

**TOWN OF BUENA VISTA, COLORADO  
ORDINANCE NO. 06  
(SERIES OF 2021)**

**AN ORDINANCE REPEALING AND REENACTING ARTICLE 1 OF CHAPTER 15 OF  
THE BUENA VISTA MUNICIPAL CODE REGARDING ANNEXATION**

**WHEREAS**, the Town's current annexation process does not completely conform to the Colorado Municipal Annexation Act of 1965, C.R.S. § 31-12-101 *et seq.*; and

**WHEREAS**, the Town desires to amend its annexation procedures to comply with the Annexation Act.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF  
THE TOWN OF BUENA VISTA, COLORADO, THAT:**

**Section 1.** Article 1 of Chapter 15 of the Buena Vista Municipal Code is hereby repealed and reenacted as follows:

**Article I – Annexation Procedures**

**Sec. 15-1. – Annexation Procedure**

- A. **Compliance.** All annexation of unincorporated territory to the Town shall comply with the requirements and procedures set forth in the Municipal Annexation Act, (C.R.S § 31-12-101, *et seq.*), as amended, the Town's Comprehensive Plan and applicable provisions of the Buena Vista Municipal Code.
- B. **Conditions.** No annexation of land in the Town shall create an unreasonable burden on the physical, social, economic, or environmental resources of the Town. The Town may condition the annexation of land upon such terms and conditions as are reasonably necessary to ensure that this requirement is met.
- C. **Annexation Agreement.** Applicants petitioning the Town for annexation of their property shall enter into an annexation agreement with the Town stating any terms and conditions imposed on the property, prior to the first reading of the annexation ordinance. Upon annexation, the annexation agreement shall be recorded to run with the subject property and to provide notice to future purchasers of the property.

**Sec. 15-2. – Petitions.**

All petitions for annexation to the Town shall comply with the applicable provisions of the Municipal Annexation Act, and in particular, C.R.S. § 31-12-107. In addition to these requirements, any petition shall include a draft annexation agreement, if required by the Town, and the following, at the request of the Town:

- A. Information concerning the characteristics of the area, including but not limited to information concerning geologic, floodplain or wildlife hazards; mineral resources; wildlife resources; historical and archaeological resources; wetlands; and the environmental condition of the area;
- B. Information addressing the short-term and long-term costs and benefits to the area proposed for annexation;
- C. A description of necessary utility services; and
- D. Such other information or studies as may be requested by the Town Administrator, Town Planner or the Town Engineer.

**Sec. 15-3. – Fees and costs.**

- A. A non-refundable base fee will be payable upon the submission for consideration by Board of Trustees of any annexation petition (or group of petitions, when a serial annexation is proposed). In situations where there are multiple voluntary petitioners, the petitioners' themselves, and not the Town, shall determine how the fees and costs provided for in this section are to be divided among them. Such fee shall be established by the Board of Trustees, reviewed annually and updated accordingly.
- B. Unless otherwise agreed in writing with the Town, no fees or costs shall be charged to or collected from any property owner who joins in a petition for annexation at the request of the Town in an annexation initiated by the Town. No fees or costs shall be charged to or collected from any property owner whose property is included in an area covered by a petition for annexation if such property owner has not joined in such petition.
- C. The Town may in its sole discretion impose additional fees, as a condition of annexation.


**Section 2.** Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any part or parts be declared unconstitutional or invalid.

**Section 3.** Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

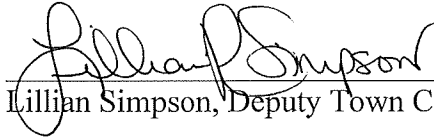
**INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED** this 13<sup>th</sup> day of April, 2021.

**THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY (30) DAYS FROM PUBLICATION.**

TOWN OF BUENA VISTA, COLORADO

By:   
Duff Lacy, Mayor

ATTEST:

  
Lillian Simpson, Deputy Town Clerk

