



Keystone Town Council Work Session Agenda

The Keystone Town Council will have a Work Session on November 12, 2024, at 4:00 p.m. at 1628 Sts. John Rd, Keystone, CO 80435.

The Town of Keystone conducts hybrid meetings. This meeting will be held in person at Keystone Town Hall and will also be broadcast live over Teams. [Join the live broadcast available by computer here.](#) If you will need special assistance in order to attend any of the Town's public meetings, please notify the Town Clerk's Office at (970) 450-3500x1 via phone, or clerk@keystoneco.gov via e-mail, at least 72 hours in advance of the meeting.

- I. CALL TO ORDER, ROLL CALL**
- II. SHERIFF'S REPORT**
- III. DISCUSSION OF LODGING TAX ORDINANCE**
- IV. DISCUSSION OF STREET MAINTENANCE**
- V. DISCUSSION OF FY2025 BUDGET**
- VI. DISCUSSION OF NUISANCE ORDINANCE**
- VII. DISCUSSION OF MANAGER/COUNCIL ISSUES**
- VIII. ADJOURNMENT**



OFFICE OF THE SUMMIT COUNTY SHERIFF

501 North Park Avenue ▪ PO Box 210 ▪ Breckenridge, Colorado 80424
Office: (970) 453-2232 ▪ Fax: (970) 453-7329 ▪ www.SummitSheriffCO.com

To: Sheriff FitzSimons
From: Operations Commander Scott Wagner
Ref: Town of Keystone - Operations Monthly Report for October of 2024
Date: November 6, 2024

KEYSTONE STATISTICS

The following statistics were collected by the Summit County 911 Center through the use of their Computer Aided Dispatch and prepared by the Summit County Sheriff’s Office.

There is an expected degree of error from the information provided by the Summit County 911 Center, due to the collection of data through the use of geolocation and incident data based on commonly known areas within Keystone, rather than verified addresses. Efforts continue at the Summit County 911 Center continue in order to remedy their data collection process to obtain the most reliable information available for future reports.

| Keystone Stats | 24-Oct | 24-Sep | #Inc | %Inc | YTD Oct-24 | YTD Sep-24 | #Inc | %Inc |
|---------------------|--------|--------|------|------|------------|------------|------|------|
| Calls For Service | 95 | 67 | 28 | 41 | 982 | 887 | 67 | 10.5 |
| Agency Assists | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| SO Assists | 9 | 15 | (6) | 40 | 149 | 140 | 15 | 6.4 |
| Traffic Stops | 10 | 11 | (1) | 9 | 80 | 70 | 11 | 14.3 |
| DUI Arrests | 2 | 1 | 1 | 100 | 13 | 11 | 1 | 18.8 |
| Felony Arrests | 0 | 2 | 0 | 0 | 4 | 4 | 2 | 0 |
| Misdemeanor Arrests | 1 | 2 | (1) | 50 | 4 | 3 | 2 | 33 |
| Detox Holds | 0 | 0 | 0 | 0 | 1 | 1 | 0 | 0 |
| Parking Complaints | 1 | 0 | 0 | 100 | 21 | 20 | 0 | 5 |

**The decreases this month can be contributed to another busy month for Patrol, including various trainings (Rescue Task Force, Reality Based Training, Interacting with People with Disabilities and Firearms/ACT), scheduled medical leaves and multiple vacations.*

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Lindsay Hirsh, Community Development Director
FROM: Jennifer Madsen, Town Attorney
DATE: November 12, 2024 – Work Session
SUBJECT: [Work Session] Lodging Tax regulation

Executive Summary:

On November 5, 2024, a ballot issue to impose a 2% lodging tax was overwhelmingly approved by Keystone voters. The tax will be effective on January 1, 2025. To implement that tax, it is recommended that Town Council adopt an ordinance related to the process for the collection of the lodging tax.

At the work session, Council will be given an overview of the lodging tax ordinance. This ordinance is also on the consent agenda for first reading and if approved on first reading, it will be scheduled for second reading and the public hearing on November 26 for an effective date of January 1.

Background:

Draft Ordinance No. 2024-O-14 implements the voter-approved 2% lodging tax within the Town of Keystone, to be effective starting January 1, 2025. Here is an overview of its main elements:

1. Purpose: The tax is levied on short-term lodging rentals to fund capital infrastructure, highway safety, maintenance, and public safety projects. A special fund is created named the Lodging Tax Fund [Section 8].
2. Scope and Definitions:
 - The lodging tax applies to any person renting out accommodations such

as hotels, motels, condos, and similar facilities [Definition of "lodging" in Section 3].

- It defines key terms such as "lodging," "marketplace facilitator," and "vendor" [Section3].

3. Collection and Remittance:

- Vendors must collect the tax from purchasers and remit it to the town monthly [Section 7].
- Marketplace facilitators are responsible for collecting and remitting the tax for sales made on their platforms [Section 7].
- Vendors must maintain records for three years for auditing purposes [Section 6]. The three-year time frame is consistent with the statute of limitations for unpaid tax.

4. Exemptions [Section 5]:

- Lodging for continuous stays of 30 days or more.
- Transactions involving the U.S. Government, the State of Colorado, and qualified 501(c)(3) organizations.

5. Enforcement and Penalties [Section 13]:

- Penalties for non-compliance include fines, interest on unpaid taxes, and potential audits.
- Violations are subject to additional fines and legal proceedings, including liens on property and potential public auctions for unpaid taxes.

6. Administration:

- The Town Manager (or designee) is empowered to oversee tax collection, audit records, and enforce compliance.
- Confidentiality of tax information is protected, except for audits or as required by law. This confidentiality is consistent with state law.

7. Appeals and Disputes:

- Vendors may appeal tax assessments within 10 days and must present their case in writing to the Town Manager. The Town Manager issues a decision on the assessment and the vendor can appeal that decision to the district court.

In sum, the ordinance ensures compliance by setting detailed rules for tax collection, recordkeeping, and penalties for violations.

Next Steps:

The Ordinance is on first reading on the consent agenda. If approved on first reading, there will be a second reading and public hearing on November 26 with the purpose of adopting the ordinance with a January 1, 2025, effective date.

Attachment:

- Draft Ordinance 2024-O-14, Implementing The Voter-Approved 2% Lodging Tax And Providing Penalties For The Violation Thereof

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-14**

**AN ORDINANCE OF TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO,
IMPLEMENTING THE VOTER-APPROVED 2% LODGING TAX AND PROVIDING
PENALTIES FOR THE VIOLATION THEREOF**

WHEREAS, the Town of Keystone, Colorado (“Town”) is a home rule municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, under the Taxpayer’s Bill of Rights, Article X, Section 20(4) of the Colorado Constitution (“TABOR”), governmental entities are required to obtain voter approval in advance for any tax rate increase; and

WHEREAS, by Resolution 2024-58, the Town Council (“Council”) approved the submittal to the registered voters of the Town of Keystone a ballot question regarding the imposition of a lodging tax of two percent (2%) on short-term rental lodging within the Town of Keystone, with proceeds of such tax to be used for capital improvements and public safety; and

WHEREAS, on November 5, 2024, a majority of the qualified electors the Town of Keystone casting ballots in the election voted in favor of the 2% lodging tax on short-term; and

WHEREAS, in accordance with that mandate, the Town Council implements a lodging tax on short-term lodging in the Town.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Keystone, Colorado, as follows:

Section 1. Findings. The above and foregoing recitals are incorporated herein by reference and adopted as findings and determinations of the Town Council of the Town of Keystone.

Section 2. Legislative Intent. The legislative intent of the Town Council in enacting this Ordinance is that every person who, for consideration, leases or rents any hotel room, motel room or other accommodation located in the Town shall pay, and every person who furnishes for lease or rental any such accommodation shall collect, the tax imposed by this Ordinance.

