmember Marco Fiorito made a motion to approve resolution no. 56-2025 and the motion was seconded by Councilmember Kenneth Kimple. Roll call vote was taken and the motion passed 7 to 0.

b. Resolution No. 57-2025 - A Resolution for the Town Council to Approve the Purchase of Two (2) Patrol Sport Utility Vehciles (SUVS) for the Monument Police Department

Regan presented resolution no. 57-2025 as included in the council packet. Councilmember Marco Fiorito made a motion to approve resolution no. 57-2025 and the motion was seconded by Councilmember Kenneth Kimple. Roll call vote was taken and the motion passed 7 to 0.

c. Resolution No. 58-2025 - A Resolution Adopting Financial Policy 17 - Procurement Policy

Phillips presented resolution no. 58-2025 as included in the council packet. The Council provided comments and feedback on the resolution for edits to be made. Mayor Mitch LaKind made a motion to approve resolution no. 58-2025 allowing staff to make adjustments to the resolution and the motion was seconded by

DRAFT

Councilmember Laura Kronick. Roll call vote was taken and the motion passed 7 to 0.

8. Appointments:

a. Pikes Peak Area Council of Governments Commission on Aging

The council appointed Erin Eleuterio to PPACG commission on Aging.

9. Public Comments For Items Not on the Agenda:

- No public comments were made.

10. Future Agenda Item Authorization:

a. Study Session on October 6 to Review Ordinance Repealing and Readopting Title 8 of the Monument Municipal Code

- The Council approved the study session on October 6th to start at 5:30 pm.
- The Council approved the study session on strategic objectives Monday November 10th to start at 5:30pm.

11. Reports:

a. Town Manager's Monthly Report

VanDenHoek presented the Town Managers monthly report as included in the council packet.

12. Council Comments:

- Mayor Mitch LaKind encouraged everyone if they have the chance to get a tour with Wal-Mart and spoke about attending the Municipal Leadership Academy.
- Councilmember Laura Kronick gave appreciation to Will for assisting and facilitating on August 25th the PPACG meeting was held at the Town Hall.
- Councilmember Chad Smith gave appreciation to James Schubauer for picking up trash on the road while on his tractor on Jackson Creek Parkway.

13. Executive Sessions:

a. Executive Session Pursuant to §24-6-402(4)(e), C.R.S., to Determine Positions Relative to Matters That May Be Subject to Negotiation, Developing

DRAFT

Strategy for Negotiations, and Instructing Negotiators, Regarding Economic Development Incentives

Councilmember Marco Fiorito moved to enter into executive session pursuant to 24-6-402(4)(e), C.R.S., to determine positions relative to matters that may be subject to negotiation, developing strategy for negotiations, and instructing negotiators, regarding economic development incentives.

b. Executive Session Pursuant to §24-6-402(4)(b), C.R.S. for a Conference with the Town Attorney for the Purpose of Receiving Legal Advice on Specific Legal Questions Regarding the Village Center Metropolitan District Intergovernmental Agreement

Councilmember Marco Fiorito moved to enter into executive session pursuant to 24-6-402(4)(b), C.R.S., for a conference with the Town Attorney for the purpose of receiving legal advice on specific legal questions regarding the Village Center Metropolitian District intergovernmental agreement and to adjourn upon conclusion of executive session. Councilmember Sana Abbott second the motion. Roll call vote was taken and the motion passed 7 to 0.

- The Council entered executive session at 8:53 pm.
- The Council concluded executive session at 9:47 pm.

14. Adjournment:

The regular council meeting was adjourned at 9:47 pm.

Respectfully Submitted,

_____

Tina Erickson, Town Clerk

DRAFT

Proclamation Recognizing
"National Veterans Small Business Week 2025"

WHEREAS, National Veterans Small Business Week honors and empowers service members, veterans, members of the National Guard and Reserve, and military spouses who strengthen our economy and communities through entrepreneurship; and

WHEREAS, the Pikes Peak Small Business Development Center (SBDC) and the Colorado Veterans Business Outreach Center (VBOC) at Mt. Carmel Veterans Service Center support veteran entrepreneurs by providing essential services such as counseling, training, business assessments, and referrals to contracting opportunities; and

WHEREAS, the Pikes Peak SBDC exists to help local businesses grow and succeed via free consulting and educational programs; and

WHEREAS, the Colorado VBOC plays a vital role in the Colorado small business ecosystem by assisting veterans, active-duty service members, and their families in launching and expanding enterprises; and

WHEREAS, small businesses face numerous challenges in uncertain economic climates, yet veteran entrepreneurs in Monument and the broader El Paso County region are resilient and contribute to local economic vitality; and

WHEREAS, on November 7, 2025, the Pikes Peak SBDC and Colorado VBOC will host the Annual Veterans Small Business Conference, offering veteran entrepreneurs and their families access to expert speakers, practical training, and connections to resources; and

WHEREAS, National Veterans Small Business Week highlights our community's commitment to supporting veteran business owners and recognizing their contributions to growth, innovation, and job creation.

NOW, THEREFORE, Monument Town Council hereby proclaims November 3-7, 2025, as "National Veterans Small Business Week" in Monument and encourages all citizens, civic groups, and businesses to observe this week with appropriate activities and support for our veteran entrepreneurs.

PROCLAIMED THIS 6th day of October 2025.

Attest: Town of Monument

_____ _____

Tina Erickson, Town Clerk Mitch LaKind, Mayor

Proclamation Recognizing
"Small Business Saturday 2025"

WHEREAS, Small Business Saturday was first observed in 2010 and has since become a day dedicated to celebrating and supporting small, independent businesses for their vital contributions to our local and national economies; and

WHEREAS, the U.S. Small Business Administration has officially recognized Small Business Saturday since 2011 to encourage consumer support of small businesses during the holiday season; and

WHEREAS, shopping small helps keep dollars in local economies, supports jobs, promotes entrepreneurial diversity, and sustains the unique character of neighborhoods; and

WHEREAS, the Pikes Peak Small Business Development Center (SBDC) and the Tri-Lakes Chamber of Commerce are committed to supporting local small businesses year-round through resources, education, and advocacy; and

WHEREAS, the Town of Monument recognizes the importance of bolstering and celebrating small business vitality as a foundation for community growth and resilience.

NOW, THEREFORE, Monument Town Council hereby proclaims Saturday, November 29, 2025, as "Small Business Saturday" in Monument and encourages all residents, civic organizations, and businesses to observe this day by patronizing small, independent businesses in our community both in person and online.

PROCLAIMED THIS 6th day of October 2025.

Attest: Town of Monument

_____ _____

Tina Erickson, Town Clerk Mitch LaKind, Mayor

POWERED BY SBA U.S. Small Business Administration

Colorado SBDC
PIKES PEAK Small Business Development Center

Hosted By:

Colorado Springs CHAMBER & EDC™

OUR MISSION

At Pikes Peak SBDC, we ignite the entrepreneurial spirit by serving as the go-to resource for small business owners—understanding their challenges, equipping them with essential knowledge, and providing expert guidance. Through strategic consulting, innovative training, and responsive support, we empower entrepreneurs to launch, grow, and thrive—fueling innovation and driving economic vitality across the Pikes Peak Region.

Colorado SBDC
PIKES PEAK Small Business Development Center

Meet the Team

Brandon Eldridge
Executive Director

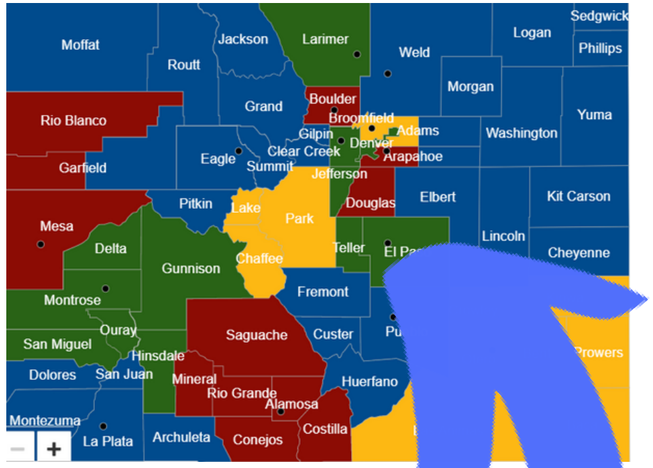
Lauren Shakes
Associate Director

Shaula Denton
Consulting Coordinator

Doni Walter
Financial Manager

Colorado SBDC
PIKES PEAK Small Business Development Center

Where Are We?



Headquarters Catalyst Campus

Satellite: Monument

Satellite: Ft. Carson

Satellite: Falcon

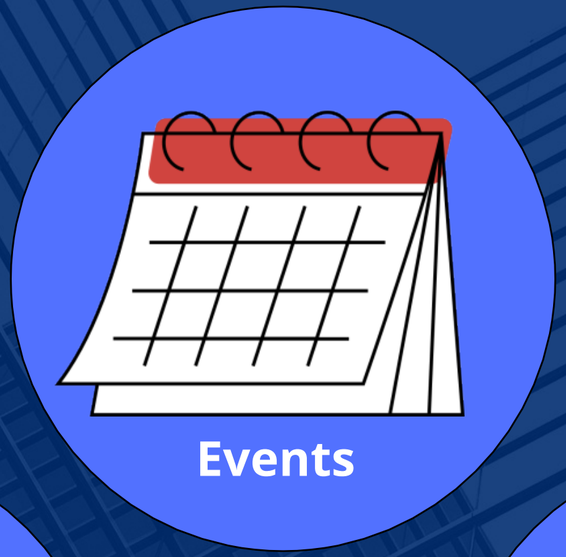
Satellite: Woodland Park

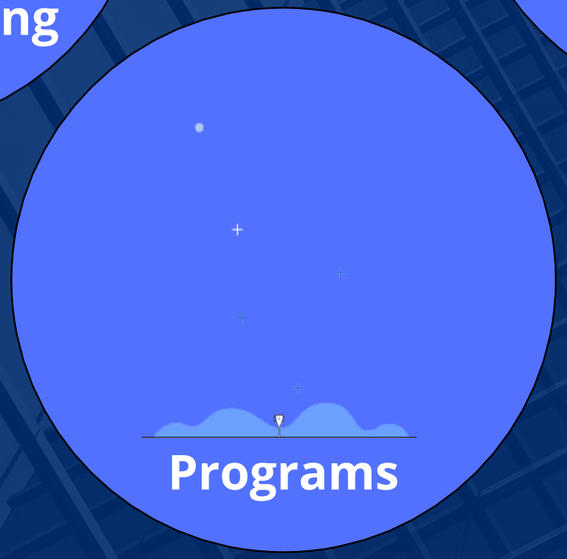
Satellite: Victor

Satellite: Fountain

Colorado SBDC
PIKES PEAK Small Business Development Center

Community Engagement





Business Owner

Aspiring Business Owner

New Business Owner

Seasoned Business Owner

Legacy Business Owner

"I recently opened a yoga studio. I need guidance on how to create a website and social media for my business to market my classes and products."

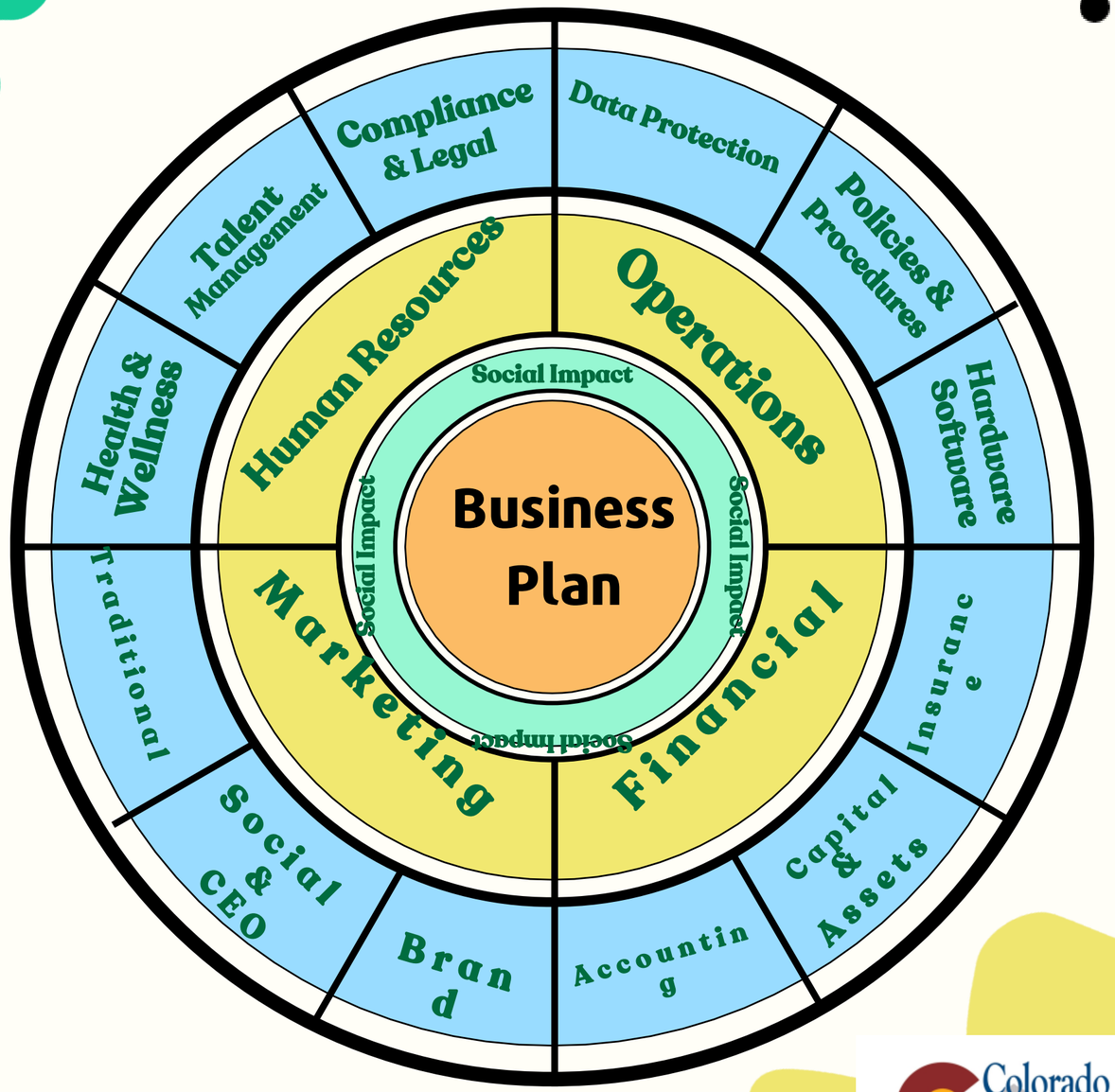
"I have an idea for a coffee shop and want to know how to start this business."

