

ORDINANCE 93-4

TOWN OF OPHIR, COLORADO

AN ORDINANCE ESTABLISHING THE "OPHIR ENVIRONMENTAL COMMISSION."

WHEREAS the Town of Ophir's Master Plan states that it is the policy of the Town of Ophir to develop a plan to determine open space policy and establish priorities for open space acquisition; and,

WHEREAS, the Town of Ophir's Master Plan states that it is the goal of the Town of Ophir to ensure the protection and encourage the restoration of the natural environment and continued health of both the human and wildlife environment for the area within and surrounding the Town of Ophir; and,

WHEREAS, the General Assembly desires that the major responsibility for the environmental concerns of the residents and property owners, both in the Town of Ophir and the greater Ophir Valley, be vested in an appointed Ophir Environmental Commission;

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, STATE OF COLORADO, AS FOLLOWS:

SECTION ONE CREATION OF THE 'OPHIR ENVIRONMENTAL COMMISSION'

There is hereby created the 'Ophir Environmental Commission,' which shall also be know as, "O.E.C.," with the standards, powers, and duties as set forth in this ordinance.

SECTION TWO MEMBERSHIP

A. Composition

The O.E.C. shall consist of three regular members.

B. Terms

All appointments, including vacancies, shall be made by the General Assembly. Members shall be appointed for one year terms. All three seats shall be filled at the regular election January. The first three commission members shall be appointed upon adoption of the second reading of this Ordinance.

All vacancies shall be filled by the General Assembly of the Town of Ophir after advertising notice of the vacancy in accordance with State and Local legal notice publication laws.

C. Make recommendations to the General Assembly for the acquisition of interests in lands and the appropriation of funds for specific projects or operating budgets.

D. The O.E.C. may hold executive sessions pursuant to Colorado Revised Statutes section 24-6-401, *et seq.* as amended.

E. The O.E.C. shall establish its organizational form and meeting schedule at its first meeting. All meetings shall be properly noticed. The O.E.C. shall report to the General Assembly as a Staff Report at the regular General Assembly meetings.

SECTION FOUR STAFF SUPPORT

Unless otherwise directed by the General Assembly, the Town Manager may utilize available town resources to assist the O.E.C. at his or her discretion.

SECTION FIVE SEVERABILITY

If any provision of this ordinance or portion thereof is held by a court of competent jurisdiction to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other provision which can be given effect without the invalid portion.

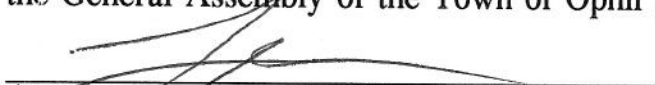
SECTION SIX SAFETY CLAUSE

The adoption of this ordinance is necessary for the immediate protection of the public health, peace, safety and welfare.


SECTION SEVEN EFFECTIVE DATE

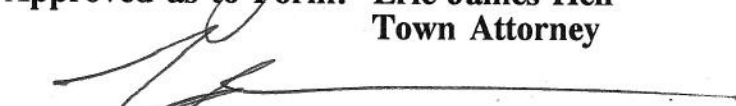
This ordinance shall be in full force and effect upon publication of notice of final adoption.

SECOND READING HEARD, APPROVED AND ADOPTED AS AMENDED by the General Assembly of the Town of Ophir this 17th day of February, 1994.


Attest: Lawrence Van Hoey, Town Clerk

(Town Seal)


Approved as to Form: Eric James Heil
Town Attorney


Town of Ophir, by: Paul Machado
Town Manager

C. Removal

Members shall serve during good behavior and efficiency, and may be removed after public hearing before the General Assembly on grounds of insufficiency, neglect of duty, inability to properly perform required duties, or intentional disregard of duties. Three (3) unexcused absences of a member from properly-noticed meetings of the O.E.C. shall constitute good cause for removal on the grounds of neglect of duty.

D. Membership Qualifications

All members of the O.E.C. shall be members at large. Members at large shall be property owners or residents in the Howard's Fork water shed east of Highway 145 either within or outside the Town of Ophir. Members shall be selected without respect to party affiliations.

E. Compensation Members shall serve without compensation, except reasonable out-of-pocket expenses.

SECTION THREE POWERS AND DUTIES

A. The O.E.C. shall promote environmental enhancement and reclamation in the Ophir Valley, which may include, but is not limited to, the following:

1. The preservation or conservation of sites, wild and scenic places, open space, and vistas of scientific, historic, aesthetic, or other public interests;
2. The evaluation of primitive recreational opportunities, such as: hiking, backpacking, camping, cross country skiing, horseback riding, birdwatching, and other compatible non-motorized recreational activities;
3. The discouragement or restriction of vehicle access and use in areas deemed to have great natural values or potential for natural values;
4. The reintroduction of fish and wildlife and the protection of existing wildlife and wildlife habitats;
5. The preservation of worthy historical buildings or buildings; or,
6. The promotion of cleanup and reclamation of all toxic and dangerous mining and milling sites.

B. The O.E.C. may contact, and establish relationships with, appropriate Federal, State, and Local Governmental agencies, non-profit agencies, or private individuals or institutions which may have funding or expertise that can be used to promote the goals of the O.E.C.