Section 3. Definitions. For purposes of this Ordinance, the following words shall have the following meanings:

Lodging means rooms or accommodations for overnight use furnished by any person or the representative of any person to any person who for consideration uses, possesses, occupies or has the right to use, possess or occupy any such room or accommodation in

a hotel, condominium hotel, apartment hotel, condominium, lodging house, motel, motor hotel, guest house, guest ranch, resort, mobile home, mobile home park, auto court, inn, trailer court, trailer park or hotel, under any concession, permit, lease, contract, license to use or other similar arrangement.

Marketplace means a physical or electronic forum, including, but not limited to, a store, a booth, an internet website, a catalog, or a dedicated sales software application, where the remote sale of lodging within the town is offered.

Marketplace facilitator means

1. A person who:
 - a. Contracts with a marketplace seller or multichannel seller to facilitate for consideration, regardless of whether or not the consideration is deducted as fees from the transaction, the remote sale of lodging within the town through the person's marketplace;
 - b. Engages directly or indirectly, through one (1) or more affiliated persons, in transmitting or otherwise communicating the offer or acceptance between a purchaser and the marketplace seller or multichannel seller; and
 - c. Either directly or indirectly, through agreements or arrangements with third parties, collects payment from the purchaser on behalf of the seller.
2. *Marketplace facilitator* does not include a person that exclusively provides internet advertising that does not otherwise meet this definition.

Marketplace seller means a person, regardless of whether or not the person is engaged in business in the town, which has an agreement with a marketplace facilitator and offers the remote sale of lodging within the town through a marketplace owned, operated, or controlled by a marketplace facilitator.

Multichannel seller means a vendor that offers for the remote sale of lodging within the town through a marketplace owned, operated, or controlled by a marketplace facilitator, and through other means.

Purchase or Sale means the furnishing for consideration by any person of lodging within the Town.

Purchaser means any person exercising the taxable privilege of purchasing lodging.

Tax means either the tax payable by the vendor, or the aggregate amount of taxes due from the vendor, during the period for which the vendor is required to pay the occupation tax on the provision of lodging under this Ordinance.

Taxpayer means the vendor obligated to pay the tax under the terms of this Ordinance.

Vendor means a person making sales of or furnishing lodging to a purchaser in the Town, and includes, but is not limited to, a marketplace facilitator, a marketplace seller, or multichannel seller.

Section 4. Levy of tax. Effective January 1, 2025, there is hereby levied and shall be collected and paid a lodging excise tax of two percent (2%) by every person exercising the taxable privilege of purchasing lodging on the purchase price paid or charged for such lodging.

Section 5. Exempt Transactions. The following entities and transactions are exempt from the duty to pay tax under this Ordinance but not the duty to collect and remit the tax levied hereby:

- (1) All lodging as defined in this Ordinance furnished to any person who resides continuously for a period of thirty (30) consecutive days or more in rooms or accommodations or has the right to reside pursuant to any written concession, permit, contract, license to use or other written arrangement.
- (2) The United States Government, the State of Colorado, its departments and institutions and the political subdivisions thereof including the town, when acting in their governmental capacities and performing governmental functions and activities; and
- (3) Charitable, religious, and eleemosynary organizations that have received from the Internal Revenue Service status under Section 501(c)(3) of the Internal Revenue Code as a tax-exempt organization, while in the conduct of their regular charitable, religious or eleemosynary functions and activities.

Section 6. Collection of tax.

- (a) Every vendor making sales to a purchaser in the Town, which are taxable under the provisions of this Ordinance, at the time of making such sales is required to collect the tax imposed by section 4 from the purchaser.
- (b) The tax to be collected as provided by subsection (a) of this section shall be stated and charged separately from the sale price and shown separately from the sale price on any record thereof at the time when the sale is made or at the time when evidence of the sale is made or at the time when evidence of the sale is issued or employed by the vendor; provided, that when added such tax shall constitute a part of such purchase price or charge and shall be a debt from the purchaser to the vendor until paid and shall be recoverable at law in the same manner as other debts. The tax shall be paid by the purchaser to the vendor, as trustee for and on

account of the town, and the vendor shall be liable for the collection thereof and on account of the town.

- (c) Taxes paid on the amount of gross sales which are represented by accounts which are found to be worthless and are actually and properly charged off as bad debts for the purpose of the income tax imposed by the laws of the state may be credited upon a subsequent payment of the tax herein provided; but if any such accounts are thereafter collected by the taxpayer, a tax shall be paid upon the amount so collected.
- (d) With respect to sales of lodging within the town made by marketplace sellers in or through a marketplace facilitator's marketplace, a marketplace facilitator has all the liabilities, obligations, and rights under this Ordinance.
- (e) The burden of proving that any transaction is exempt from the tax shall be upon the vendor.
- (f) It shall be the duty of every vendor to maintain, keep and preserve suitable records of all sales made by the vendor and such other books or accounts as may be required by the Town Manager or designee in order to determine the amount of the tax for which the vendor is liable under the Ordinance. It shall be the duty of every such vendor to keep and preserve for a period of three (3) years all such books, invoices and other records and the same shall be open for examination by the Town Manager or designee.

Section 7. Vendor responsible for payment of tax.

- (a) Amount: Every vendor shall add the tax imposed by section 4 to the purchase price or charge for lodging, and the vendor shall be liable and responsible to the town for the payment on a monthly basis of an amount equivalent to such tax on all gross taxable sales, and also liable and responsible to the town for any collection in excess of that equivalent amount. Every vendor shall on its return round each calculation, as directed on such form as the finance director may require, to the nearest whole dollar and remit the rounded amount. In rounding under this section, any amount of forty-nine cents (\$0.49) or less shall be rounded down, and any amount of fifty cents (\$0.50) or higher shall be rounded up.
- (b) Returns: Every vendor shall on or before the twentieth (20) day of each month make a return to the Town Manager or designee for the preceding calendar month and remit to the finance director simultaneously therewith the total amount due the town as provided by subsection (a) of this section. Returns of the vendor, or the vendor's duly authorized agent, shall contain such information and be made in such a manner and upon such forms as the finance director may prescribe, and the finance director may, by regulation duly adopted, extend the time up to one (1) year for making returns and paying the tax due.

(c)

1. A marketplace facilitator engaged in business in the town is required to collect and remit lodging tax on all taxable sales of lodging within the town made by the marketplace facilitator, or facilitated by it for marketplace sellers or multichannel sellers to customers in the town, whether or not the marketplace seller for whom sales are facilitated would have been required to collect lodging tax had the sale not been facilitated by the marketplace facilitator.
2. A marketplace facilitator shall assume all the duties, responsibilities, and liabilities of a vendor. Marketplace facilitators shall be liable for the lodging taxes collected from marketplace sellers or multichannel sellers. The town may recover any unpaid lodging taxes, penalties, and interest from the marketplace facilitator that is responsible for collecting on behalf of marketplace sellers or multichannel sellers.
3. The liabilities, obligations, and rights set forth under this section are in addition to any duties and responsibilities the marketplace facilitator has under this Ordinance if it also offers lodging within the town for sale through other means.
4. A marketplace seller, with respect to sale of lodging within the town made in or through a marketplace facilitator's marketplace, does not have the liabilities, obligations, or rights of a vendor under this section if the marketplace seller can show that such sale was facilitated by a marketplace facilitator:
 - i. With whom the marketplace seller has a contract that explicitly provides that the marketplace facilitator will collect and remit lodging tax on all sales of lodging within the town subject to tax under this Ordinance; or
 - ii. From whom the marketplace seller requested and received in good faith a certification that the marketplace facilitator is registered to collect lodging tax and will collect lodging tax on all sales of lodging within the town subject to tax under this Ordinance made in or through the marketplace facilitator's marketplace.
5. If a marketplace seller makes a sale that is not facilitated by a licensed marketplace facilitator in a marketplace, the marketplace seller is subject to all of the same licensing, collection, remittance, filing and recordkeeping requirements as any other vendor.
6. With respect to any sale of lodging within the town, the town shall solely audit the marketplace facilitator for sales of lodging within the town made by marketplace sellers or multichannel sellers but facilitated by the

marketplace. The town will not audit or otherwise assess tax against marketplace sellers or multichannel sellers for sales facilitated by a marketplace facilitator.