"I am an owner of an established pizza restaurant. I need guidance on how to expand my business to include multiple food trucks"

"I have owned a craft store for many years. I am ready to transition out of business ownership and want to know how to preserve the legacy of my business"

Certifications

- Woman Owned
- Veteran Owned
- Minority Owned
- LGBTQ+ Owned



Colorado SBDC
PIKES PEAK Small Business Development Center

9TH ANNUAL SOUTHERN COLORADO

CONSTRUCTION FORUM

THURSDAY MARCH 6TH | 8:00AM - 12:30 PM

PUEBLO COMMUNITY COLLEGE | 900 W ORMAN AVE, PUEBLO, CO 81004

$20 EARLY BIRD / $30 AFTER MARCH 1ST

INBANK FDIC

connect 2DOT

Colorado APEX Accelerator
GOVERNMENT CONTRACT ASSISTANCE

Colorado SBDC
Small Business Development Center Network

PIKES PEAK REGION

SMALL BUSINESS WEEK

May 4 – 10, 2025

LEGACY OF THE PEAK

Hands on Training

(Pipeline Development)

BUSINESS SUMMIT

for childcare providers

JUNE 21, 2025

LOCATION: TBD

- ☑ Sessions on CCCAP & UPK, grant writing workshop, workplace culture/retention, conflict management
- ☑ Networking with industry leaders
- ☑ Opportunities to get your questions answered
- ☑ Opportunity to earn PDIS credit

CONTRACT OPPORTUNITIES EXPO

AUGUST 13, 2025

CU Boulder - University Memorial Center

Colorado SBDC

BOULDER *Small Business Development Center*

BLAZE
AI Summit

Igniting the Future of Small Business with AI

AUGUST 15, 2025

VT-ARC Innovation Hub

2424 Garden of the Gods Road, Colorado Springs, CO

18th Annual

Veterans Small Business Conference

November 7th, 2025

HOSTED BY

Colorado SBDC
PIKES PEAK Small Business Development Center

PRESENTING SPONSOR

Huntington Bank

POWERED BY
SBA
U.S. Small Business Administration

Community Partners

- El Paso County Colorado Est. 1861
- Manitou Springs Colorado
- UCCS College of Business, University of Colorado Colorado Springs
- COSSBA
- Eastern Plains Chamber of Commerce
- Colorado Springs Utilities – It's how we're all connected
- The Greater Woodland Park Chamber of Commerce
- Fountain Valley Chamber of Commerce
- Colorado Springs Chamber & EDC
- Colorado Springs – Olympic City USA
- Colorado APEX Accelerator – Government Contract Assistance
- Tri-Lakes Chamber of Commerce, Economic Development, Visitor Center
- The Colorado Springs Black Chamber of Commerce
- BBB – bbb.org
- Thrive Network
- colorado enterprise fund – Lending with Impact
- Permit Partner
- Downtown Colorado Springs
- 1 Million Cups
- SCORE
- Philippine American Chamber of Commerce of Southern Colorado 2023
- XI – Exponential Impact
- Southern Colorado Women's Chamber of Commerce – We Mean Business
- Pikes Peak Regional Building Department
- Powered by SBA – U.S. Small Business Administration
- NCC
- Pikes Peak Library District – ppld
- U.S. Small Business Administration – VBOC – Veterans Business Outreach Centers
- Colorado Springs Hispanic Chamber – The Concilio
- Colorado Office of Economic Development & International Trade

U.S. Small Business Administration

POWERED BY

SBA

U.S. Small Business Administration

Colorado District Office

- Frances Padilla - Director
- David Benavides - Deputy Director
- Patty Brewer - International Trade
- Eric Phillips - Economic Development Specialist / Veterans Development Officer

Office of the National Ombudsman

- Region 8 Small Business Regulatory Fairness Board
  - Matt Greene - Mavericks Construction
  - Reanna Werner - HR Branches
  - Todd Baldwin - Redleg Brewery

CHAMPION PROGRAM

Colorado SBDC
PIKES PEAK Small Business Development Center

- SBDC Branded Bag with 20 Promotional Give-Away Items ($300 Value)
- 2 - VIP Tickets for Summer & Winter Socials ($100 Value)
- 6 - 'Pay It Forward' Tickets for 'Start Up Day' ($180 Value)
- 2 - 'Pay It Forward' Tickets for Leading Edge for Entrepreneurs ($1,000 Value)
- Exclusive Benefits offered by Pikes Peak SBDC Alumni
- 'Champion' will be featured on 1 newsletter in 2024 & recognized on the 'Champion Wall of Fame' at the SBDC.

Newsletter

Colorado SBDC

PIKES PEAK Small Business Development Center

- Upcoming Classes
- Business Events
- Grants
- Cybersecurity
- And so much more...

Get the latest updates in the business community

www.pikespeaksbdc.org

Start. Grow. Thrive.

Expert Business Guidance at Every Stage

- **No-cost, confidential, one-on-one business advising** from a network of approximately 300 business experts across the state.
- **Essential training, events, and workshops,** which are offered at no- or low-cost.
- **A network of 14 service centers and over 25 satellite centers** for convenient, local access to business support in all 64 counties.
- **Specialized business support** in areas such as financial management, marketing, business planning, and more.
- **Statewide programs** including Leading Edge, Exit Planning, Child Care, Marketing & Online Presence, and TechSource.
- **Support for businesses at every stage,** from dreaming up a first business plan to mapping an exit strategy.
- **A variety of resources** to help businesses start, grow, and thrive, including connections to community partners.

Initial Advising Session

New to the SBDC? Click the button to request your first advising appointment.**

Request Advising Session

Follow-Up

If you've already met with an SBDC advisor, click the button to request a follow-up appointment.

Request Follow-Up

Training

Looking for live or on-demand training? Click the button to view currently-available webinars and more.

Register for Training

Hosted By:

Thank You

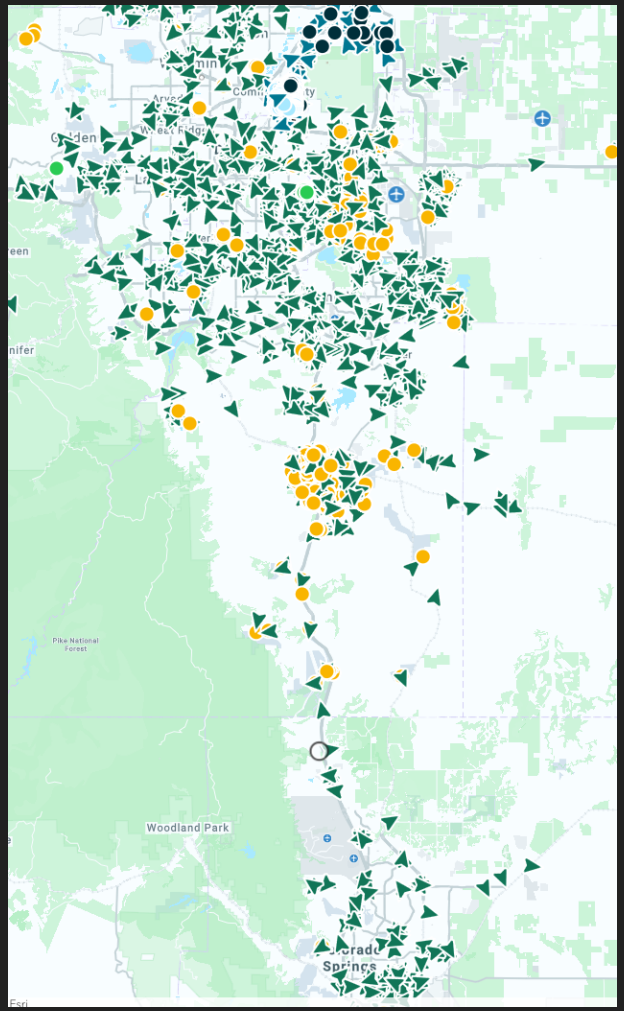
License Plate Technology Integration

Rethinking Modern Policing concepts

Transparency is key

MPD requested Flock Safety to deliver this presentation to demonstrate to the Town of Monument and its leadership the value of integrating existing license plate and vehicle description technology that already surrounds the Town of Monument up and down the Front Range and beyond.

The green arrows indicate an existing Flock Camera across the Front Range.



Technology is Here

The use of this technology is a force multiplier for the Monument Police Department. To have alerts sent to on-duty officers when vehicles of interest have entered the area. This allows objective and actionable evidence collection.

Flock Safety

Shape a safer future, together

2025

MONUMENT, CO

With Persistent Staffing Shortages, **Agencies Are Seeking New Strategies to Maximize Efficiency**

85% of agencies experiencing an officer shortage

New PERF survey shows police agencies are losing officers faster than they can hire new ones. April, 2023

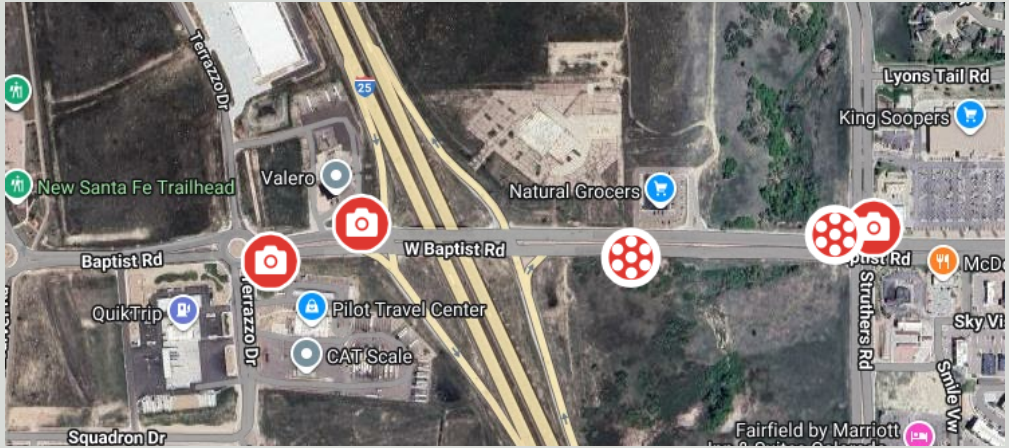
65% Agencies report having too few sworn officer candidates

GALLUP A Crisis For Law Enforcement

License Plate Readers

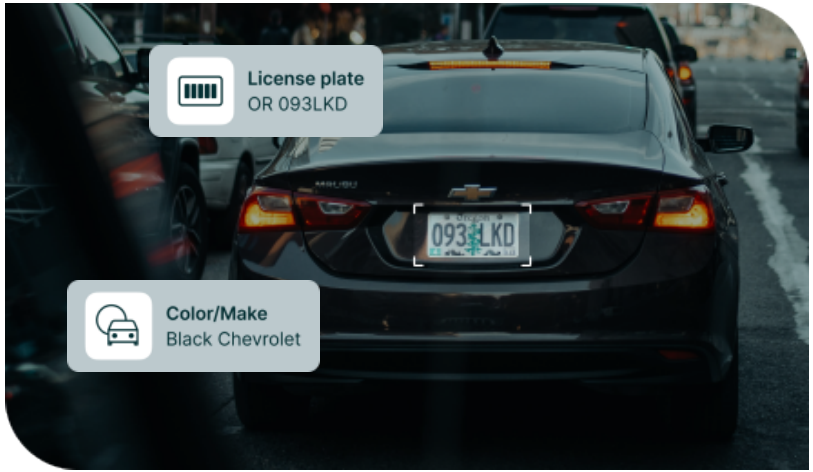
Not in anyone's backyard….

These are the MPD suggested locations for initial LPR installation for maximum visibility in the highest vehicle-traveled locations and outlets to the interstate.



