

**TOWN OF MEAD, COLORADO
ORDINANCE NO. 876**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, REPEALING
AND REPLACING ARTICLE VIII OF CHAPTER 16 OF THE
MEAD MUNICIPAL CODE**

WHEREAS, the Board of Trustees of the Town of Mead (“Board of Trustees”) has the authority pursuant to C.R.S. § 31-15-401 and its general police powers to pass and enforce regulations which may be necessary or expedient for the promotion of the health, safety and welfare of the citizens of the Town of Mead (“Town”); and

WHEREAS, the Town is a statutory town pursuant to C.R.S. § 31-1-203, and has not elected to adopt a home rule charter; and

WHEREAS, the laws of the State of Colorado provide procedures in relation to the annexation of property, enacted as the Colorado Municipal Annexation Act of 1965, as amended from time to time and codified at Article 12 of Title 31, C.R.S. (the “Act”); and

WHEREAS, the Board of Trustees desires to amend the Mead Municipal Code to ensure consistency with the Act.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

Section 1. Recitals Incorporated. The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

Section 2. Amendment of Mead Municipal Code. Article VIII of Chapter 16 of the Mead Municipal Code is hereby repealed in its entirety and replaced in full to read as follows:

ARTICLE VIII

Annexation

Sec. 16-8-10. Title.

The provisions of this Article shall be known and cited as the “Town of Mead Annexation Policies and Procedures.”

Sec. 16-8-20. Purpose.

The purpose of this Article is to establish policies and procedures to bring land under the jurisdiction of the Town in compliance with the Colorado Municipal Annexation Act of 1965, as amended.

Sec. 16-8-30. Acknowledgement, purpose and interpretation.

(a) The Town acknowledges the applicability of the Colorado Municipal Annexation Act of 1965, Sections 31-12-101, *et seq.*, C.R.S. for annexations to the Town of Mead except to the extent otherwise permitted by law.

(b) This Article is intended to implement and supplement the Colorado Municipal Annexation Act of 1965 and shall be liberally construed for the following purposes:

- (1) To encourage natural and well-ordered development of the Town;
- (2) To distribute fairly and equitably the costs of municipal services among those persons who benefit from such services;
- (3) To extend municipal services and facilities to eligible areas which form a part of the whole community;
- (4) To provide an orderly system for extending municipal regulations to newly annexed areas;
- (5) To ensure that the annexation of lands to the Town shall not create additional cost or burden on the then-existing residents of the Town to provide such public facilities in any newly annexed area.
- (6) To reduce friction among contiguous or neighboring municipalities; and
- (7) To increase the ability of municipalities in urban areas to provide their citizens with the services they require.

Sec. 16-8-40. Definitions.

The meaning of words and phrases contained in this Article shall have the meanings ascribed to them by Section 31-12-103, C.R.S., unless the context clearly indicates a different meaning.

Sec. 16-8-50. Eligibility for annexation.

Eligibility for annexation shall be determined by conformity with the requirements of Sections 31-12-104 and 31-12-105, C.R.S., as amended and as determined by the Board of Trustees in its sole discretion.

Sec. 16-8-60. Three-Mile Limitation and Three-Mile Plan.

(a) Except as otherwise provided in this section, no annexation may take place that would have the effect of extending the Town's municipal boundary more than three miles in any direction from any point of such municipal boundary in any one year. Within the three-mile area, the contiguity required by Section 31-12-104(1)(a), C.R.S., may be achieved by annexing a platted street or alley, a public or private right-of-way, a public or private transportation right-of-way or area, or a lake, reservoir, stream, or other natural or

artificial waterway. Such three-mile limit may be exceeded if such limit would have the effect of dividing a parcel of property held in identical ownership if at least fifty percent of the property is within the three-mile limit. In such event, the entire property held in identical ownership may be annexed in any one (1) year without regard to such mileage limitation.

(b) The Town of Mead Comprehensive Plan, as amended, shall serve as and shall constitute the “plan in place” referenced in Section 31-12-105(1)(e), C.R.S., unless a different plan, supplement, or revision is expressly adopted to serve as a plan in place. The plan in place may also be commonly referred to as the “Three-Mile Plan” and such plan shall be deemed automatically updated annually on January 1 of each year without further action by the Town unless a change or modification is necessary and is adopted by resolution or ordinance by the Board of Trustees. The absence of a specific reference in such plan to a particular parcel of land proposed for annexation shall not be interpreted as a statement of intent to not annex such parcel of land; it is the plan and intent of the Board of Trustees to evaluate and to consider for potential annexation all property within three miles of the Town’s then existing municipal boundaries upon submission of a petition or as otherwise permitted by this Article and the Colorado Municipal Annexation Act of 1965. The absence in the plan of a specific reference to any character or extent of streets, subways, bridges, waterways, waterfronts, parkways, playgrounds, squares, parks, aviation fields, other public ways, grounds, open spaces, public utilities, and terminals for water, light, sanitation, transportation, and power to be provided by the Town and the proposed land uses for the area shall not be interpreted as a failure to comply with Section 31-12-105(1)(e), C.R.S., but shall be interpreted as a plan by the Town to determine the appropriate character or extent of land uses and services through the Town’s applicable processes of annexation, planning, and development approvals on a case by case basis. The plan in place may also be amended or modified to more specifically identify the character or extent of land uses and services at any time or contemporaneously with any annexation.