- (d) All sums of money paid by the purchaser to the vendor as taxes imposed by this Ordinance shall be an remain public money, the property of the Town, in the hands of vendor, and the vendor shall hold the same in trust for the sole use and benefit of the town until paid to the Town Manager as herein provided. The vendor shall be in violation of this Ordinance for failure to pay such taxes.

Section 8. Lodging Tax Fund created. There is hereby established a Lodging Tax Fund. The revenue derived from the lodging tax shall be deposited in the Lodging Tax Fund. The revenues in the Lodging Tax Fund shall only be spent on capital infrastructure, projects, Highway 6 safety, maintenance of infrastructure, and public safety.

Section 9. Audit of records.

- (a) For the purpose of ascertaining the correct amount of the occupation tax on the provision of lodging due from any person engaged in such business in the Town under this Ordinance, the Town Manager, or designee, or an authorized agent may conduct an audit by examining any relevant books, accounts and records of such person.
- (b) All books, invoices, accounts and other records shall be made available within the Town limits and be open at any time during regular business hours for examination by the Town Manager, or designee, or an authorized agent. If any taxpayer refuses to furnish any of the foregoing information voluntarily when requested, the Town Manager may issue a subpoena to require that the taxpayer or its representative attend a hearing or produce any such books, accounts and records for examination.
- (c) Any exempt organization or person claiming exemption under the provisions of this Ordinance is subject to audit in the same manner as any other person engaged in the lodging business in the Town.

Section 10. Tax overpayments and deficiencies.

An application for refund of tax monies paid in error or by mistake shall be made within three (3) years after the date of payment for which the refund is claimed. If the Town Manager or designee determines that within three (3) years of the due date, a vendor overpaid the occupation tax on the provision of lodging, the Town shall process a refund or allow a credit against a future remittance from the same taxpayer. If at any time the Town Manager or designee determines the amount paid is less than the amount due under this Ordinance, the vendor shall pay the difference together with the interest within

ten (10) days after receiving written notice and demand. The Town Manager may extend that time for good cause.

Section 11. Tax information confidential.

- (a) All specific information gained under the provisions of this Ordinance that is used to determine the tax due from a taxpayer, whether furnished by the taxpayer or obtained through audit, shall be treated by the Town and its officers, employees or legal representatives as confidential unless otherwise required by law. Except as directed by judicial order or as provided in this Ordinance, no Town officer, employee, or legal representative shall divulge any confidential information. If directed by judicial order, the officials charged with the custody of such confidential information shall be required to provide only such information as is directly involved in the action or proceeding. Any Town officer or employee who knowingly divulges any information classified herein as confidential, in any manner, except in accordance with proper judicial order, or as otherwise provided in this Ordinance or by law, shall be guilty of a violation hereof.
- (b) The Town Manager or designee may furnish to officials of any other governmental entity who may be owed sales tax any confidential information, provided that said jurisdiction enters into an agreement with the Town to grant reciprocal privileges to the Town.
- (c) Nothing contained in this Section shall be construed to prohibit the delivery to a taxpayer or their duly authorized representative a copy of such confidential information relating to such taxpayer, the publication of statistics so classified as to prevent the identification of particular taxpayers, or the inspection of such confidential information by an officer, employee, or legal representative of the Town.

Section 12. Forms and regulations.

The Town Manager or designee shall have the authority to adopt, amend, alter, and repeal administrative rules and regulations as may be necessary for the proper administration of this Ordinance and the collection and enforcement of the tax obligations imposed hereby. The Town Manager or designee is also authorized to prescribe forms to aid in the making of returns, the ascertainment, assessment and collection of said occupation tax on the provision of lodging, and in particular and without limiting the general language of this Ordinance, to prescribe:

- (1) A form of report on the provision of lodging to be supplied to all vendors;
- (2) The records which vendors providing lodging are to keep concerning the tax imposed by this Ordinance.

Section 13. Enforcement and penalties.

- (a) It shall be unlawful for any person to intentionally, knowingly, or recklessly fail to pay the tax imposed by this Ordinance, or to make any false or fraudulent return, or for any person to otherwise violate any provisions of this Ordinance. Each day, or portion thereof, that any violation of this Ordinance continues shall constitute a separate offense.
- (b) A penalty in the amount of ten percent (10%) of the tax due or the sum of ten dollars (\$10.00), whichever is greater, shall be imposed upon the vendor and become due if the tax is not remitted as required by this Ordinance, and one and one-half percent (1.5%) interest shall accrue each month on the unpaid balance. The Town Manager is hereby authorized to waive, for good cause shown, any penalty assessed.
- (c) If any part of a deficiency is due to negligence or intentional disregard of regulations, but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency together with interest from the vendor required to file a return. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added fifty percent (50%) of the total amount of the deficiency together with interest and in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten (10) days after written demand by the Town Manager.
- (d) If any vendor fails to make a return and pay the tax imposed by this Ordinance, the Town may make an estimate, based upon available information of the amount of tax due and add the penalty and interest provided above. The Town shall mail notice of such estimate, by certified mail and regular mail, to the vendor at the address as indicated in the Town records. Such estimate shall thereupon become an assessment, and such assessment shall be final and due and payable from the taxpayer to the Town Manager ten (10) days from the date of mailing of the notice; provided, however, that within the ten-day period such delinquent taxpayer may petition the Town Manager for a revision or modification of such assessment and shall, within such ten-day period, furnish the Town Manager with a written appeal petition and include the documents, facts and figures showing the correct amount of such taxes due and owing.
- (e) Such appeal petition shall be in writing and the facts and figures submitted shall be submitted either in writing or orally and shall be given by the taxpayer under penalty of perjury. After review of the petition, the Town Manager may modify such assessment in accordance with the facts submitted in order to effectuate the provisions of this Ordinance. Such assessment shall be considered the final order of the Town Manager, and may be reviewed under the Rule 106(a)(4) of the Colorado rules of Civil Procedure, provided that the taxpayer gives written notice to the Town Manager of such intention within ten (10) days after of the final order of assessment.

Section 14. Tax constitutes lien.

- (a) The tax imposed by this Ordinance, together with the interest and penalties herein provided and the costs of collection which may be incurred, shall be and, until paid, remain a first and prior lien superior to all other liens on all the tangible personal property of a taxpayer within the Town and may be foreclosed by seizing under distraint warrant and selling so much thereof as may be necessary to discharge the lien. Such distraint warrant may be issued by the Town Manager whenever the taxpayer is in default in the payment of the tax, interest, penalty or costs. Such warrant may be served and the goods subject to such lien seized by the Summit County Sheriff or any duly authorized employee of the Town. The property so seized may be sold by the agency seizing the same or by the Town Manager at public auction after ten (10) days have passed following an advertised notice in a newspaper published in the Town, in the same manner as is prescribed by law in respect to executions against property upon judgment of a court of record, and the remedies of garnishment shall apply.
- (b) Whenever the business or property of a taxpayer subject to this Ordinance is placed in receivership, bankruptcy or assignment for the benefit of creditors, or seized under distraint for taxes, all taxes, penalties and interest imposed by this Ordinance, and for which the taxpayer is in any way liable under the terms of this Ordinance, shall be a prior and preferred lien against all the property of the taxpayer, except as to other tax liens which have attached prior to the filing of the notice. No sheriff, receiver, assignee or other officer shall sell the property of any person subject to this Ordinance under process or order of any court, without first ascertaining from the Town the amount of any taxes due and payable under this Ordinance and, if there are any such taxes due, owing and unpaid, it shall be the duty of such officer to first pay the amount of the taxes out of the proceeds of such sale before making payment of any monies to any judgment creditor or other claimants of whatsoever kind or nature, except the costs of the proceedings and other preexisting tax liens as above provided.
- (c) The tax imposed by this Ordinance shall be, and remain, a first and prior lien superior to all other liens on the real property and appurtenant premises at which the taxable transactions occurred.

Section 15. Recovery of unpaid tax.