With Flock Safety, you get:

Flock Safety LPR provides the Monument Police Department with indiscriminate evidence from fixed locations.
Flock provides all of the maintenance so that your police department and town staff can focus on keeping your town safe and prosperous.



INFRASTRUCTURE-FREE

Reduce time to value and utility costs with full-service deployment.

24/7 COVERAGE

Capture objective vehicle data around the clock to multiply your force.

REAL-TIME ALERTS

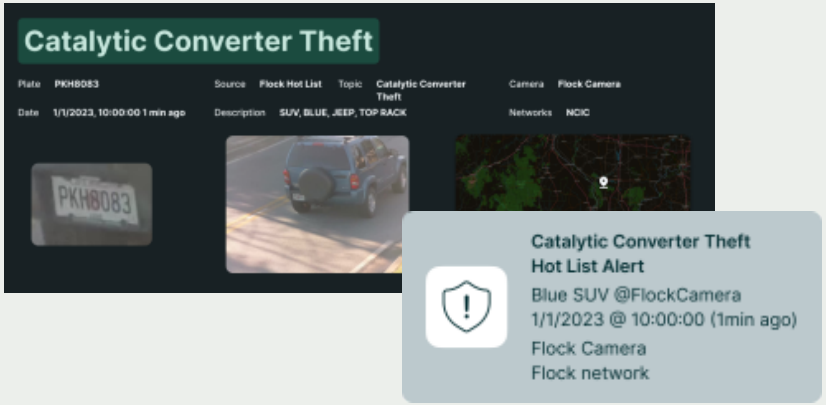
- NCIC
- NCMEC (Amber Alert)
- Custom Hot Lists

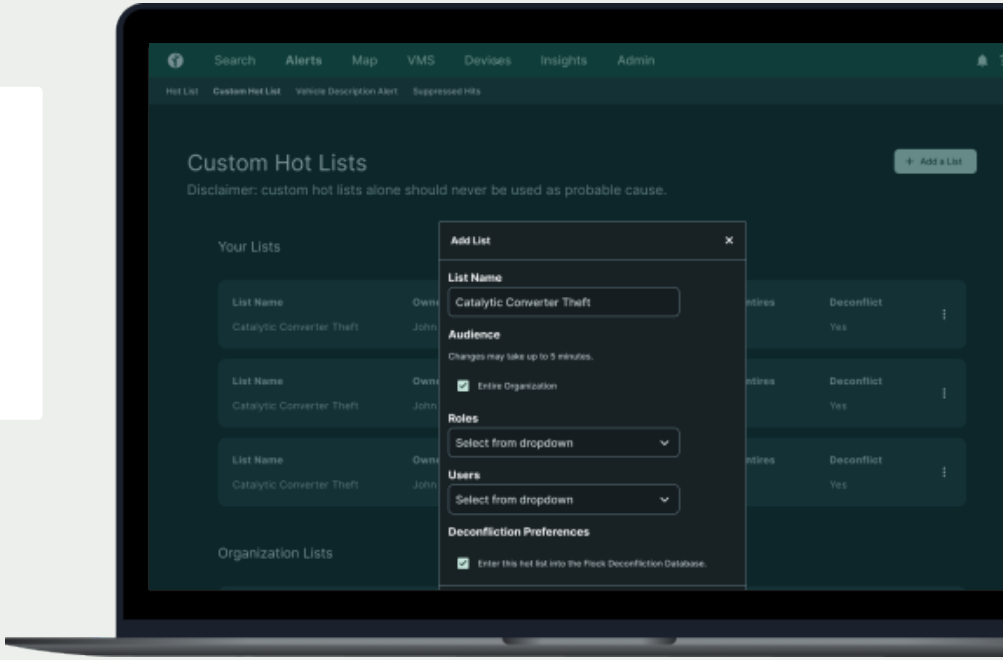
ETHICALLY BUILT

- No facial recognition
- No speed tracking
- Indiscriminate evidence

Precision policing with real-time alerts

Your police officers can receive SMS, email, and in-app alerts when vehicles entered into the FBI's NCIC, NCMEC (Amber Alerts), or custom Hot Lists pass by a Flock Safety camera in your community.



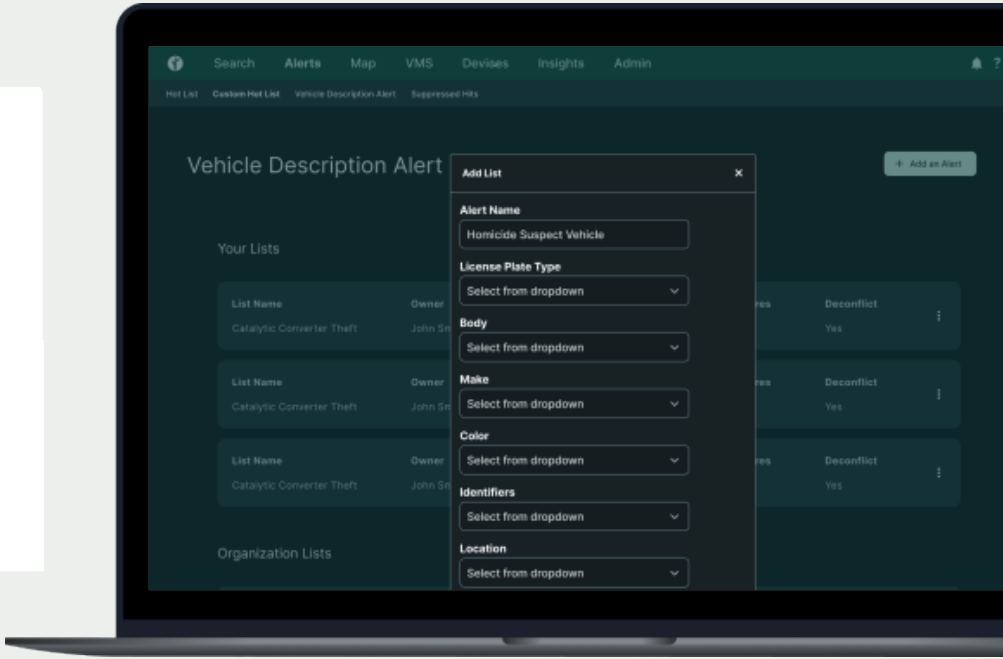


What Vehicle Fingerprint® technology identifies

Flock's machine learning technology allows officers to search vehicles based on unique vehicle criteria, time, and location — objective, investigative evidence.

INCLUDING

- Vehicle make
- Body type
- Color
- Back racks
- Top racks
- License plates
  - Temporary tags
  - State recognition



Built with Privacy in Mind

- All data is owned by Monument PD and will **never** be sold to private third parties.
- Private Flock customers **never** have access to government data or hotlists.
- Flock **automatically deletes** data after 30 days by default.
- **Only** Monument PD decides who they share data with, if at all.
- **Flock does not have facial recognition**. The system can only be searched for vehicle characteristics.
- **All data is stored with end-to-end encryption** including:

  FBI (CJIS)
  NDAA
  SOC2 (Type II)
  SOC3
  ISO 27001
  Higher Education Community Vendor Assessment Tool (HECVAT), HIPAA
  FERPA

  We are also aligned with the security protocols established by NIST Cybersecurity as well as the Cloud Security Alliance CAIQ framework.

Built with Transparency in Mind

- Every search requires a registered ID along with a search reason or case number.
- Search reason and user number saved in indefinitely-available audit trail.
- Flock encourages all agencies to implement regular audits to ensure proper usage.
- Flock provides every community a Transparency Portal free of charge that can be customized.

Policy 409

Monument Police Department
Monument PD Policy Manual

Automated License Plate Readers (ALPR)

409.1 PURPOSE AND SCOPE
The purpose of this policy is to provide guidance for the capture, storage, and use of digital data obtained through the use of Automated License Plate Reader (ALPR) technology. Monument Police Department

409.2 DEFINITIONS
ALPR Administrator: An individual designated to oversee the Department's use of the ALPR systems, including access, oversight, training, and management of ALPRS data, ensuring its appropriate use and compliance with relevant procedures.

Automated License Plate Reader System (ALPRS): A system comprising LPR camera, computers, and software designed to capture and interpret the characters on vehicle license plates automatically. The collected data may be cross-referenced with a list of license plates relevant to law enforcement, such as those associated with investigations or enforcement actions. Depending on operational needs, the Department may deploy ALPRS in fixed, mobile, or portable configurations.

- Fixed: ALPR cameras that are permanently affixed to a structure, such as a pole, traffic control device, or a parking structure.
- Mobile: ALPR cameras that are affixed, either permanently (hardwired) or temporarily (i.e. magnet-mounted), to a law enforcement vehicle or equipment for mobile deployment.
- Portable: ALPR cameras that are temporarily affixed to a structure or object.

ALPR User: Trained personnel who may utilize the APLR system or equipment in an official capacity.

Alert (also referred to as a "Hit"): A detection indicating a possible match between a license plate scanned by the ALPR system and a record from the hot list. a hit does not constitute definitive confirmation that the license plate is of interest; further investigation is required to verify the match.

Hot List: A specialized database containing items of significant interest to law enforcement, including but not limited to NCIC, CCIC, Local BOLOs, Amber and Silver Alerts, and other law enforcement-specific watch lists.

409.3 ADMINISTRATION OF ALPR DATA
Monument Police Department shall ensure compliance with Colorado CRS 24-72-113 for data retention and privacy standards for passive surveillance systems. Automated License Plate Reader (ALPR) technology, also known as License Plate Recognition, which provides automated detection of license plates. The ALPR is used by the Monument Police Department to convert data associated with vehicle license plates for official law enforcement purposes, including identifying

Flock Safety

Routinely solving and preventing crime

On 5/16/2025 at approximately 0730 hours, Cpl Hoeh and Officer Corbiere responded to the Home Depot located at 15888 Jackson Creek Pkwy reference a FLOCK hit for a stolen plate. Cpl Hoeh arrived on scene and located the unoccupied vehicle. Cpl Hoeh and Officer Corbiere remained in the parking lot until the suspect exited the store and entered the vehicle. Once the suspect entered the vehicle Cpl Hoeh and Officer Corbiere positioned their vehicles behind and in front of the vehicle to prevent the suspect from fleeing the scene. Cpl Hoeh issued verbal commands for the suspect to exit the vehicle. The suspect refused all verbal commands and continued to make furtive movements within the vehicle. At this time Officer Corbiere took over communications with the suspect so Cpl Hoeh could coordinate additional resources. Once additional resources arrived, Officer Corbiere was able to talk the suspect out of the vehicle at which time he was placed in custody. The vehicle was determined to be a stolen vehicle, with three stolen plates and the suspect was additionally committing theft from Home Depot. The suspect was charged with the appropriate charges and transported to CJC. Both Cpl Hoeh and Officer Corbiere utilized a new program (FLOCK) to locate a stolen vehicle, stolen plates with a suspect and add additional charges for the stolen items from Home Depot. It should also be noted that Officer Corbiere utilized excellent communication skills to talk the uncooperative suspect out of the vehicle. Both should be commended for their actions on this call for service.

Flock Safety In Colorado

Local Examples of Flock Safety LPR technology notifications to officers from the LPR's at the Home Depot, helping Monument PD:

- Five felony arrests stemming from activity at the Kohl's department store.
- Recovery of three stolen license plates and one stolen vehicle.
- In one case, a missing person was successfully tracked through our town using route data captured by the system.

Used by 75+ law enforcement agencies, including:

- El Paso Co SO
- Douglas Co SO
- Castle Rock PD
- Colorado Springs PD

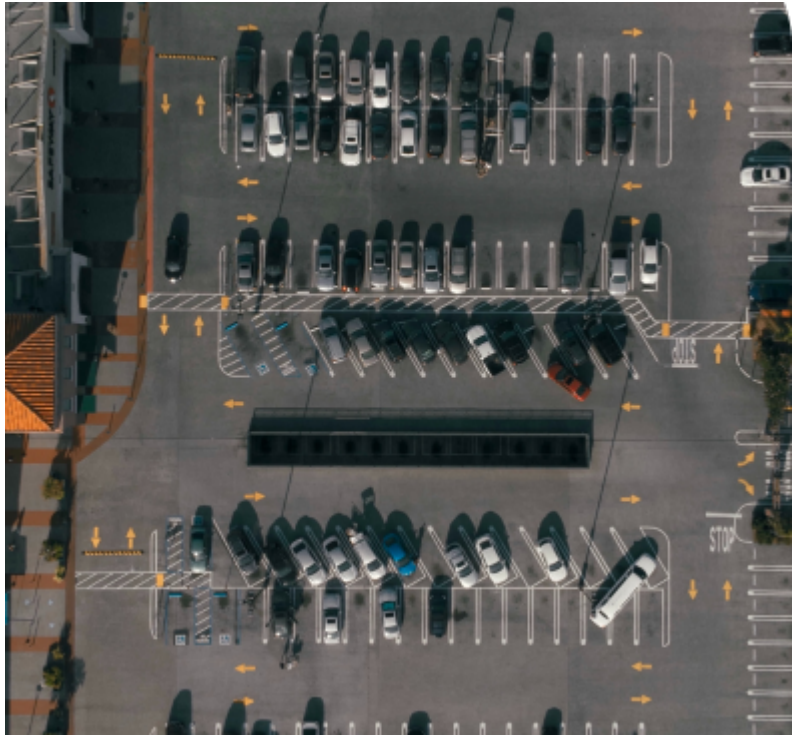
Case Study - Immediate ROI

Edgewater PD - Edgewater, CO

➔ Edgewater PD saw immediate results after installing Flock Safety LPRs:

- In the first 45 days of implementation, 12 stolen vehicles were recovered
- In the first 6 months of the year motor vehicle thefts are down over 30% YTD in Edgewater City
- The placement of Flock Safety LPR cameras have assisted in the identification of subjects with outstanding warrants and a suspect in an assault investigation

“Our officers' diligence in recovering stolen vehicles and apprehending criminals in conjunction with the Flock Safety cameras have been a great partnership.” - Edgewater PD



#Solved: Identity Theft

Salida PD - Salida, CO

➔ Detectives with the Salida Police Department were informed that a suspect accused of stealing credit cards and vehicles around Denver was in town.

