

**RESOLUTION
OURAY COUNTY BOARD OF COUNTY COMMISSIONERS
OURAY COUNTY, COLORADO**

RE: Amendment of Permit Procedures For County Roadside Memorials

Whereas, pursuant to 43-2-149 C.R.S, as amended in 2004, the Board of County Commissioners may require a permit to erect a roadside memorial on a primary or secondary county road; and

Whereas, pursuant to Section 23.1 F (2), any work within the County Road rights-of-way requires an encroachment permit; and

Whereas, coordination and enforcement of the statutory provisions related to county roadside memorials will be exercised by the County Engineer or County Road Supervisor under a permit procedure; and

Whereas, the Ouray County Encroachment Permit and Construction Guidelines Per Procedure may be amended to include permitting for county memorials.

Now, Therefore, Be It Resolved by the Board of County Commissioners of Ouray County, Colorado that this Resolution, to amend Ouray County Encroachment Permit and Construction Guidelines Permit Procedure to provide for permitting of roadside county memorials as follows, is hereby approved effective this date:

Section 1.

General, 1. Purpose shall be amended to add another purpose as follows: Describe process, policies and requirements for obtaining a permit for a county memorial.

The first sentence of **General, 2. Introduction** shall be amended to read as follows: "All contractors, public utility agencies, and persons (hereinafter referred to as "Permittee") wishing to erect and maintain a county memorial, defined as a plaque, monument, or similar object placed in a particular location on a primary or secondary county road to commemorate one or more people who died on that county road on or after October 1, 2004, must obtain an Encroachment permit for any work performed within the public rights-of-way of Ouray County. A county memorial shall be permitted only for those persons who died on a county road on or after October 1, 2004."

General, 4. Traffic Control Plans shall be amended to add a new sentence at the end of the paragraph which shall read as follows: "An applicant for a county memorial shall not be required to submit a traffic control plan."

The first sentence of **General, 9. Insurance Requirements** shall be amended to read as follows: "The permit applicant, except for an applicant for a permit for a county memorial, is required to submit Certificates of Insurance for Commercial General Liability and Automobile Liability as described below:"

Construction Details shall be amended to replace the word "Contractor" with "Contractor/Permittee" throughout the entire Section and shall be amended to add a new paragraph 9 which shall read as follows:

"9. County Memorials (Roadside)

In addition to the other requirements of the permit procedures herein, a Permittee must comply with the following requirements for a County Memorial:

- a. Such Permittee shall be exclusively responsible for the type, location, design of the county memorial, subject to County approval. Permittee shall also be solely responsible for maintenance of the county memorial.
- b. An application for an encroachment permit for a county memorial must be made on a form provided by the County, and shall be signed by the applicant or applicant's duly authorized officer or agent, and shall include:
 - (1) The type, proposed location, and dimensions of the proposed county memorial and other information required by the County's form;
 - (2) The name and address of the applicant/Permittee;
 - (3) The name of the individual memorialized and the highway where such individual lost his/her life;
 - (4) An agreement by the applicant to erect and maintain the county memorial in a safe, sound, and good condition; and
 - (5) Payment of an encroachment fee as provided in Appendix A of these Permit Procedures to cover the County's direct and indirect expenses associated with issuing and administering the permit. Such fee shall be payable to "Ouray County" and shall be credited to the applicable county highway fund.
- c. A county memorial shall not exceed three (3) feet in height above the ground, two feet in width, and six inches in thickness.
- d. A county memorial shall be constructed of a durable material and shall not contain any moving or electronic parts.
- e. A county memorial shall be located within the County right of way easement as far from the traveled roadway as is practicable or reasonably necessary to preserve public safety and facilitate roadway maintenance, given the proposed location.
- f. A county memorial may contain the name of the person memorialized, the dates of such person's birth and death and other relevant information.
- g. The County Road & Bridge Superintendent shall deny an application if the proposed type or location of the county memorial would result in a potential safety hazard or maintenance impediment. The County Road & Bridge Superintendent may suggest that the applicant consider an alternative design or placement and may remove any county memorial that does not comply with the requirements of this Permit

Procedure or the Permit, including the applicant's/permittee's/person's failure to substantially comply with the encroachment permit provisions and/or conditions.


- h. A roadside memorial shall be permitted for a maximum of three (3) years and shall be removed by the Permittee no later than three (3) years from the issuance of the permit. In the event the Permittee fails to remove said memorial, the County, in its sole discretion, may remove the memorial at Permittee's expense.
- i. The County Road & Bridge Superintendent may deny, rescind, or revoke a permit for false or misleading information given in the application or for the erection or maintenance of a county memorial in violation of the Permit Procedures herein or the encroachment permit issued."


Appendix A. Fees. shall be amended to add the following: "County Memorial Inspection Fee \$25.00"


Adopted this 25th day of OCTOBER, 2004.


BOARD OF OURAY COUNTY COMMISSIONERS
OURAY, COLORADO

ATTEST


Michelle Nauer, County Clerk & Recorder
By: Linda Munson-Haley
Deputy Clerk of the Board


Tom Hollenbeck, Chairman


Don Batchelder, Commissioner


Bill Ferguson, Commissioner