- (a) The Town may also treat any such taxes, penalties, costs or interest due and unpaid as a debt due the Town from the taxpayer.
- (b) In case of failure to pay the taxes, or any portion thereof, or any penalty, costs or interest thereon, when due, the Town may recover at law the amount of such taxes, penalties, costs, the reasonable value of any attorney's time or the reasonable attorney's fees charged, plus interest, in any county or district court of the county

wherein the taxpayer resides or had a principal place of business (at the time the tax became due) having jurisdiction of the amount sought to be collected.

- (c) The return of the taxpayer or the assessment made by the Town shall be prima facie proof of the amount due.
- (d) Such actions may be actions in attachment, and writs of attachment may be issued to the Summit County Sheriff, and in any such proceeding no bond shall be required of the Town Manager, nor shall any sheriff's deputy require of the Town an indemnifying bond for executing the writ of attachment or writ of execution upon any judgment entered in such proceedings. The Town may prosecute appeals in such cases without the necessity of providing bond therefor.
- (e) The Town may certify the amount of any delinquent tax, plus interest, penalties and the costs of collection, as a charge against the property at which the taxable transaction occurred to the Summit County Treasurer for collection in the same manner as delinquent ad valorem taxes.

Section 16. Hearings, subpoenas and witness fees.

- (a) Hearings before the Town pursuant to the provisions of this Ordinance shall be held in accordance with this Ordinance and rules and regulations promulgated by the Town. Any subpoena issued pursuant to this Ordinance may be enforced by the Municipal Judge pursuant to Section 13-10-112(2), C.R.S. The fees of witnesses for attendance at hearings shall be the same as the fees of witnesses before the district court, such fees to be paid when the witness is excused from further attendance. When the witness is subpoenaed at the instance of the Town, such fees shall be paid in the same manner as other expenses under the terms of this Ordinance, and, when a witness is subpoenaed at the instance of any party to any such proceeding, the Town may require that the cost of service of the subpoena and the fee of the witness be borne by the party at whose instance the witness is summoned. In such case, the Town, at its discretion, may require a deposit to cover the cost of such service and witness fees. A subpoena issued as aforesaid shall be served in the same manner as a subpoena issued out of a court of record.
- (b) The Municipal Judge, upon the application of the Town, may compel the attendance of witnesses, the production of books, papers, records or memoranda, and the giving of testimony before the Town's duly authorized hearing officers, by an action for contempt, or otherwise, in the same manner as production of evidence may be compelled before the Court.

Section 17. Depositions.

The Town or any party in an investigation or hearing before the Town Manager may cause the deposition of witnesses residing within or without the State to be taken in

the manner prescribed by law for like depositions in civil actions in courts of this State and to that end compel the attendance of witnesses and the production of books, papers, records or memoranda.

Section 18. Statute of limitations.

- (a) Except as otherwise provided in this Section, the taxes for any period, together with interest thereon and penalties with respect thereto, imposed by this Ordinance shall not be assessed, nor shall notice of lien be filed, or distraint warrant be issued, or suit for collection be instituted, or any other action to collect the same be commenced, more than three (3) years after the date on which the tax was or is payable. Nor shall any lien continue after such period, except for taxes assessed before the expiration of such three-year period, notice of lien with respect to which has been filed prior to the expiration of such period.
- (b) In case of a false or fraudulent return with intent to evade taxation, the tax, together with interest and penalties thereon, may be assessed, or proceedings for the collection of such taxes may be commenced at any time.
- (c) Before the expiration of such period of limitation, the taxpayer and the Town Administrator may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing.

Section 19. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 20. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 21. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 22. Effective Date. After adoption by the Town Council, this ordinance shall take effect on January 1, 2025.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON _____, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH: John Crone, Town Manager
Jennifer Madsen, Town Attorney
FROM: Joshua Weber, Director of Public Works
DATE: November 12, 2024 – Council Meeting
SUBJECT: Resolution 2024-71, A Resolution of Town Council of the
Town of Keystone, Colorado, Approving Maintenance of
Certain Roads

Executive Summary:

Staff was instructed by the Council to identify roads for which the Town should take over maintenance responsibility. Resolution 2024-69 directs staff to take the necessary steps to take over responsibility for certain roads that meet criteria as defined by the Town Council.

Background:

The Council has shown an interest in taking responsibility for the plowing and maintenance of certain roads in Keystone. The Council created a multi-phase approach to identify roads in Keystone Town limits for maintenance. The first roads identified for inclusion meet the criteria that was set forth by Council.

Staff has been directed by Council to follow a certain criterion and compile a list of roads that meet those criteria for acceptance of maintenance responsibility. The roads identified in this report are the first phase of a multi-phase assumption of road maintenance. The criteria are as follows:

Public R.O.W. that is built to Town of Keystones Standards AND

Is a road serving a major arterial route AND/OR

Is a road serving major public transportation, AND/OR

Is a road that provides access to Town of Keystone facilities or spaces

The following have been identified by Town Staff for the consideration of maintenance:

Roads Identified for Inclusion

- **Saints John Rd.** From HWY 6 to Condo Parking beginning, 0.26 mile
- **Decatur Hill Rd.** From Entrance on HWY 6 to Clearwater Dr., 0.08 mile
- **Tennis Club Rd.** Entirety, 0.65 mile
- **Elk Spur Ln.** Entirety, 0.07 mile
- **Gondola Rd.** Entirety, 0.29 mile
- **Antlers Gulch Rd.** From Wintergreen Property line to HWY 6, 0.09 mile
- **Oro Grande,** From HWY 6 to Norse Rd. 0.09 mile
- **River Run Rd.** From E. Keystone Rd to Alcove Ct., 0.33 mile
- **Ida Belle Dr.** Entirety, 0.30 mile
- **Dercum Dr.** Entirety, 0.08 mile
- **W. Independence Rd.** From Paulson Place to Independence Lane, 0.1 mile
- **Independence L.** Entirety, 0.15 mile
- **E. Independence Rd.** From Montezuma Rd to Independence Ln., 0.35 mile

Alternatives:

Private entities will retain responsibility for road maintenance.

Financial Considerations:

Financial Impact is approximately \$90,000 annually.

Previous Council Actions:

None.

Suggested Motions:

I move to APPROVE Resolution 2024-71, Resolution of Town Council of the Town of Keystone, Colorado, Approving Maintenance of Certain Roads

I move to DENY Resolution 2024-71, Resolution of Town Council of the Town of Keystone, Colorado, Approving Maintenance of Certain Roads

Attachment:

- Resolution 2024-70 – A Resolution of Town Council of the Town of Keystone, Colorado, Approving Maintenance of Certain Roads

**TOWN OF KEYSTONE
Summit County, Colorado**

RESOLUTION 2024-71

**A RESOLUTION OF TOWN COUNCIL OF THE TOWN OF KEYSTONE APPROVING
MAINTENANCE OF CERTAIN ROADS**

WHEREAS the Town of Keystone (“Town”) is a home rule municipality governed by the Keystone Home Rule Charter; and

WHEREAS, the Town Council finds the responsibility for maintenance of certain roads within Town limits has historically been inequitable, and

WHEREAS, the Town Council has determined that the following criteria should be used to determine which roads the Town of Keystone will take responsibility for maintenance:

- 1) Public R.O.W. that is built to Town of Keystones Standards, and
- 2) Is a road serving a major arterial route, and/or
- 3) Is a road serving major public transportation, and/or
- 4) Is a road that provides access to Town of Keystone facilities or spaces, and

WHEREAS, the Staff has identified several roads that meet the criteria for maintenance responsibility for the Town of Keystone. In Exhibit A,

WHEREAS, the Town Council finds it is the best interest of the Town and equitable to all citizens if the Town of Keystone takes responsibility for the roads attached as Exhibit A.

Now, Therefore, be it Resolved by the Town Council of the Town of Keystone, Colorado, that:

Section 1. The Town Council Instructs Staff to take necessary steps for the Town of Keystone to assume responsibility for the maintenance of the roads described in Exhibit A (attached). The Town Manager is authorized to make any edits.