➔ Armed only with a photograph of the suspect, investigators canvassed local businesses until they were able to obtain a partial plate number.

➔ **Detectives entered the partial license plate number into their LPRs**, discovered the vehicle was a rental, and proceeded to identify the suspect.

➔ The suspect, a habitual offender, was arrested.

Flock's information was "more credible than the crime stoppers tips authorities received, as all were determined to be incorrect information."

-Salida PD

O’Fallon Police use Flock Safety LPRs to Find Missing Elderly Woman

O’Fallon PD - O’Fallon, MO

An 87-year-old woman, who went missing after departing her residence for a doctor’s appointment, is safe after O’Fallon PD issued a Silver Alert.

9:30- 10:30 AM

An elderly woman left her residence to attend a doctor’s appointment.

3:45 PM

The missing senior’s vehicle passed a Flock LPR, alerting officers who soon located her and initiated a traffic stop.

3:30 PM

The senior’s daughter reported her missing

When Every Second Matters: Child Abduction

Chamblee PD - Chamblee, GA

Stranger on Stranger Abduction
August 28, 2020

12:33 PM
Amber Alert Issued

1:01 PM
Search Conducted with Flock Safety

2:30 PM
Suspect Vehicle Located

5:03 PM
Felony Stop + Arrest

6:00 PM
Baby Reunited with Mother

flock safety

COLLINS | COLE
WINN | ULMER

MEMORANDUM

September 29, 2025

VIA EMAIL

TO: Town Council
Town of Monument

FROM: Douglas Stallworthy

RE: **AN ORDINANCE APPROVING A REAL PROPERTY TRANSFER FROM EL PASO COUNTY FOR ROAD CONNECTION TO OLD DENVER ROAD AND ENTERING INTO INTERGOVERNMENTAL AGREEMENT ACCEPTING OBLIGATIONS RELATED THERETO.**

PURPOSE

The property transfer that is the subject of Ordinance No 16-2025 is related to the Terrazzo Baja Commercial Development between Interstate 25 and the New Regional Sante Fe Trail, north of West Baptist Road. Pursuant to Section 14.6 of the Town Charter an ordinance is required to purchase, sell or exchange any interest in real property. As a part of the development two new roads, (the "Subject Property") La Campana Drive and Baja Drive will cross the Sante Fe Trial and connect to Old Denver Road.

The Sante Fe Trail is owned by El Paso County and this section was developed in 1983 with federal Land and Water Conservation Funds ("LWCF"). As a condition of accepting LWCF funds a restriction was placed on the property within the Sante Fe Trail project boundary that requires the property to be maintained and accessible for public recreation uses (the "Use Restriction"). The State of Colorado and United States Department of Interior, National Park Service have confirmed that the transfer of the subject property and construction of the road crossings will not violate the Use Restriction.

The deed to transfer the Subject Property includes a notice of the Use Restriction and the Town will also be required to enter into an intergovernmental agreement with El Paso County acknowledging the Use Restriction and assuming stewardship obligations for those portions of the Santa Fe Trail that are being transferred to the Town. The El Paso County Board of County Commissioners approved the transfer of the Subject Property and the IGA and executed both documents on September 23, 2025.

E: dstallworthy@cogovlaw.com | T: 720-295-1228 | 165 S. Union Blvd., Suite 785, Lakewood, CO 80228

THE NEW REGIONAL SANTE FE TRAIL

This portion of the New Regional Santa Fe Trail was developed as part of the Sante Fe Trail LWCF Project No. 08-00918 as the first phase of the New Regional Sante Fe Trail. The project included the trailhead, restrooms, and parking at Adams and Third Street, and approximately 4 miles of trail. The original project scope was for El Paso County to provide outdoor recreational facilities consisting of trails and support facilities for use by the general public at the Santa Fe Trail located between the Town of Monument and Baptist Road in El Paso County. The Subject Property is at the southern end of the Sante Fe Trail project.

LWCF RESTRICTION

1. The Deed Restriction

As this portion of the Sante Fe Trail was developed with LWCF funds, the Use Restriction encumbers the Subject Property. The Use Restriction restricts use of the Subject Property to public outdoor recreation uses. The deed to transfer the Subject Property gives notice of the Use Restriction with the following provision:

> "Property acquired or developed with Land and Water Conservation Fund assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without notification to Colorado Parks and Wildlife, and the approval of the National Park Service pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) and conversion requirements outlined in regulations (36 C.F.R. § 59.3)."

This restriction will be binding on the Subject Property in perpetuity and will be included in any future transfer of the Subject Property.

2. Compliance With Deed Restriction

The State of Colorado and United States Department of Interior, National Park Service have confirmed by the letter dated June 2, 2025, that the construction of the road crossings and transfer of ownership to the Town are compatible with the Use Restriction, as the crossings will not prevent public access along the contiguous trail.

Based on the foregoing letter, the developer may construct the proposed road crossings without breaching the Use Restriction.

3. Stewardship and Compliance Agreement

As part of the LWCF approval the State of Colorado has requested that El Paso County and the Town enter into an intergovernmental agreement whereby the Town acknowledges and accepts the LWCF compliance responsibilities. Those compliance responsibilities include the Use Restriction and require that the property is retained and used for public outdoor recreation in

perpetuity and maintenance of the Subject Property in an attractive and inviting condition. Further obligations are summarized in the agreement. The except for the Use Restriction, the obligations are not onerous, especially as in this case the Subject Property will not include any buildings.

SUMMARY

The acceptance of the Subject Property will facilitate the connection of La Campana Drive and Baja Drive to Old Denver Road. As the construction of the road crossings has already been acknowledged by the State of Colorado and United States Department of Interior, National Park Service, there is minimal risk to the Town in accepting the Subject Property encumbered by the Use Restriction. In the future, there are mechanisms to remove the Use Restriction, however, there is no purpose in doing so at this moment.

TOWN OF MONUMENT

ORDINANCE NO. 16-2025

AN ORDINANCE APPROVING A REAL PROPERTY TRANSFER FROM EL PASO COUNTY AND ENTERING INTO INTERGOVERNMENTAL AGREEMENT ACCEPTING OBLIGATIONS RELATED THERETO

WHEREAS, the Town of Monument ("Town") is a home rule municipality duly organized and existing under Article XX of the Colorado Constitution and the Town's Home Rule Charter approved by the electors on November 8, 2022 ("Charter"); and

WHEREAS, pursuant to Section 14.6 of the Charter, the Town Council of the Town (the "Town Council") may by ordinance purchase, sell or exchange any interest in real property, except in the case of real property received by the Town by gift, donation, or dedication for the purposes of open space, park, or recreation, such property may not be sold, disposed of, or conveyed without an affirmative vote of the registered electors of the Town; and

WHEREAS, the Town has approved the Final Plat for the Terrazzo-Baja Commercial Development recorded May 16, 2025 at Reception No. 225715517 of the records of EL Paso County, ("Final Plat") for development of the Property (the "Project"); and

WHEREAS, the Project involves the connection of Baja Drive and La Campana Drive to Old Denver Road across the New Sante Fe Regional Trail at two locations; and

WHEREAS, El Paso County, Colorado, a political subdivision of the State of Colorado ("County") is the landowner of a certain parcel (APN 7126000009) of land in El Paso County which encompasses a portion of the New Santa Fe Regional Trail and said land was developed with federal Land and Water Conservation Funds ("LWCF") by the County in 1983; and

WHEREAS, the County desires to convey to the Town of Monument, via executed Special Warranty Deed, attached as Exhibit A hereto and incorporated herein, those two portions of the New Santa Fe Regional Trail that will be crossed ("Crossing Parcels"); and

WHEREAS, State of Colorado and United States Department of Interior, National Park Service has issued a letter stating that the Project complies with LWCF restrictions placed on the Crossing Parcels, dated June 2, 2025, attached as Exhibit B hereto and incorporated herein, which acknowledges construction of the road crossings and transfer of ownership to the Town; and

WHEREAS, the Town will assume the responsibilities of the County to comply with the LWCF restrictions as further described in the Intergovernmental Agreement Regarding Compliance and Stewardship of Certain Parcels of The New Santa Fe Regional Trail, attached as Exhibit C hereto and incorporated herein (the "IGA"); and

WHEREAS, the Town desires to accept the Crossing Parcels from the County and enter into the IGA with the County; and

WHEREAS, this Ordinance was introduced by title, considered at public hearing, and voted upon at the regular meeting of the Town Council on October 6, 2025.

THE TOWN COUNCIL OF THE TOWN OF MONUMENT, COLORADO, ORDAINS:

Section 1. Incorporation. The recitals set forth above are incorporated and ordained as if set forth in this section in full.

Section 2. Approval of Property Transfer. The Town accepts the transfer of the Crossing Parcels, as evidenced by the Special Warranty Deed attached hereto as Exhibit A, which deed is in all respects approved, authorized and confirmed.

Section 3. Approval of IGA. The Town approves the IGA attached hereto as Exhibit C, which is in all respects approved, authorized and confirmed.

Section 4. Authorization. The Mayor, the Town Manager, and the Town Clerk, are authorized to execute and record on behalf of the Town the IGA and any all deeds, agreements, easements, or other documents reasonably necessary to carry out the conveyance. The Town Manager, Town staff under the direction of the Town Manager, and the Town Attorney are authorized and directed to perform all actions reasonably necessary to carry out the Town's obligations under the IGA.

Section 5. Publication. Pursuant to Subsection 6.5, 3. of the Town of Monument Home Rule Charter and Subsection 2.04.030, G. of the Monument Municipal Code, upon approval this Ordinance shall be published on the Town's official website in full for not less than ten (10) days.

Section 6. Authentication and Filing. Upon passage this Ordinance shall be authenticated by the Mayor and Town Clerk and maintained by the Town Clerk in such form as is sufficient to assure reasonable access by the public. Failure to authenticate any ordinance shall not invalidate it or suspend its operation.

Section 7. Effective Date. This Ordinance shall become effective and be in full force and effect ten (10) days after final publication.

Section 8. Severability. If any portion of this Ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable.

INTRODUCED, PASSED, and ADOPTED/REJECTED, by the Town Council of the Town of Monument, Colorado this 6th day of October 2025, by a vote of _____ for and _____ against.

TOWN OF MONUMENT, COLORADO

By: _____
Mitch LaKind, Mayor

Attest:

_____
Tina Erickson, Town Clerk

EXHIBIT A

Special Warranty Deed for Crossing Parcels

(Attached)

EXHIBIT A

SPECIAL WARRANTY DEED

THIS DEED, made this 23rd day of September, 2025, between the **COUNTY OF EL PASO, STATE OF COLORADO,** by and through the BOARD OF COUNTY COMMISSIONERS OF EL PASO COUNTY, COLORADO, whose legal address is 200 South Cascade Avenue, Colorado Springs, Colorado 80903 ("Grantor"); and **THE TOWN OF MONUMENT,** a home-rule municipality and body politic in the State of Colorado, whose legal address is 645 Beacon Lite Road, Monument, Colorado 80132 ("Grantee");

WITNESSETH, That Grantor, for and in consideration of the sum of Ten Dollars and Zero Cents ($10.00), and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has granted, bargained, sold, and conveyed, and by these presents does grant, bargain, sell, convey, and confirm, unto Grantee, and Grantee's successors, and assigns forever, all the real property, together with all improvements, situate, lying and being in the County of El Paso, State of Colorado, described as follows:

> **See attached Exhibit A, legal descriptions, and Exhibit B, legal depictions**

TOGETHER WITH all and singular the hereditaments and appurtenances thereto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues, and profits thereof; and all the estate, right, title, interest, claim, and demand whatsoever of Grantor, either in law or equity, of, in, and to the above bargained premises, with the hereditaments and appurtenances; and being subject to the following deed restriction in perpetuity:

> **Property acquired or developed with Land and Water Conservation Fund assistance shall be retained and used for public outdoor recreation in perpetuity. Any property so acquired or developed shall not be wholly or partly converted to other than public outdoor recreation uses without notification to Colorado Parks and Wildlife, and the approval of the National Park Service pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) and conversion requirements outlined in regulations (36 C.F.R. § 59.3).**

TO HAVE AND TO HOLD the said premises above bargained and described with the appurtenances, unto Grantee, and Grantee's successors, and assigns forever. Grantor, for Grantor and Grantor's successors, and assigns, does covenant and agree that Grantor shall and will WARRANT AND FOREVER DEFEND the above bargained premises in the quiet and peaceable possession of Grantee, and Grantee's successors, and assigns, against all and every person or persons claiming the whole or any part thereof, by, through or under Grantor, except taxes and assessments for the year 2025, subject to statutory exceptions as defined in C.R.S. § 38-30-113(5)(a).