Sec. 16-8-70. Fees and charges for annexation petitions.

(a) The Town Manager may administratively establish and modify as needed application and consultant reimbursement fees for the processing of an annexation petition. In setting such fees, the Town Manager shall consider the costs incurred by the Town in reviewing and processing the annexation and obtaining necessary data, studies, and reports. No petition shall be processed unless accompanied by the applicable application and consultant reimbursement fees and such petition shall be deemed incomplete until such fees are paid in full.

(b) The Town may require as a condition of annexation the payment of additional amounts by the petitioners or others deemed necessary, beneficial, or advantageous by the Town, including but not limited to payments to offset anticipated costs or expenses of providing services to the annexed property or residents of the annexed area, mitigate anticipated impacts to the annexed area or to surrounding lands, to upgrade infrastructure within the Town, and/or to defray any costs or expenses of the Town.

(c) The Town may waive all or any portion of a fee or charge for annexation where the Board of Trustees administratively finds in its sole discretion that the proposed annexation will provide substantial benefits or advance important economic or other goals and objectives of the Town.

Sec. 16-8-80. Annexation process; ordinance.

All annexations shall be accomplished in general accordance with the procedures set forth in the Colorado Municipal Annexation Act of 1965, as amended, through an ordinance duly adopted by the Board of Trustees. Any petitions for annexation or petitions for annexation election shall contain the information required by the Colorado Municipal Annexation Act of 1965, as the same may be amended from time to time. The Town may institute the procedure to zone land proposed for annexation on or after the submittal of an annexation petition, provided that the proposed ordinance establishing initial zoning shall not be passed prior to the date when the annexation ordinance is adopted. The zoning of the property, if requested with annexation, shall be approved by separate ordinance.

Sec. 16-8-90. Referral to Town Planning Commission.

Following the date on which any petition for annexation or petition for annexation election has been submitted to the Town, the Board of Trustees shall refer the proposed annexation to the Planning Commission for its review and recommendation. The Planning Commission shall submit its written recommendation regarding the proposed annexation to the Board of Trustees on or before the date of the eligibility hearing scheduled pursuant to Section 31-12-108, C.R.S. If zoning of the property is requested at the time of annexation, the Planning Commission shall hold a public hearing on the proposed zoning of the property in accordance with applicable provisions of the Town Land Use Code.

Sec. 16-8-100. Annexed property subject to all laws.

Unless otherwise provided by an agreement or by ordinance governing the annexation of property into the Town, the ordinances, resolutions, rules, and regulations of the Town shall remain fully valid and effective as to any property annexed into the Town.

Sec. 16-8-110. Annexation agreements.

(a) The Town is authorized to enter into one or more agreements with property owners memorializing understandings of the landowner and the Town and/or imposing terms, conditions, obligations, and rights upon annexation mutually acceptable to the parties. An annexation agreement is not required as a condition of all annexations. Nothing contained in such agreement shall supersede any provision of any ordinance, resolution, rule, or regulation of the Town unless:

- (1) such agreement explicitly identifies a provision of an ordinance, resolution, rule or regulation of the Town that is intended to be superseded by the agreement; or

(2) a provision of such agreement directly and irreconcilably conflicts with obligations and rights of the parties otherwise made applicable by a provision of an ordinance, resolution, rule, or regulation of the Town.

(b) Annexation agreements shall be approved by ordinance.

Sec. 16-8-120. Post-approval actions.

(a) After final passage of the annexation ordinance, the applicant shall submit four (4) Mylars and one (1) paper copies of the final annexation map within thirty (30) days of the effective date of the ordinance. The Town will file one (1) Mylar and one (1) paper copy of the annexation map with the original of the annexation ordinance in the office of the Town Clerk, and the Town shall cause the other filings required by Section 31-12-113(2)(a) to be timely made.

(b) In the event that zoning was requested with the annexation, the establishment of initial zoning shall be granted by ordinance and copies of the official zoning map amendment shall be recorded with the Weld County Clerk and Recorder in the manner provided by Article 3 of the Town Land Use Code. In the event that zoning was not requested with annexation, the Town shall bring the area annexed under the zoning ordinance and map within ninety (90) days after the effective date of the annexation ordinance in the manner provided by Article 3 of the Town Land Use Code.

Sec. 16-8-130. Disconnections of property from Town.

All disconnections of property from the Town shall comply with the Colorado Municipal Annexation Act of 1965, as amended.

Section 3. Effective Date. This ordinance shall be published and become effective as provided by law.

Section 4. Remaining provisions. Except as specifically amended hereby, all other provisions of the Mead Municipal Code shall continue in full force and effect.

Section 5. Codification Amendments. The codifier of Mead's Municipal Code is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this ordinance within the Mead Municipal Code.

Section 6. Severability. If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

Section 7. Repealer. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

Section 8. Certification. The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

INTRODUCED, READ, PASSED, AND ADOPTED THIS 27TH DAY OF AUGUST, 2018.

ATTEST:

By: 
Mary E. Strutt, CMC, Town Clerk

TOWN OF MEAD:

By: 
Joyce E. Palaszewski, Mayor Pro Tem