Section 2. Effective Date. This Resolution shall take effect upon its approval by the Town Council.

ADOPTED by a vote of __ in favor and __ against, this 12TH day of November 2024.

By: _____
Kenneth D. Riley, Mayor

ATTEST:

Approved as to Form:

By: _____
Town Clerk

By: _____
Town Attorney

Exhibit A

- **Saints John Rd.** From HWY 6 to Condo Parking beginning, 0.26 mile
- **Decatur Hill Rd.** From Entrance on HWY 6 to Clearwater Dr., 0.08 mile
- **Tennis Club Rd.** Entirety, 0.65 mile
- **Elk Spur Ln.** Entirety, 0.07 mile
- **Gondola Rd.** Entirety, 0.29 mile
- **Antlers Gulch Rd.** From Wintergreen Property line to HWY 6, 0.09 mile
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- **Independence L.** Entirety, 0.15 mile
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TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
FROM: John Crone, Town Manager
DATE: November 12, 2024 – Work Session
SUBJECT: FY 2025 Budget Workshop

Executive Summary:

Town Council workshop on FY 2025 Budget.

Background:

Pursuant to our Town Charter, the Town Council must adopt a budget containing the following items:

Section 10.7. Scope of Annual Budget.

- (a) The budget adopted by the Town Council shall contain:
 - (1) an estimate of anticipated revenue from all sources for the ensuing year;
 - (2) an estimate of the general fund cash surplus at the end of the current fiscal year or of the deficit to be made up by appropriation;
 - (3) the estimate of expenditures for the operation of the departments, offices and agencies of the Town;
 - (4) debt service requirements for the ensuing fiscal year;
 - (5) an estimate of the sum required to be raised by any tax levy for the ensuing fiscal year and the rate of levy necessary to produce such sum;
and
 - (6) a balance between the total estimated expenditures, including any deficit to be met and monies set aside for public improvements, and total anticipated revenue, plus any surplus.
- (b) All estimates shall be in detail showing revenues by source and expenditures by

This workshop will allow Council input before the final budget is presented for adoption on November 26, 2024.

Remaining Timeline

November 26 (No later than December 15, 2024) - Adoption

The Town has a meeting scheduled for December 10. We also have a second November meeting scheduled on November 26.

January 31, 2025 – Certified copy of the adopted budget must be filed with the Division of Local Government

June 30, 2025 – Deadline for auditor to submit report to Town Council

July 31, 2025 – Deadline to submit audit report to the Office of the State Auditor

| | A | B | C | D | E | F |
|----|--------------------------------------------------------------------|---------------------------------------------|--------------------|-----------------|---------------|-----------------------------------------------------------------------------------|
| 2 | TOWN OF KEYSTONE FY 2025 BUDGET | | | | | |
| 3 | Statement of Revenues, Expenses and Changes in Fund Balance | | | | | |
| 4 | Actual, Budget and Forecast for the Periods Indicated | | | | | |
| 5 | Modified Accrual Basis | | 2024 ANNUAL | | 2025 | Notes |
| 6 | | | Approved | | | |
| 7 | | | 2024 | 2024 | 2025 | |
| 8 | | | Budget | Forecast | Budget | |
| 9 | | | | | | |
| 10 | GENERAL FUND | | | | | |
| 11 | Revenues | | | | | |
| 12 | | Sales Tax (2 mo estimated) | 2,614,224 | 2,614,224 | 3,323,383 | Although revenue is up, I am projecting a flat budget from 2023 estimate |
| 13 | | Other Tax Revenue | | | | |
| 14 | | Highway Users Tax Fund | 48,627 | 48,627 | 66,612 | |
| 15 | | Cigarette Tax | 5,092 | 5,092 | 7,115 | |
| 16 | | Nicotine Tax | 59,628 | 59,628 | 83,315 | |
| 17 | | Road and Bridges Tax | 91,684 | 91,684 | 103,774 | |
| 18 | | Specific Ownership Tax | 25,348 | 25,348 | 34,723 | |
| 19 | | Auto Ownership Tax | 9,970 | 9,970 | 13,657 | |
| 20 | | Other Tax Revenue | 0 | 0 | 0 | |
| 21 | | | | | | |
| 22 | | Total Other Tax Revenue | 240,348 | 240,349 | 309,196 | |
| 23 | | Fees | | | | |
| 24 | | Building Permits | 203,203 | 203,203 | 40,641 | |
| 25 | | Reimbursable Comm Dev Costs | | | 20,000 | |
| 26 | | Franchise Fees | 0 | 0 | 1,500 | |
| 27 | | | | | | |
| 28 | | | 203,203 | 203,203 | 62,141 | |
| 29 | | Licenses | | | | |
| 30 | | Business Licenses | | | 34,000 | if adopted, estimate \$75 |
| 31 | | Short Term Rentals | 541,732 | 541,732 | 547,150 | |
| 32 | | Liquor Licenses | | 1,750 | 1,750 | |
| 33 | | | | | | |
| 34 | | | 541,732 | 543,482 | 582,900 | |
| 35 | | Fines | | | | |
| 36 | | Municipal Court Fines | | | 40,000 | estimate - this number could be significantly higher |
| 37 | | Code Enforcement Fines | | | 5,000 | |
| 38 | | Court Costs | | | 19,382 | |
| 39 | | | 0 | 0 | 64,382 | |
| 40 | | Other Income | | | | |
| 41 | | Grants | | | 215,000 | comp plan, Town Manager (we will likely apply for several more high value grants) |
| 42 | | Interest on Investments | | 10,000 | 68,000 | colotrust |
| 43 | | Admin Miscellaneous Income | | | 0 | |
| 44 | | | | | | |
| 45 | | | 0 | 10,000 | 283,000 | |
| 46 | | | | | | |
| 47 | | Total Revenue | 3,599,507 | 3,611,258 | 4,625,002 | |
| 48 | | | | | | |
| 49 | | Expenditures | | | | |
| 50 | | Employee Benefits & Taxes | | | | |
| 51 | | 401 A Match | 44,414 | 44,414 | 67,515 | |
| 52 | | 457 Match | 16,655 | 16,655 | 25,318 | |
| 53 | | Flexible Spending Account (FSA) | 5,774 | 5,774 | 12,000 | |
| 54 | | Wellness Reimbursement | 12,158 | 12,158 | 17,500 | |
| 55 | | Health Insurance Premiums | 79,834 | 79,834 | 120,360 | 13.5% increase in rates |
| 56 | | Health Ins Employee Contributions | | (1,572) | 0 | |
| 57 | | Workers Comp Insurance Premiums | 11,381 | 11,381 | 12,375 | |
| 58 | | COL and Merit Raises | | | 40,548 | 3% COL + 5% merit pool (excludes Town Manager) |
| 59 | | Payroll Taxes | 18,543 | 18,543 | 40,137 | |
| 60 | | | | | | |
| 61 | | | | | | |
| 62 | | Total Employee Benefits & Taxes | 188,759 | 187,187 | 335,753 | |
| 63 | | General Expenditures All Departments | | | | |
| 64 | | Telephone | 2,830 | 2,830 | 3,168 | |
| 65 | | Office Lease | 50,700 | 50,700 | 196,158 | |
| 66 | | Office Building Maintenance | 3,700 | 3,700 | 3,504 | |
| 67 | | Office Supplies | 3,754 | 3,754 | 5,000 | |
| 68 | | Prof Services/Membership Fees | 10,429 | 10,429 | 17,000 | |
| 69 | | Dues and Subscriptions | 7,936 | 6,802 | 7,000 | |