IN WITNESS WHEREOF, Grantor has executed this deed on the date set forth above.

BOARD OF COUNTY COMMISSIONERS
OF EL PASO COUNTY, COLORADO

By: _____
Carrie Geitner, Chair

ATTEST:

By: _____
County Clerk and Recorder

STATE OF COLORADO)
) SS.
COUNTY OF EL PASO)

The foregoing Special Warranty Deed was acknowledged before me this 23rd day of September, 2025, by Carrie Geitner, Chair, Board of County Commissioners of El Paso County, Colorado, and as attested to by Steve Schleiker, County Clerk and Recorder.

Witness my hand and official seal.

_____
Notary Public

My Commission expires: 2/11/2026

JACQUELINE ALLRED
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20224006145
MY COMMISSION EXPIRES FEBRUARY 11, 2026

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND
A TRACT OF LAND LOCATED IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO;

BASIS OF BEARING
ALL BEARINGS DESCRIBED HEREON ARE BASED UP ON THE WESTERLY LINE OF LOT 5, TERRAZZO-BAJA COMMERCIAL DEVELOPMENT AS RECORDED UNDER RECEPTION NO. 225715517 OF THE RECORDS OF EL PASO COUNTY, COLORADO, BEING MONUMENTED AT EACH END BY A FOUND NO. 4 REBAR WITH ORANGE SURVEYOR'S CAP, PLS 37909, FLUSH WITH THE GROUND, RECORDED AS BEARING N07°48'05"W, 367.55 FEET;

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5, THENCE S07°48'05"E, ALONG THE WESTERLY LINE OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT, A DISTANCE OF 60.01 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S83°11'15"W, A DISTANCE OF 36.94 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°00'00", FOR A LENGTH OF 70.69 FEET TO A POINT OF TANGENT;

THENCE S06°48'45"E, A DISTANCE OF 218.26 FEET;

THENCE S03°01'59"E, A DISTANCE OF 148.30 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF OLD DENVER ROAD;

THENCE N09°11'52"W ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 1209.40 FEET;

THENCE S11°46'46"E, A DISTANCE OF 424.23 FEET;

THENCE S08°05'20"E, A DISTANCE OF 211.40 FEET;

THENCE S06°48'45"E, A DISTANCE OF 58.12 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°00'00", FOR A LENGTH OF 70.69 FEET TO A POINT OF TANGENT;

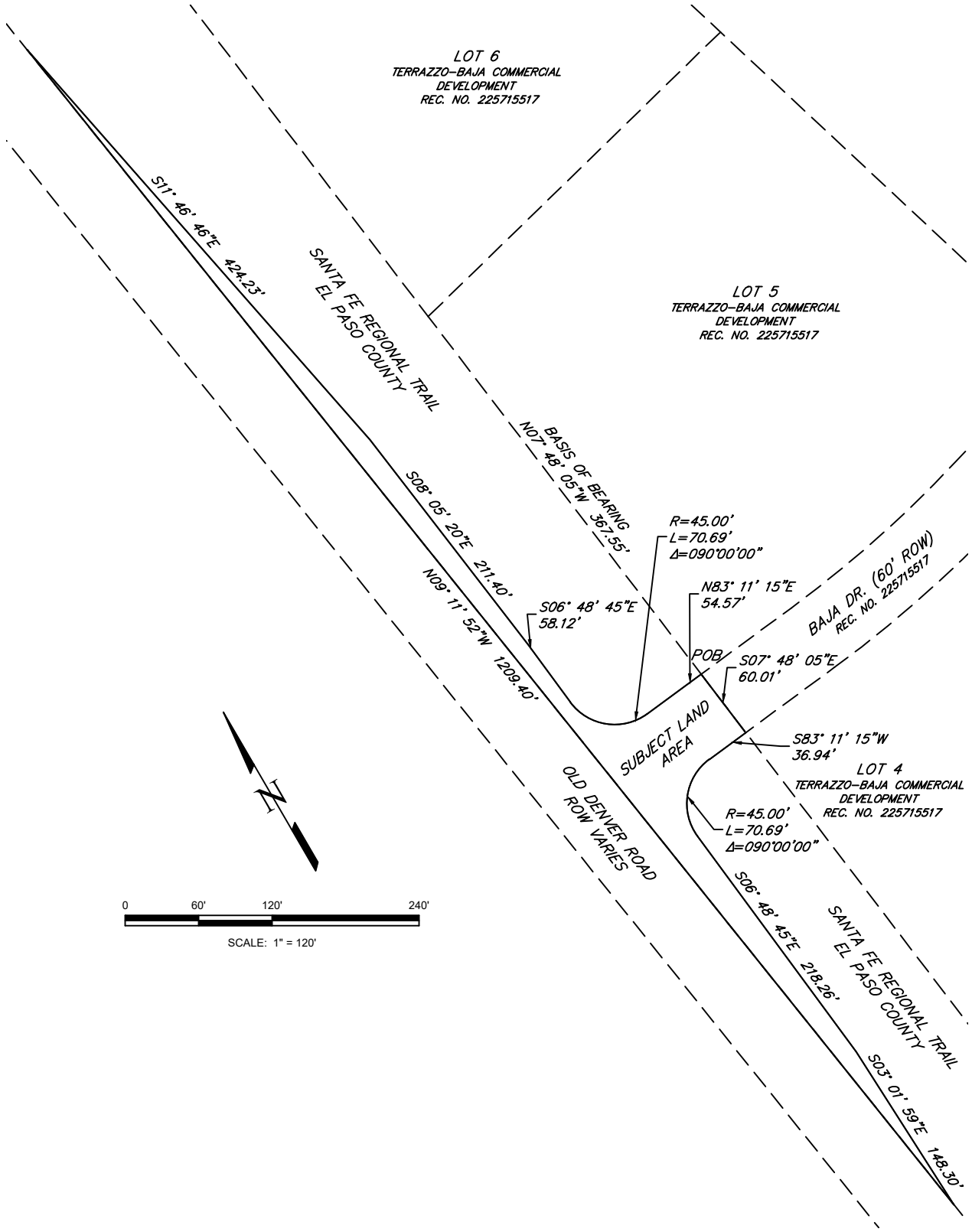
THENCE N83°11'15"E, A DISTANCE OF 54.57 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 23,242 SQUARE FEET, 0.53 ACRES MORE OR LESS.

MICHAEL J. MUIRHEID, PLS
COLORADO NO. 37909
FOR AND ON BEHALF OF CENTENNIAL LAND SURVEYING

EXHIBIT B

BAJA DR. & OLD DENVER ROAD
EL PASO COUNTY, COLORADO



CENTENNIAL LAND SURVEYING

16115 NORTHCLIFF SQ.
ELBERT, CO 80106
(719) 492-6540

PROJECT: SANTA FE TRAIL & BAJA DR.			
DATE: 09/05/25	BY: MJM	CHKD: RS	
JOB NO. 241122	SHEET NO. 2 OF 2		

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND
A TRACT OF LAND LOCATED IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO;

BASIS OF BEARING
ALL BEARINGS DESCRIBED HEREON ARE BASED UP ON THE WEST END OF LA CAMPANA RIGHT OF WAY AS RECORDED UNDER RECEPTION NO. 221714764 OF THE RECORDS OF EL PASO COUNTY, COLORADO, SAID LINE ALSO BEING THE WEST BOUNDARY OF TERRAZZO-BAJA COMMERCIAL DEVELOPMENT AS RECORDED UNDER RECEPTION NO. 225715517 OF SAID RECORDS, BEING MONUMENTED AT EACH END BY A NO. 5 REBAR WITH ORANGE SURVEYOR'S CAP FLUSH WITH THE GROUND, PLS 37909, RECORDED AS BEARING S07°48'05"E WITH A DISTANCE OF 60.25 FEET;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S07°48'05"E ALONG THE WEST BOUNDARY OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT, A DISTANCE OF 60.25 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S87°14'24"W, A DISTANCE OF 179.05 FEET;

THENCE S46°32'12"W, A DISTANCE OF 11.25 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF OLD DENVER ROAD;

THENCE N02°20'41"W ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 81.14 FEET;

THENCE S52°03'47"E, A DISTANCE OF 21.52 FEET;

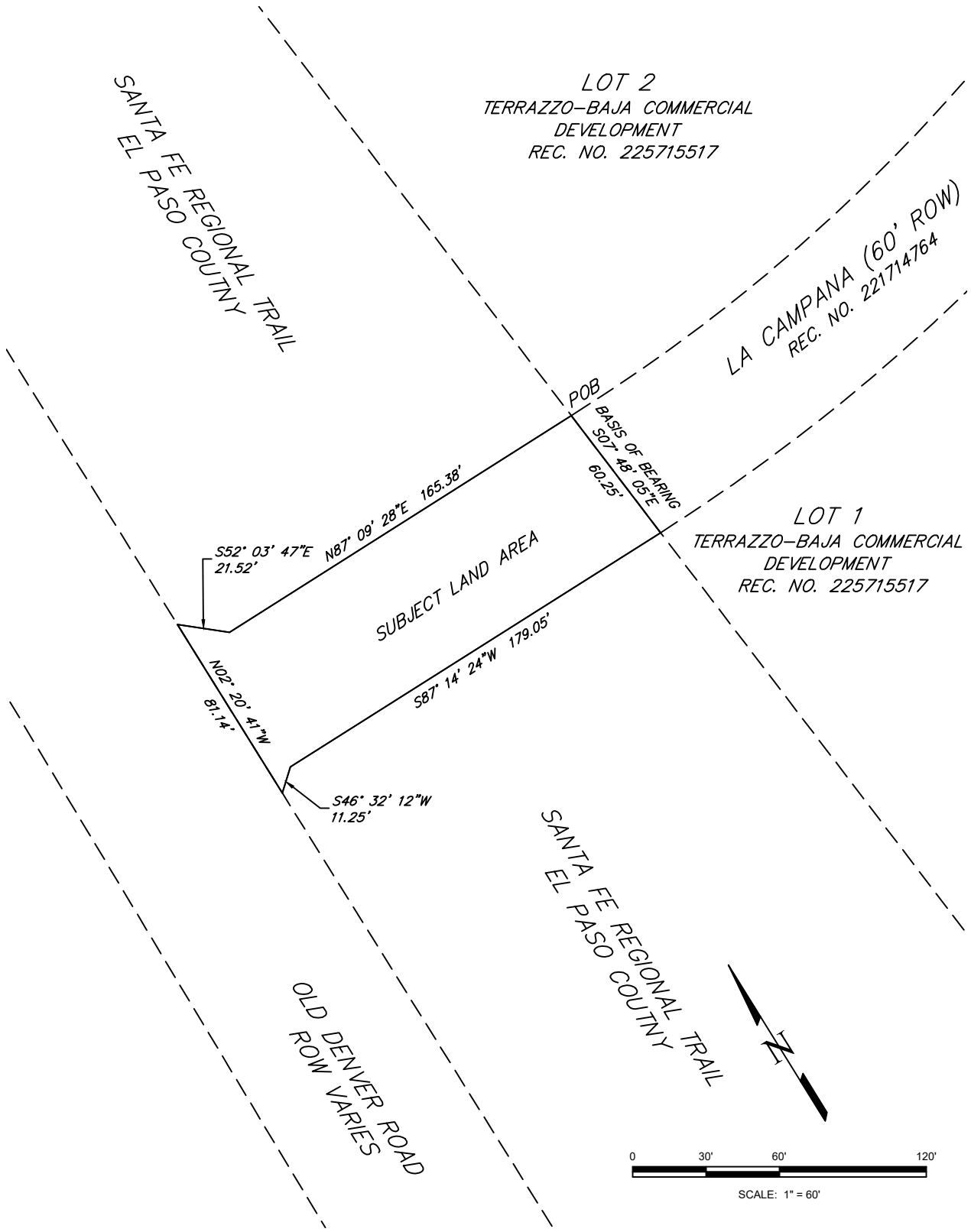
THENCE N87°09'28"E, A DISTANCE OF 165.38 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 11,204.7 SQUARE FEET, 0.26 ACRES MORE OR LESS.

MICHAEL J. MUIRHEID, PLS
COLORADO NO. 37909
FOR AND ON BEHALF OF CENTENNIAL LAND SURVEYING

EXHIBIT B

LA CAMPANA DR. & OLD DENVER ROAD
EL PASO COUNTY, COLORADO



CENTENNIAL LAND SURVEYING

16115 NORTHCLIFF SQ.
ELBERT, CO 80106
(719) 492-6540

PROJECT: SANTA FE TRAIL LAND SWAP		
DATE: 09/05/25	BY: MJM	CHKD: RS
JOB NO. 241122	SHEET NO. 2 OF 2	

EXHIBIT B

Letter regarding LWCF 08-00918 Santa Fe Trail

(Attached)

Exhibit B

United States Department of the Interior
NATIONAL PARK SERVICE
One Denver Federal Center, Building 50
Denver, CO 80225

08-00918 (LWCF-WASO)

June 2, 2025

Fletcher Jacobs
State Liaison Officer (SLO)
Colorado Parks and Wildlife
13787 US Hwy. 85 N.
Littleton, CO 80125

Dear Fletcher:

The Colorado Department of Natural Resources, Division of Parks and Wildlife (CPW), has requested the National Park Service (NPS) review a trail improvement project at The Santa Fe Trail (LWCF 08-00918), located near W. Baptist and Old Denver Roads, El Paso County, Colorado.

The proposed construction includes two, at-grade, vehicle and pedestrian crossings, which will cross the existing Santa Fe Trail at two separate locations. The land for the crossings will be deeded to the Town of Monument, with El Paso County retaining an easement for public access and trail maintenance. Impacts associated with construction will be offset with improvements and expansion of the existing trailhead parking. The new crossings will not block access to the Santa Fe Trail, and the trail will remain open during construction by way of detours for public access.

NPS concurs that this project is considered a park improvement but, regarding stewardship responsibilities for this area, requests a copy of the co-sponsorship agreement between the two eligible LWCF sponsors of El Paso County and the Town of Monument. The construction of this new development at the Santa Fe Trail is consistent with the Colorado SCORP, and compatible and supportive of outdoor recreation and **does not trigger a conversion.**

We anticipate this new development will significantly support outdoor recreation resources at the park, actively engage the recreating public, and recreation use remains the overall primary function of the site. This development will include recreation components and will encourage outdoor recreation use of the existing LWCF Boundary area (LWCF 08-00918) under 54 U.S.C.§ 200305 (f)(3) formerly known as the Section 6(f) area. If you need any further assistance, please contact me via email at [redacted]

Sincerely,

HALLIE GROFF

Digitally signed by HALLIE GROFF
Date: 2025.06.02 12:20:23 -06'00'

Hallie Groff
Supervisory Compliance Officer
National Park Service – LWCF
Interior Regions 6, 7, 8
One Denver Federal Center, Building 50, Denver, CO 80225

EXHIBIT C

Intergovernmental Agreement Regarding Compliance and Stewardship of Certain Parcels of The New Santa Fe Regional Trail

(Attached)

EXHIBIT C

INTERGOVERNMENTAL AGREEMENT

REGARDING COMPLIANCE AND STEWARDSHIP OF CERTAIN PARCELS OF THE NEW SANTA FE REGIONAL TRAIL

This Intergovernmental Agreement ("IGA") is entered into by and between the El Paso County, Colorado, a political subdivision of the State of Colorado ("EPC"), and the Town of Monument, a home-rule municipal corporation and political subdivision of the State of Colorado ("Monument"), EPC and Monument may be referred to collectively as "Parties" or individually as "Party".

RECITALS

WHEREAS, Article XIV, Section 18, of the Colorado Constitution, and C.R.S. § 29-1-201, et seq., provide for, and encourage, political subdivisions of the State of Colorado to make the most efficient and effective use of their powers and responsibility by cooperating and contracting with each other; and

WHEREAS, EPC is the landowner of a certain parcel (7126000009) of land in El Paso County which encompasses a portion of the New Santa Fe Regional Trail and said land was developed with Land Water Conservation Funds ("LWCF") by EPC in 1983; and

WHEREAS, EPC desires to convey, or has conveyed, via Special Warranty Deed, those two particular portions of the New Santa Fe Trail to the Town of Monument of which are more particularly described and depicted in Exhibits A and B, attached hereto and incorporated herein ("Crossing Parcels"); and

WHEREAS, in compliance with the National Parks Service's LWCF Manual and LWCF laws, EPC and a developer, Thompson Thrift, have confirmed with the National Parks Service that the conveyance of the Crossing Parcels to the Town of Monument would not trigger a conversion in a letter dated June 2, 2025 and attached hereto as Exhibit C; and

WHEREAS, EPC and Monument now desire to enter into this IGA to memorialize that the Crossing Parcels remain in LWCF inventory and subject to LWCF restrictions; and

WHEREAS, EPC and Monument have advised both the State of Colorado and National Parks Service of their intent to convey the Crossing Parcels and construct a vehicular roadway running through both parcels, that such use of the Crossing Parcels is permitted by the LWCF restrictions as recreation on the Crossing Parcels remains accessible to the public, and the road development will not prohibit outdoor recreation use.

NOW, THEREFORE, in consideration of the above recitals, EPC and Monument agree as follows:

1. INTENT AND PURPOSE

The intent and purpose of this IGA is to document the roles and responsibilities of El Paso County whose legal address is 200 South Cascade Avenue, Colorado Springs, CO 80903, and the Town of Monument, whose legal address is 645 Beacon Lite Road, Monument, CO 80132, with respect to the New Santa Fe Regional Trail, and more particularly the Crossing Parcels as part of obligations under the Land and Water Conservation Fund Act of 1965 (Public Law 88-578), enacted as positive law at 54 U.S.C. § 200301 et seq. (LWCF Act). This IGA ensures that the Town of Monument, who is assuming ownership of the Crossing Parcels, being portions of the New Santa Fe Regional Trail, is aware of and accepts the LWCF compliance responsibilities for those portions.

2. BACKGROUND AND INTRODUCTION

New Santa Fe Regional trail, located in El Paso County, Colorado, received LWCF grant funding in 1982 under grant number 08-00918 for the development of the New Santa Fe Regional Trail between Baptist Road and the Town of Monument. Due to the construction of Baja Drive and La Campana Drive, a portion of the property will be transferred from El Paso County to The Town of Monument. The Town of Monument will assume co-sponsor status and compliance responsibility for the transferred portion, as outlined in Exhibits A and B, while El Paso County retains compliance responsibility for the remaining portion.

Compliance responsibilities are listed in the LWCF Act but include (for example):

1. The property within the designated LWCF boundary area shall be retained and used for public outdoor recreation in perpetuity. The property shall not be wholly or partly converted to other than public outdoor recreation uses without the approval of NPS pursuant to the LWCF Act (54 U.S.C. § 200305(f)(3)) and conversion requirements outlined in regulations (36 C.F.R. § 59.3).
2. The property shall be maintained so as to appear attractive and inviting to the public.
3. Sanitation and sanitary facilities shall be maintained in accordance with applicable health standards.
4. Any outdoor recreation facilities should comply with all State and Federal legislation (e.g., 42 U.S.C. § 6901 et. seq. and the National Institute for Occupational Safety and Health (NIOSH) as required and compliance will be indicated by signs posted in visible public areas, statements in public information brochures, etc.
5. Properties shall be kept reasonably open, accessible, and safe for public use. Fire prevention, lifeguard, and similar activities shall be maintained for proper public safety.
6. Buildings, roads, trails, and other structures and improvements shall be kept in reasonable repair throughout their estimated lifetime to prevent undue deterioration and to encourage public use.
7. The facility shall be kept open for public use at reasonable hours and times of the year, according to the type of area or facility.
8. A posted LWCF acknowledgement sign shall remain displayed at the project site.
9. The property shall be inspected every five years to ensure that the abovementioned standards are being met.

3. TERM AND TERMINATION

This Compliance and Stewardship Agreement is effective upon full execution and remains in effect in perpetuity unless the property is no longer subject to LWCF in the future. In the event the property is no longer subject to LWCF, the Parties may coordinate with the State of Colorado and National Parks Service to terminate of this IGA.

4. AMENDMENT

The Parties may, from time to time, request amendments to this IGA. Such amendments that are mutually agreed upon between the Parties, with consent from Colorado Parks and Wildlife, shall be in writing, and upon execution shall become part of this IGA. To be effective, any amendments must be signed by the Parties.

5. LIABILITY AND SOVEREIGN IMMUNITY

The Parties each agree to assume liability for its own employees', agents', and contractors' actions pursuant to this IGA. The Parties understand that liability of the Parties is controlled and limited by the Colorado Governmental Immunity Act ("CGIA"), C.R.S. § 24-10-101, *et seq.*, and that no provision of this IGA is intended to limit or modify the application of immunity.

6. GOVERNING LAW, VENUE

This IGA shall be governed by the laws of the State of Colorado with venue exclusively within the Fourth Judicial District, El Paso County, Colorado and for federal questions, venue exclusively within the United States District Court of Colorado in Denver.

7. THIRD-PARTY BENEFICIARIES

It is expressly understood and agreed that the enforcement of this IGA and all rights of action relating thereto shall be strictly reserved to the Parties. Nothing contained in this IGA shall give or allow any claim or right of action whatsoever by any other third person or entity.

8. EXTENT OF AGREEMENT, SEVERABILITY

This IGA, with attachments thereto, represents the entire and integrated agreement between the Parties and supersedes all prior negotiations, representations or agreements, either written or oral. Any amendments to this must be in writing and be signed by all of the Parties. If any portion of this IGA is found by a court of competent jurisdiction to be void and/or unenforceable, it is the intent of the Parties that the remaining portions of this IGA shall be of full force and effect.

9. ASSIGNABILITY AND TRANSFER

No Party to this IGA shall assign or otherwise transfer this IGA or any right or obligation hereunder without the prior written consent of the other Party.

El Paso County, Colorado, by and through the Board of County Commissioners:

By: _____

Name: Carrie Geitner, Chair

Date: 9/23/2025

ATTEST:

_____ 25-261

El Paso County Clerk and Recorder

Town of Monument:

By: _____

Name: Mitch LaKind, Mayor

Date: _____

ATTEST:

_____

Town Clerk

EXHIBIT A

LEGAL DESCRIPTION

A TRACT OF LAND
A TRACT OF LAND LOCATED IN SECTION 26, TOWNSHIP 11 SOUTH, RANGE 67 WEST OF THE 6TH P.M., EL PASO COUNTY, COLORADO;

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BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 5, THENCE S07°48'05"E, ALONG THE WESTERLY LINE OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT, A DISTANCE OF 60.01 FEET TO THE NORTHWEST CORNER OF LOT 4 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S83°11'15"W, A DISTANCE OF 36.94 FEET TO A POINT OF CURVE;

THENCE ALONG THE ARC OF A CURVE TO THE LEFT, HAVING A RADIUS OF 45.00 FEET, A CENTRAL ANGLE OF 90°00'00", FOR A LENGTH OF 70.69 FEET TO A POINT OF TANGENT;

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THENCE S08°05'20"E, A DISTANCE OF 211.40 FEET;

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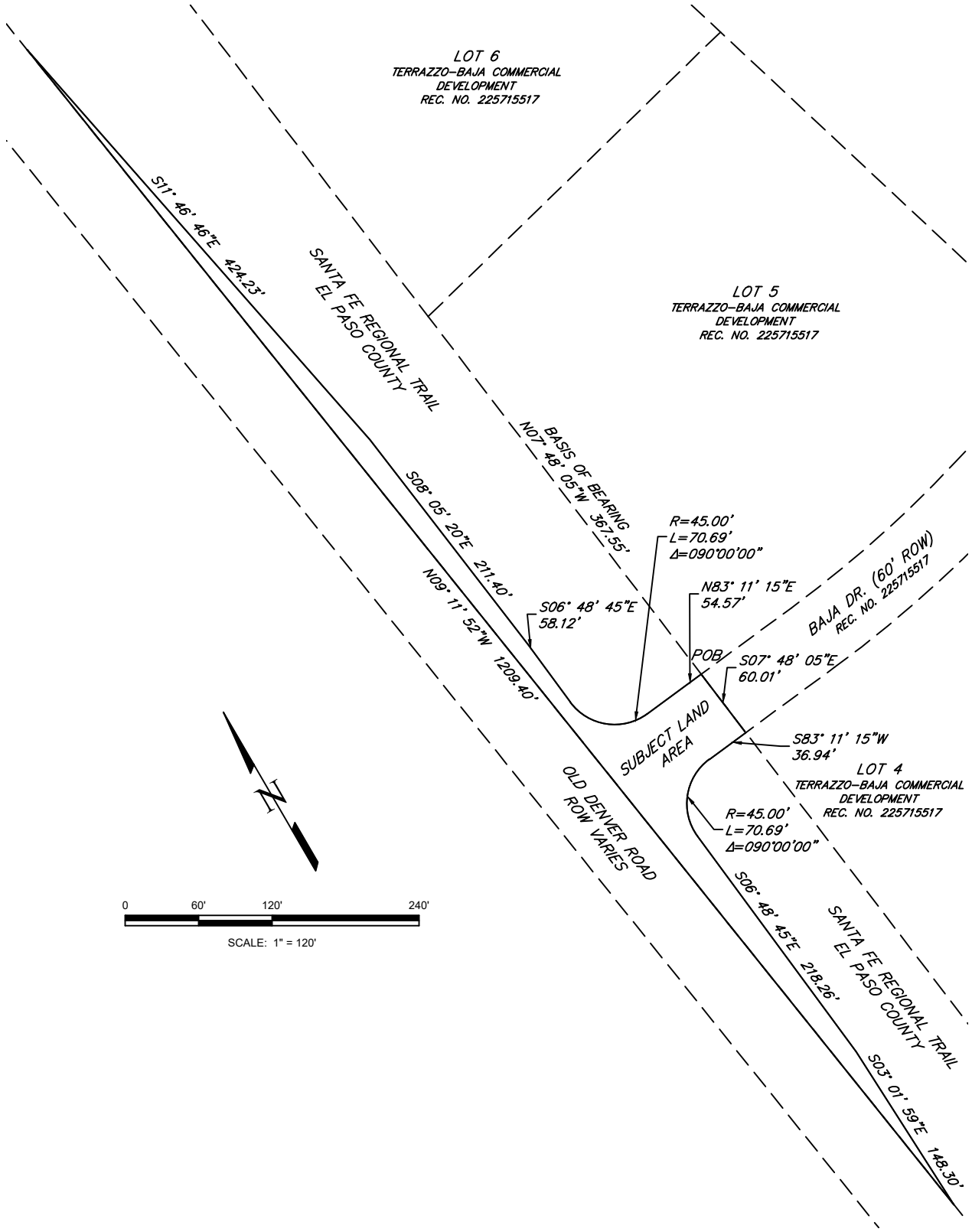
CONTAINING A CALCULATED AREA OF 23,242 SQUARE FEET, 0.53 ACRES MORE OR LESS.