| | A | B | C | D | E | F |
|-----|--------------------------------------------------------------------|---------------------------------------|--------------------|-----------------|----------------|-------------------------------------------------------------------------------------------|
| 2 | TOWN OF KEYSTONE FY 2025 BUDGET | | | | | |
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| 4 | Actual, Budget and Forecast for the Periods Indicated | | | | | |
| 5 | Modified Accrual Basis | | 2024 ANNUAL | | 2025 | Notes |
| 6 | | | | | | |
| 7 | | | Approved | | | |
| 8 | | | 2024 | 2024 | 2025 | |
| 9 | | | Budget | Forecast | Budget | |
| 70 | | Training | 6,802 | 6,802 | 14,011 | |
| 71 | | Travel/Meals/Ldging | 6,802 | 6,802 | 14,011 | |
| 72 | | Uniforms/Clothing | 1,700 | 1,700 | 5,000 | |
| 73 | | Insurance | 5,000 | 5,000 | 7,500 | |
| 74 | | Bank and Misc Fees | 0 | 90 | 0 | |
| 75 | | IT/Technology | 68,016 | 68,016 | 60,000 | IT support, |
| 76 | | Website | 6,802 | 6,802 | 0 | moved to capital |
| 77 | | Equipment Repairs/Leases | 5,526 | 5,526 | 7,589 | |
| 78 | | Professional Services | | | | |
| 79 | | Membership Fees | | | | |
| 80 | | | | | | |
| 81 | | Total Gen Exp All Departments | 179,996 | 178,952 | 339,942 | |
| 82 | | | | | | |
| 83 | | Mayor and Town Council | | | | |
| 84 | | Mayor Wages | 11,000 | 11,000 | 12,000 | |
| 85 | | Council Wages | 33,000 | 33,000 | 36,000 | |
| 86 | | Cell Phone AllowTown Council | 5,775 | 5,775 | 6,300 | |
| 87 | | Community Support | | | 100,000 | Child care tuition assistance - 71,000, Summit Foundation Passes - 8000, Treetop - 10,000 |
| 88 | | Travel and Training | | | 5,000 | |
| 89 | | | | | | |
| 90 | | | 49,775 | 49,775 | 159,300 | |
| 91 | | | | | | |
| 92 | | Misc Expense Town Council | 1,251 | 3,409 | 1,401 | |
| 93 | | Total Mayor and Town Council | 51,026 | 53,184 | 160,701 | |
| 94 | | | | | | |
| 95 | | Administration Services | | | | |
| 96 | | Town Manager Wages | 127,530 | 127,530 | 178,200 | |
| 97 | | Town Clerk Wages | 95,047 | 95,047 | 0 | |
| 98 | | Office Clerk Wages | 58,333 | 58,333 | 0 | |
| 99 | | Administrative Wages | | | 171,799 | excludes Town Manager |
| 100 | | Cell Phone | 2,250 | 2,250 | 2,700 | |
| 101 | | Keystone Housing Incentive | 15,000 | 15,000 | 18,000 | |
| 102 | | | | | | |
| 103 | | | 298,160 | 298,160 | 370,699 | |
| 104 | | Postage | 2,607 | 2,607 | 2,919 | |
| 105 | | Printing | 7,300 | 7,300 | 4,000 | |
| 106 | | Community Engagement | 8,502 | 8,502 | 20,000 | |
| 107 | | Local Travel | 2,607 | 2,607 | 2,919 | |
| 108 | | Elections | 12,000 | 12,000 | 0 | |
| 109 | | Town Attorney Contract | 90,688 | 90,688 | 150,000 | based upon 2024 billing |
| 110 | | Smoking Cessation (from Nicotine Tax) | 59,628 | 59,628 | 27,000 | |
| 112 | | Payroll Contract (Paylocity) | 4,950 | 4,950 | 9,900 | |
| 113 | | Accounting Contract (M&W) | 63,494 | 63,494 | 10,000 | Town to hire finance director |
| 114 | | Annual Audit Contract | 0 | 0 | 19,266 | |
| 115 | | Short Term Rental Contract Support | 116,761 | 116,761 | 120,264 | |
| 116 | | Miscellaous Adminstrative Expense | 0 | 10 | 15,000 | |
| 117 | | | | | | |
| 118 | | Total Administrative Services | 666,697 | 666,707 | 751,966 | |
| 119 | | | | | | |
| 120 | | | | | | |
| 121 | | Finance Department | | | | |
| 122 | | Finance Department Wages | 0 | 0 | 127,000 | |
| 123 | | Cell Phone Finance | 0 | 0 | 900 | |
| 124 | | Keystone Housing Finance | 0 | 0 | 6,000 | |
| 125 | | Communications / Postage | 0 | 0 | 2,000 | |
| 126 | | Computer Services | 0 | 0 | 18,000 | |
| 127 | | Miscellaneous Expense | 0 | 0 | 4,000 | |
| 128 | | | | | | |
| 129 | | Total Finance Expenses | 0 | 0 | 157,909 | |

| | A | B | C | D | E | F |
|-----|--------------------------------------------------------------------|-----------------------------------------------|--------------------|-----------------|---------------|----------------------|
| 2 | TOWN OF KEYSTONE FY 2025 BUDGET | | | | | |
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| 5 | Modified Accrual Basis | | 2024 ANNUAL | | 2025 | Notes |
| 6 | | | | | | |
| 7 | | | Approved | | | |
| 8 | | | 2024 | 2024 | 2025 | |
| 9 | | | Budget | Forecast | Budget | |
| 130 | | | | | | |
| 131 | | Community Development | | | | |
| 132 | | Comm Dev Director Wages | 124,431 | 124,431 | 0 | |
| 133 | | Planner 2 Wages | 60,489 | 60,489 | 0 | |
| 134 | | Community Development Wages | | | 241,729 | |
| 135 | | Cell Phone Comm Dev | 1,350 | 1,350 | 1,800 | |
| 136 | | Keystone Housing Incentive Comm Dev | 9,500 | 9,500 | 12,000 | |
| 137 | | | | | | |
| 138 | | | | | | |
| 139 | | | 195,770 | 195,770 | 255,529 | |
| 140 | | Building Permit/Inspections | 162,562 | 162,562 | 0 | |
| 141 | | GIS | 9,069 | 9,069 | 9,341 | |
| 142 | | Professional Services (Contracted) | 11,336 | 11,336 | 20,000 | |
| 143 | | Planning Supplies/Printing | 5,668 | 5,668 | 5,838 | |
| 144 | | Local Travel | 2,834 | 2,834 | 5,838 | |
| 145 | | Communications | 2,721 | 2,721 | 0 | |
| 146 | | Miscellaneous Comm Dev Expense | 0 | 0 | 2,500 | |
| 147 | | | | | | |
| 148 | | Total Community Develop | 389,960 | 389,960 | 299,046 | |
| 149 | | | | | | |
| 150 | | Public Works | | | | |
| 151 | | Public Works Director Wages | 45,344 | 45,344 | 0 | |
| 152 | | Public Works Wages | | | 93,409 | |
| 153 | | Cell Phone Public Works | 450 | 450 | 900 | |
| 154 | | Keystone Housing Public Works | 3,000 | 3,000 | 6,000 | |
| 155 | | | | | | |
| 156 | | | 48,794 | 48,794 | 100,309 | |
| 157 | | Communications | 2,721 | 2,721 | 0 | |
| 158 | | Engineer Consultant | 5,668 | 5,668 | 11,000 | |
| 159 | | Planning and Printing Supplies | 2,834 | 2,834 | 2,500 | |
| 160 | | Road Maint/Snow Plowing Contracts | | | | |
| 161 | | Loveland Pass Village | 0 | 0 | 22,800 | |
| 162 | | Keystone Roads- Currently County Maintained | 0 | 0 | 86,000 | |
| 163 | | Roads not County Maintained | 0 | 66 | 96,967 | |
| 164 | | Noxious Weed Control | 0 | 0 | 17,514 | |
| 165 | | Other Maintenance | 0 | 0 | 40,866 | |
| 166 | | Total Road Maintenance/Snow Plowing Contracts | 0 | 66 | 264,147 | |
| 167 | | | | | | |
| 168 | | Trail Maintenance | | | 10,000 | |
| 169 | | Signage | 0 | 0 | 15,500 | |
| 170 | | Engineering Services | 0 | 0 | 30,000 | |
| 172 | | Misc Maintenance | | | 15,000 | |
| 173 | | | | | | |
| 174 | | Total Public Works Expenses | 60,017 | 60,083 | 452,456 | |
| 175 | | | | | | |
| 176 | | Public Safety | | | | |
| 177 | | Communications | 0 | 0 | 33,394 | |
| 178 | | Law Enforcement | 0 | 0 | 556,414 | |
| 179 | | Animal Control | 0 | 0 | 3,923 | |
| 180 | | Miscellaneous Public Safety Exp | 0 | 85,708 | 0 | |
| 181 | | | | | | |
| 182 | | Total Public Safety Expenses | 0 | 85,708 | 593,731 | \$465,000 in 2% fund |
| 183 | | | | | | |
| 184 | | Municipal Court | | | | |
| 185 | | Judge | 0 | 0 | 7,589 | |
| 186 | | Prosecutor | 0 | | 11,209 | |
| 187 | | Miscellaneous Exp Municipal Cout | 0 | | 584 | |
| 188 | | | | | | |
| 189 | | Total Court Expenses | 0 | 3 0 | 19,382 | |