MICHAEL J. MUIRHEID, PLS
COLORADO NO. 37909
FOR AND ON BEHALF OF CENTENNIAL LAND SURVEYING

EXHIBIT B

BAJA DR. & OLD DENVER ROAD
EL PASO COUNTY, COLORADO



CENTENNIAL LAND SURVEYING

16115 NORTHCLIFF SQ.
ELBERT, CO 80106
(719) 492-6540

PROJECT: SANTA FE TRAIL & BAJA DR.			
DATE: 09/05/25	BY: MJM	CHKD: RS	
JOB NO. 241122	SHEET NO. 2 OF 2		

EXHIBIT A

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ALL BEARINGS DESCRIBED HEREON ARE BASED UP ON THE WEST END OF LA CAMPANA RIGHT OF WAY AS RECORDED UNDER RECEPTION NO. 221714764 OF THE RECORDS OF EL PASO COUNTY, COLORADO, SAID LINE ALSO BEING THE WEST BOUNDARY OF TERRAZZO-BAJA COMMERCIAL DEVELOPMENT AS RECORDED UNDER RECEPTION NO. 225715517 OF SAID RECORDS, BEING MONUMENTED AT EACH END BY A NO. 5 REBAR WITH ORANGE SURVEYOR'S CAP FLUSH WITH THE GROUND, PLS 37909, RECORDED AS BEARING S07°48'05"E WITH A DISTANCE OF 60.25 FEET;

BEGINNING AT THE SOUTHWEST CORNER OF LOT 2 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S07°48'05"E ALONG THE WEST BOUNDARY OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT, A DISTANCE OF 60.25 FEET TO THE NORTHWEST CORNER OF LOT 1 OF SAID TERRAZZO-BAJA COMMERCIAL DEVELOPMENT;

THENCE S87°14'24"W, A DISTANCE OF 179.05 FEET;

THENCE S46°32'12"W, A DISTANCE OF 11.25 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF OLD DENVER ROAD;

THENCE N02°20'41"W ALONG SAID EASTERLY RIGHT OF WAY, A DISTANCE OF 81.14 FEET;

THENCE S52°03'47"E, A DISTANCE OF 21.52 FEET;

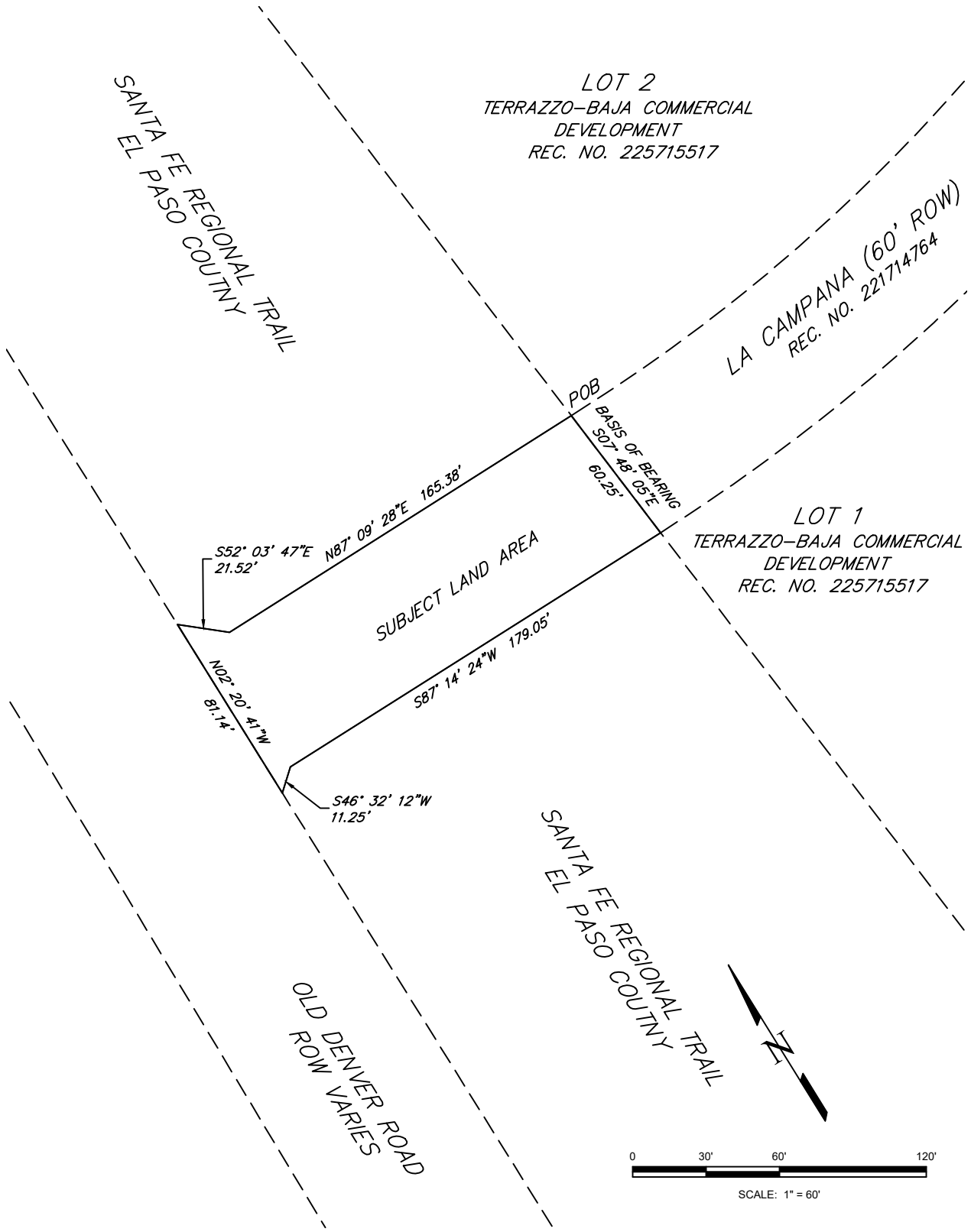
THENCE N87°09'28"E, A DISTANCE OF 165.38 FEET TO THE POINT OF BEGINNING;

CONTAINING A CALCULATED AREA OF 11,204.7 SQUARE FEET, 0.26 ACRES MORE OR LESS.

MICHAEL J. MUIRHEID, PLS
COLORADO NO. 37909
FOR AND ON BEHALF OF CENTENNIAL LAND SURVEYING

EXHIBIT B

LA CAMPANA DR. & OLD DENVER ROAD
EL PASO COUNTY, COLORADO



CENTENNIAL LAND SURVEYING

16115 NORTHCLIFF SQ.
ELBERT, CO 80106
(719) 492-6540

PROJECT: SANTA FE TRAIL LAND SWAP		
DATE: 09/05/25	BY: MJM	CHKD: RS
JOB NO. 241122	SHEET NO. 2 OF 2	

Exhibit C

United States Department of the Interior
NATIONAL PARK SERVICE
One Denver Federal Center, Building 50
Denver, CO 80225

08-00918 (LWCF-WASO)

June 2, 2025

Fletcher Jacobs
State Liaison Officer (SLO)
Colorado Parks and Wildlife
13787 US Hwy. 85 N.
Littleton, CO 80125

Dear Fletcher:

The Colorado Department of Natural Resources, Division of Parks and Wildlife (CPW), has requested the National Park Service (NPS) review a trail improvement project at The Santa Fe Trail (LWCF 08-00918), located near W. Baptist and Old Denver Roads, El Paso County, Colorado.

The proposed construction includes two, at-grade, vehicle and pedestrian crossings, which will cross the existing Santa Fe Trail at two separate locations. The land for the crossings will be deeded to the Town of Monument, with El Paso County retaining an easement for public access and trail maintenance. Impacts associated with construction will be offset with improvements and expansion of the existing trailhead parking. The new crossings will not block access to the Santa Fe Trail, and the trail will remain open during construction by way of detours for public access.

NPS concurs that this project is considered a park improvement but, regarding stewardship responsibilities for this area, requests a copy of the co-sponsorship agreement between the two eligible LWCF sponsors of El Paso County and the Town of Monument. The construction of this new development at the Santa Fe Trail is consistent with the Colorado SCORP, and compatible and supportive of outdoor recreation and **does not trigger a conversion.**

We anticipate this new development will significantly support outdoor recreation resources at the park, actively engage the recreating public, and recreation use remains the overall primary function of the site. This development will include recreation components and will encourage outdoor recreation use of the existing LWCF Boundary area (LWCF 08-00918) under 54 U.S.C.§ 200305 (f)(3) formerly known as the Section 6(f) area. If you need any further assistance, please contact me via email at [redacted]

Sincerely,

HALLIE GROFF

Digitally signed by HALLIE GROFF
Date: 2025.06.02 12:20:23 -06'00'

Hallie Groff
Supervisory Compliance Officer
National Park Service – LWCF
Interior Regions 6, 7, 8
One Denver Federal Center, Building 50, Denver, CO 80225

CERTIFICATE OF PUBLICATION

I, the duly qualified and Town Clerk of the Town of Monument, Colorado, do hereby certify the foregoing Ordinance No. 16-2025 was approved by the Town Council of the Town of Monument at its regular meeting held on the 6th day of October 2025, and was published on _____, 2025, on the Town's official website for not less than ten (10) days, as shown on the attached Exhibit A.

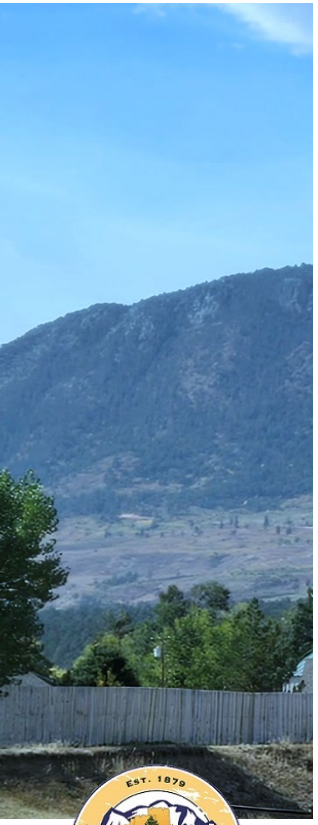
IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town of Monument, Colorado, this _____ day of _____, 2025.

_____
Tina Erickson, Town Clerk

(S E A L)

EXHIBIT A TO CERTIFICATE OF PUBLICATION

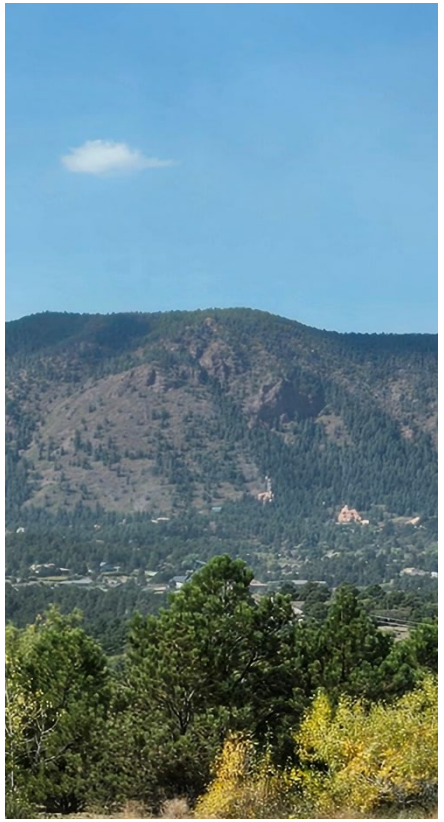
[Screenshot showing date and time of website publication]