| | A | B | C | D | E | F |
|-----|--------------------------------------------------------------------|----------------------------------------------------------------|--------------------|-----------------|---------------|----------------------------------------------------------------------------------------------------|
| 2 | TOWN OF KEYSTONE FY 2025 BUDGET | | | | | |
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| 4 | Actual, Budget and Forecast for the Periods Indicated | | | | | |
| 5 | Modified Accrual Basis | | 2024 ANNUAL | | 2025 | Notes |
| 6 | | | | | | |
| 7 | | | Approved | | | |
| 8 | | | 2024 | 2024 | 2025 | |
| 9 | | | Budget | Forecast | Budget | |
| 190 | | | | | | |
| 191 | Total Operating Expenditures | | 1,536,455 | 1,621,780 | 3,268,787 | |
| 192 | | | | | | |
| 193 | Total Revenue (from above) | | 3,599,507 | 3,611,258 | 4,625,002 | |
| 194 | | | | | | |
| 195 | Operating Surplus (Deficit) | | 2,063,053 | 1,989,478 | 1,356,215 | |
| 197 | | | | | | |
| 198 | Other Sources (Uses) | | | | | |
| 199 | | Transfer to Capital Improvement | (900,000) | (886,800) | (431,600) | |
| 200 | | Summit County Adv - Sales Tax | 0 | 1,400,000 | 0 | |
| 201 | | Summit County Adv - Repayment | 0 | (1,400,000) | 0 | |
| 202 | | | | | | |
| 203 | Total Other Sources (Uses) | | (900,000) | (886,800) | (431,600) | |
| 204 | | | | | | |
| 205 | Beginning Fund Balance - General | | 0 | 0 | 1,102,678 | |
| 206 | | | | | | |
| 207 | Ending Fund Balance - General | | 1,163,053 | 1,102,678 | 2,027,293 | |
| 208 | | | = | = | | |
| 209 | Components of General Fund Bal | | | | | |
| 210 | | TABOR Restricted Funds | 46,094 | 48,653 | 98,064 | |
| 211 | | Unrestricted Funds | 1,116,959 | 1,054,025 | 1,929,230 | |
| 212 | | | 1,163,053 | 1,102,678 | 2,027,293 | |
| 213 | | | | | | |
| 214 | RESTRICTED FUNDS | | | | | |
| 215 | CAPITAL IMPROVEMENTS | | | | | |
| 216 | Revenue and Other Financing Sources | | | | | |
| 217 | | Contribution from General Fund | 900,000 | 886,800 | 431,600 | |
| 218 | | | | | | |
| 219 | Total Revenues | | 900,000 | 886,800 | 431,600 | |
| 220 | | | | | | |
| 221 | Capital and Non-Routine Projects | | | | | |
| 222 | | Repayment for Incorporation Costs | 180,000 | 180,000 | 0 | |
| 223 | | Summit County fee for Cash advance | 5,000 | 5,000 | 0 | |
| 224 | | Office Set Up-Furniture, Supplies and Equipment | 41,500 | 41,500 | 45,500 | new council dias |
| 225 | | Facility Modifications | 50,000 | 50,000 | 0 | |
| 226 | | Staff Hiring Expense | 5,000 | 5,000 | 1,200 | |
| 227 | | Start Up Consultant Support (Clerk/Community Dev/Public Works) | 32,500 | 32,500 | 0 | |
| 228 | | IT-Infrastructure/Software/Computers/Printers/Set up | 109,900 | 109,900 | 89,000 | subscriptions - 4,000, records management system - 10,000, printer - 5,000, conferencing equipment |
| 229 | | Website | 15,000 | 15,000 | 4,000 | |
| 230 | | Town Signage | 30,000 | 30,000 | 30,000 | new website with agenda manager |
| 231 | | Interim Town Manager (\$150/hr, 10 weeks) | 60,000 | 67,900 | 0 | |
| 232 | | Engineering Assessment Town Maintained Roads | 40,000 | 40,000 | 8,000 | |
| 233 | | Flood Plain Plan | 20,000 | 20,000 | 15,000 | |
| 234 | | Trails and Open Space Master Plan | 30,000 | 30,000 | 30,000 | |
| 235 | | Comprehensive Use Plan | | | 100,000 | |
| 236 | | Strategic Plan | | | 60,000 | |
| 237 | | 2 Police Vehicles and equipment | 260,000 | 260,000 | 0 | in 2% fund |
| 238 | | Vehicle and Equipment | | | 70,000 | |
| 239 | Total Capital and Non-Routine Exp | | 878,900 | 886,800 | 452,700 | |
| 240 | | | | | | |
| 241 | Surplus after other sources / uses | | 21,100 | 0 | (21,100) | |
| 242 | | | | | | |
| 243 | FUND BALANCE - Beginning Capital | | 0 | 0 | 21,100 | |
| 244 | FUND BALANCE - Ending Capital | | 21,100 | 0 | 0 | |
| 245 | | | = | = | | |
| 246 | Workforce Housing Fund | | | | | |
| 247 | Revenue and Other Financing Sources | | | | | |
| 248 | | Revenue | 788,210 | 947,056 | 1,246,269 | |

| | A | B | C | D | E | F |
|-----|--------------------------------------------------------------------|---------------------------------------------|--------------------|-----------------|---------------|-------------------------------------------------------------|
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| 5 | Modified Accrual Basis | | 2024 ANNUAL | | 2025 | Notes |
| 6 | | | | | | |
| 7 | | | Approved | | | |
| 8 | | | 2024 | 2024 | 2025 | |
| 9 | | | Budget | Forecast | Budget | |
| 249 | | Interest Income | | | 49,850 | |
| 250 | | Total Revenues | 788,210 | 947,656 | 1,296,119 | |
| 251 | | | | | | |
| 252 | | Expenditures | | | | |
| 253 | | Housing Authority Fees | 52,064 | 52,064 | 58,929 | |
| 254 | | Land Purchase | | | 600,000 | |
| 255 | | Professional Services | | | 150,000 | conceptual site plans |
| 256 | | | | | | |
| 257 | | Total Expenditures | 52,064 | 52,064 | 808,929 | |
| 258 | | | | | | |
| 259 | | Surplus after other sources (uses) | 736,146 | 895,592 | 487,189 | |
| 260 | | | | | | |
| 261 | | Fund bal - Beginning Housing Fund | 0 | 0 | 895,592 | |
| 262 | | Fund bal - Ending Housing Fund | 736,146 | 895,592 | 1,382,781 | |
| 263 | | | = | = | | |
| 264 | | Conservation Trust Fund | | | | |
| 265 | | Revenue and Other Financing Sources | | | | |
| 266 | | Conservation Trust Revenue | 12,920 | 12,920 | 12,920 | |
| 267 | | Interest Income | | | | |
| 268 | | Total Revenues | 12,920 | 12,920 | 12,920 | |
| 269 | | | | | | |
| 270 | | Expenditures | | | | |
| 271 | | Conservation Trust Expenses | 0 | 0 | 0 | |
| 272 | | | | | | |
| 273 | | Total Expenditures | 0 | 0 | 0 | |
| 274 | | | | | | |
| 275 | | Surplus after other sources / uses | 12,920 | 12,920 | 12,920 | |
| 276 | | | | | | |
| 277 | | Fund bal - Begin Cons Trust Fnd | 0 | 0 | 12,920 | |
| 278 | | Fund bal - Ending Cons Trust Fnd | 12,920 | 12,920 | 25,840 | |
| 279 | | | = | = | | |
| 280 | | 2% Lodging Tax | | | | |
| 281 | | Revenue and Other Financing Sources | | | | |
| 282 | | 2% Lodging tax | 0 | 0 | 1,600,000 | |
| 283 | | Interest Income | | | 32,000 | |
| 284 | | Total Revenues | 0 | 0 | 1,632,000 | |
| 285 | | | | | | |
| 286 | | Expenditures | | | | |
| 287 | | Police Services | 0 | 0 | 200,000 | |
| 288 | | Police Capital Equipment | | | 250,000 | |
| 289 | | Misc. Public Safety Expenses | 0 | 0 | 15,000 | |
| 290 | | Road Construction / Repaving | | | 400,000 | |
| 291 | | Trail Construction / Repaving | | | 80,000 | |
| 292 | | Engineering / Design Services | | | 250,000 | Razor Drive Intersection, HWY 6 pathways, road repair plans |
| 293 | | | | | | |
| 294 | | Total Expenditures | 0 | 0 | 1,195,000 | |
| 295 | | | | | | |
| 296 | | Surplus after other sources / uses | 0 | 0 | 437,000 | |
| 297 | | | | | | |
| 298 | | Fund bal - Begin 2% Lodging Tax Fnd | 0 | 0 | 0 | |
| 299 | | Fund bal - Ending 2% Lodging Tax Fnd | 0 | 0 | 437,000 | |