Ordinance No. 16-2025

Santa Fe Trail Land Transfer and IGA

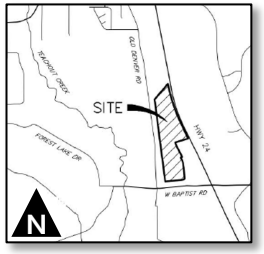
10/06/2025 Town Council

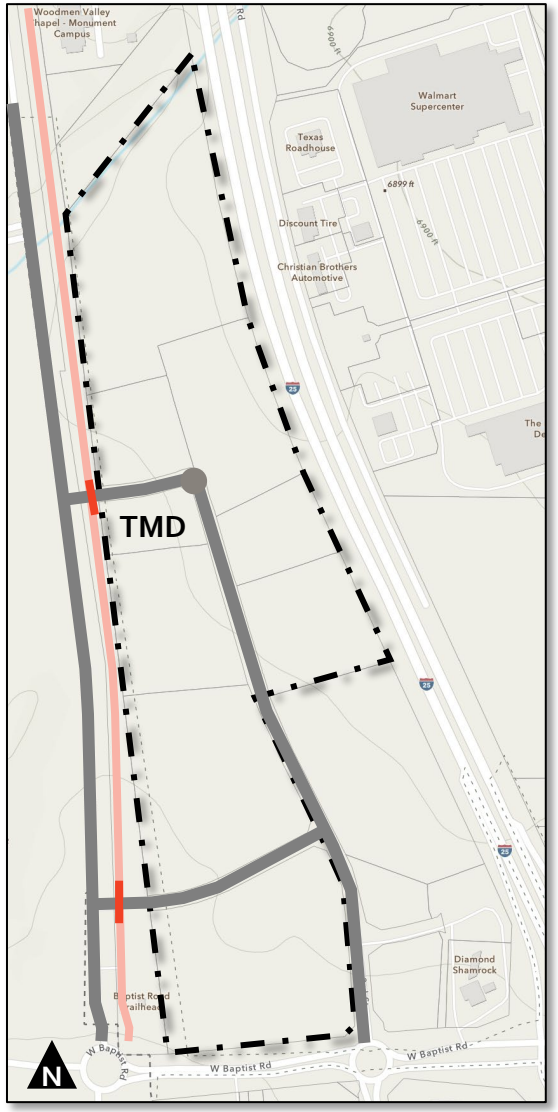


Terrazzo-Baja Development

(aka Santa Fe Park)

- Ordinance 10-2020 approved the Preliminary Planned Unit Development known as Santa Fe Park, a 64.4 acre commercial and lite commercial business park at the northeast corner of Baptist and Old Denver Roads.
- Resolution 28-2025 approved the Final Plat for Terrazzo-Baja Commercial Development, reducing the number of lots from 26 to 8 lots and making way for Triview Metropolitan Districts' new administrative building, currently under construction.

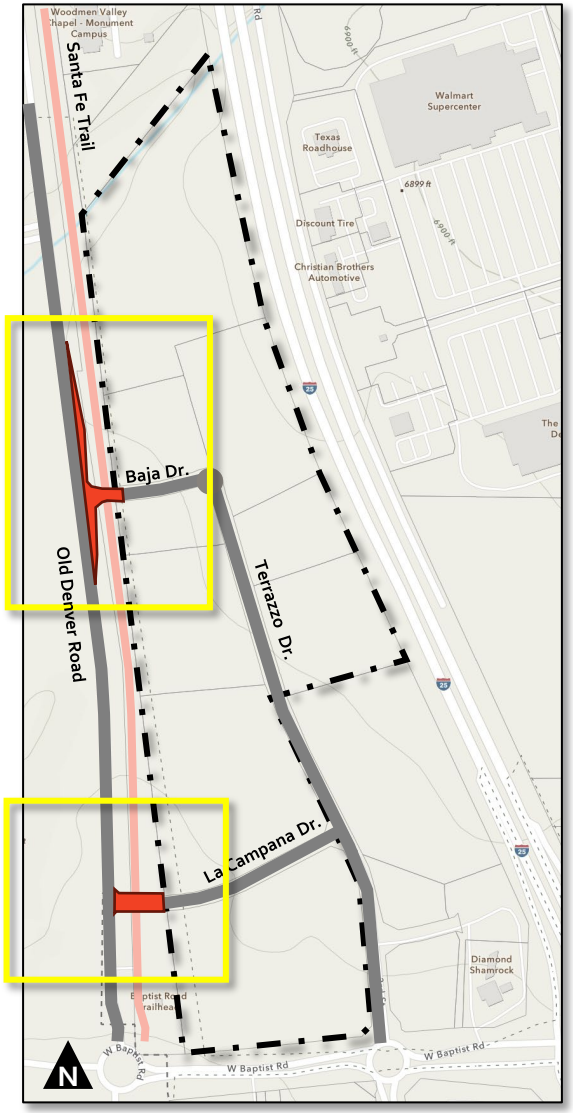




Maintaining

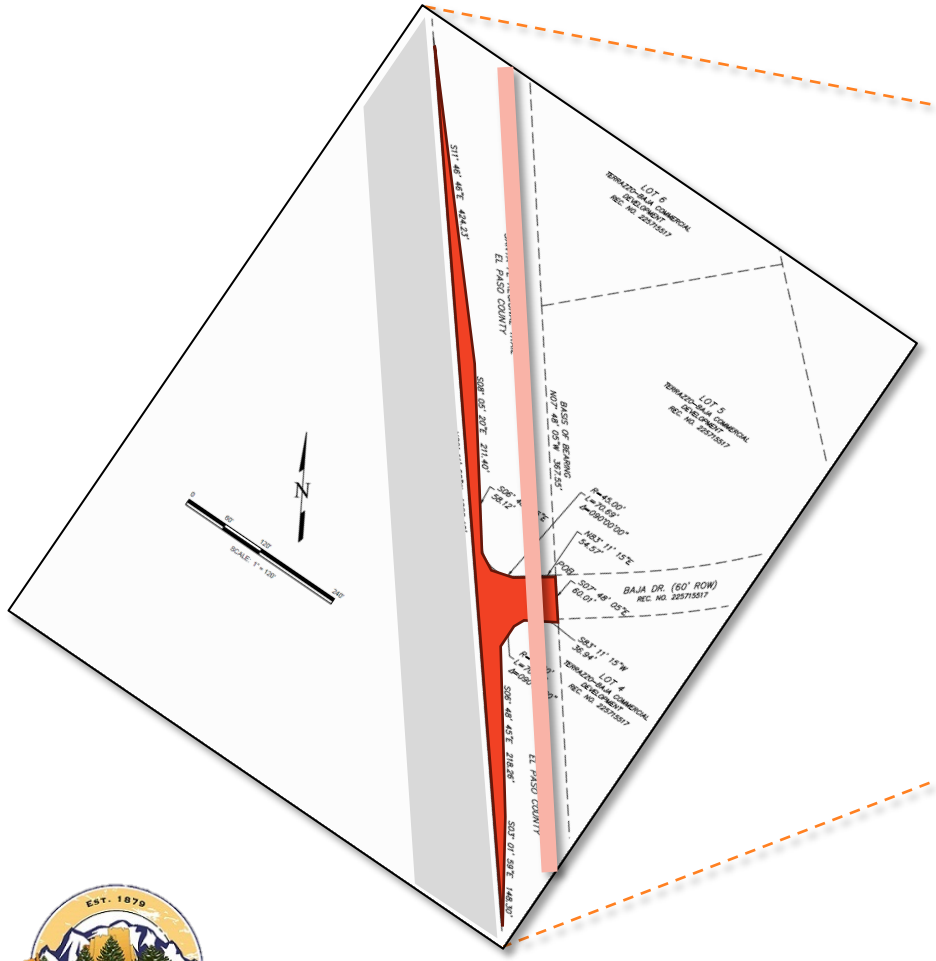
Santa Fe Trail

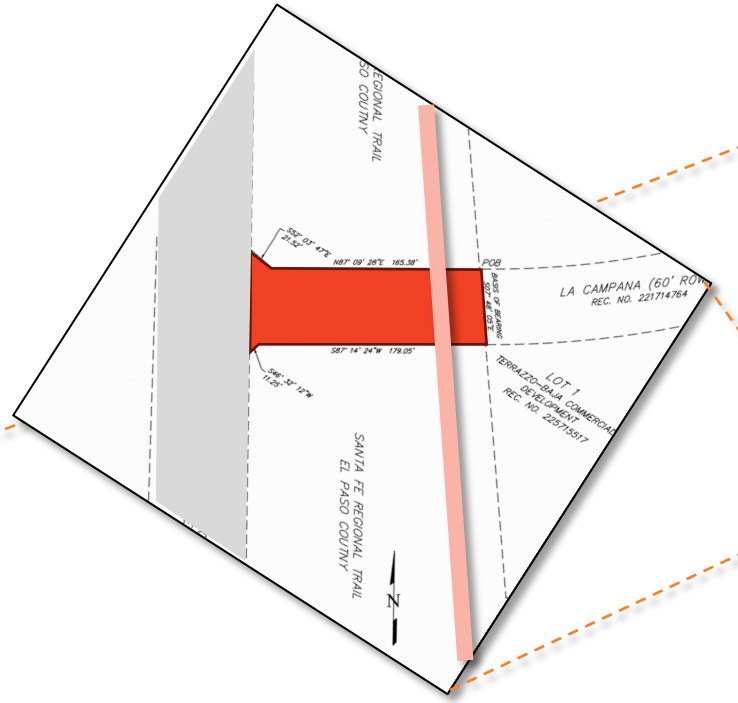
- The Santa Fe Trail (——) runs along the east side of Old Denver Road (——) and is owned by El Paso County.
- It was developed in 1983 with Federal Land and Water Conservation Funds ("LWCF"), condition upon the property be maintained and accessible for public recreation uses.
- Baja Drive, to the north, and La Campana Drive to the south each cross the Santa Fe Trail, requiring a transfer of property from the County to the Town to accommodate perpendicular crosswalks at both locations (——).

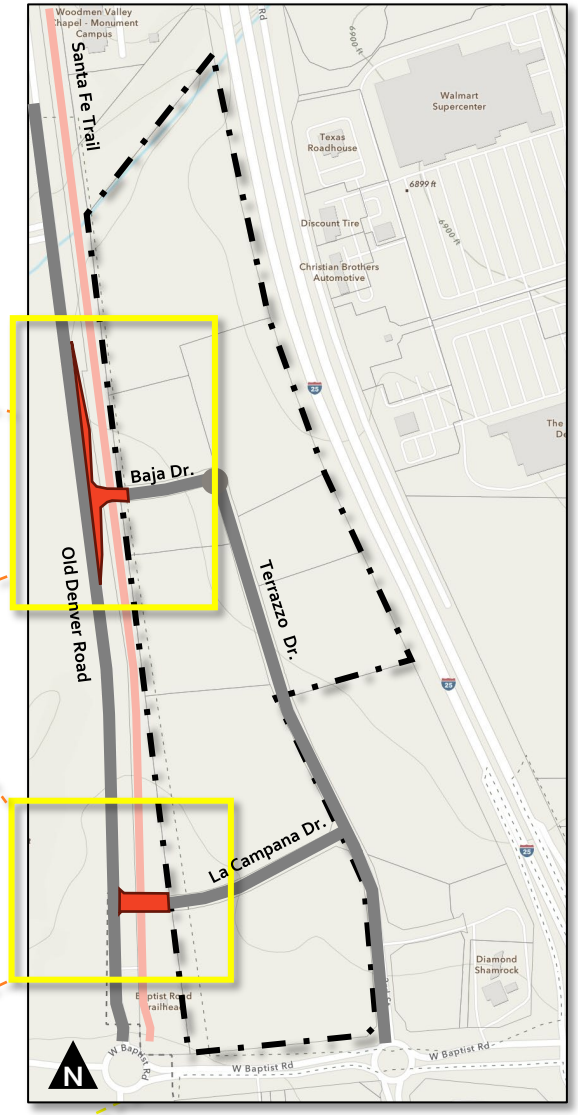


Creating

Safe Trail Crosswalks







Deed To Transfer

- The Deed to transfer the Subject Properties include a notice of the Use Restriction and the Town will also be required to enter into an intergovernmental agreement with El Paso County acknowledging the Use Restriction and assuming stewardship obligations for those portions of the Santa Fe Trail that are being transferred to the Town.

El Paso County/Town of Monument

Intergovernmental Agreement (IGA)

The Sante Fe Trail is owned by El Paso County, and this section was developed in 1983 with federal Land and Water Conservation Funds ("LWCF"). As a condition of accepting LWCF funds a restriction was placed on the property within the Sante Fe Trail project boundary that requires the property to be maintained and accessible for public recreation uses (the "Use Restriction")

- **Use Restriction** restricts use of the Subject Property to public outdoor recreation uses. This restriction will be binding on the Subject Property in perpetuity and will be included in any future transfer of the Subject Property.
- **Compliance with Deed Restriction.** The State of Colorado and United States Department of Interior, National Park Service have confirmed by the letter dated June 2, 2025, that the construction of the road crossings and transfer of ownership to the Town are compatible with the *Use Restriction*, as the crossings will not prevent public access along the contiguous trail.

El Paso County/Town of Monument

Intergovernmental Agreement (IGA)

- **Stewardship.** A condition of the LWCF approval is that EPC and the Town enter an IGA acknowledging and accepting these compliance responsibilities. The El Paso County Board of County Commissioners approved the transfer of the Subject Property and the IGA and executed both documents on September 23, 2025.
- **Acceptance** of the Subject Property will facilitate the connection of La Campana Drive and Baja Drive to Old Denver Road. As the construction of the road crossings has already been acknowledged by the State of Colorado and United States Department of Interior, National Park Service, there is minimal risk to the Town in accepting the Subject Property encumbered by the Use Restriction.

Requested Action

A Motion to Approve Ordinance No. 16-2025 , An Ordinance Approving A Real Property Transfer From El Paso County and Entering Into An Intergovernmental Agreement Accepting Obligations Related Thereto.