TOWN OF KEYSTONE, COLORADO

STAFF REPORT

TO: Mayor & Town Councilmembers
THROUGH:
FROM: John Crone, Town Manager
DATE: November 12, 2024
SUBJECT: Nuisance ordinance

Executive Summary:

The purpose of this work session item is to provide a proposed nuisance ordinance and to get Council input on the types of items that it desires in the Town's nuisance ordinance.

Background:

Nuisance ordinances are adopted to protect the Town from actions that may not always rise to a criminal level but are made illegal because they create a health or safety risk, are serious detriment to people's quiet enjoyment of their own property or create a situation that is an antithesis to the Town's stated goals and objections. A nuisance ordinance will define the Town's positions and are often enforced through either the police department or the town's code enforcement procedures.

Town Council has had two workshops on the proposed ordinance in July of this year. The attached ordinance attempts to take into account the comments received in those workshops.

The attached ordinance also includes enforcement procedures. I have mirrored the enforcement provisions in the Dillon town code. 2:53 PMhis would make it much easier for any joint code officers or police departments to enforce the ordinance.

As previously mentioned, nuisance codes and ordinances tend to be dynamic with sections added as necessary.

**TOWN OF KEYSTONE
ORDINANCE NO. 2024-O-xx**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE,
COLORADO, REGARDING ADMINISTRATION AND ABATEMENT OF NUISANCES**

WHEREAS, the Town of Keystone, Colorado (“Town”) is a home rule municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, the Town Council of the Town of Keystone is responsible for protecting the health, safety, and welfare of the citizens of Keystone, including timely and efficiently abating nuisances from time to time; and

WHEREAS, the Town Council has determined that it is in the best interest of the health, safety, and welfare of the Town and its citizens adopt an ordinance to abate such nuisances in a cost effective, efficient, expedient, and effective manner.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Keystone, Colorado, as follows:

Section 1. The Town Council adopts the items in attached Exhibit A as the Town’s nuisance ordinance regarding the abatement of certain activities identified as nuisances.

Section 2. Legislative Intent. The legislative intent of the Town Council in enacting this Ordinance is that every person who, for consideration, leases or rents any hotel room, motel room or other accommodation located in the Town shall pay, and every person who furnishes for lease or rental any such accommodation shall collect, the tax imposed by this Ordinance.

Section 3. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 4. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 5. Codification. This ordinance may be codified and numbered for purposes of codification without the need for further approval by the Town Council.

Section 6. Effective Date. After adoption by the Town Council, this ordinance shall take effect on _____.

INTRODUCED, READ AND PASSED AS AN ORDINANCE, ON FIRST READING, AND SCHEDULED FOR PUBLIC HEARING ON _____, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS

_____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

READ, PASSED AND ADOPTED WITH A ROLL CALL VOTE OF ___ IN FAVOR AND ___ OPPOSED ON SECOND READING, AT A REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF KEYSTONE, COLORADO, THIS _____ DAY OF _____, 2024.

Kenneth D. Riley, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Exhibit A
Town of Keystone Nuisance Ordinance

Section 1. - Author of nuisances.

Any state of things prohibited by this Ordinance shall be deemed to be a nuisance, and any person who shall hereafter make or cause such nuisance to exist shall be deemed to be the author thereof.

Section 2. - Prohibition of nuisances.

It is unlawful for any person, being the owner, agent or occupant of, or having under his or her control, any building, lot, premises or unimproved real estate within the limits of the Town, to cause, permit, maintain or allow any nuisance to be or remain therein.

Section 3. - Ascertaining nuisances.

Whenever the pursuit of any trade, business or manufacture or the maintenance of any substance or condition of things shall, upon investigation, be considered by the Town Manager dangerous to the health of any of the inhabitants of the Town, the same shall be considered a nuisance and shall be abated.

Section 4. - Constitution of separate offense.

In the case of any nuisance in or upon any street, alley or other public or private grounds, the author thereof shall be guilty of a separate offense for every period of forty-eight (48) hours' continuance thereof after notice has been given to abate the same.

Section 5. - Filing complaint.

In addition to or in lieu of any procedure for abatement, a direct complaint may be filed by any person against any person who violates any provision of this Ordinance.

Section 6. - Emergency abatement.

When, in the opinion of the Town Manager there is actual and immediate danger to the public or occupants of a particular premises caused by a nuisance on such premises, the Town Manager is hereby authorized and empowered, without any notice or hearing, to order and require such premises to be vacated. The Town Manager or the Town Manager's designee shall immediately post the premises, warning of the dangerous condition, and shall then abate such nuisance and prepare a statement of costs incurred in the abatement thereof.

Section 7. - Right of entry.

The Town Manager or any other authorized person may enter upon or into any lot, house or other building or premises, with the proper respect of the occupant's constitutional rights, to examine the same and to ascertain whether any such nuisance exists, and shall be free from any action of liability on account thereof.

Section 8. - Notice to abate nuisance.

Whenever a nuisance is found to exist within the Town or within the Town's extraterritorial jurisdiction, the Town Manager shall give five (5) days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

Section 9. - Contents of notice.

The notice to abate a nuisance issued under the provisions of this Ordinance shall contain:

- (1) An order to abate the nuisance or to request a hearing within a stated time, which shall be reasonable under the circumstances;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance; and
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town will abate such nuisance and assess the cost thereof against such person.

Section 10. - Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Section 11. - Abatement by Town.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this Ordinance to abate the same, the Town Manager shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Section 12. - Report of costs.

Upon the completion of any work by the Town contemplated by this Ordinance, the Public Works Director shall report, in writing, to the Town Manager, which report shall make a clear statement of the work done by the Town and the expense incurred in so doing, so that the Town Manager may determine the cost of such work. The Public Works Director shall make a separate report for each lot or parcel of land.

Section 13. - Assessment of property.

After considering the report of the Public Works Director, the Town Manager shall determine and assess the whole cost for the abatement thereof, including five percent (5%) for the inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the nuisance was abated.

Section 14. - Notice of assessment.

The Town Clerk, as soon as may be after such assessment is made, shall send by certified mail, return receipt requested, addressed to the owner of such lots or tracts of land at the reputed post office address, a notice of such assessment, which notice shall contain a description of the lots or parcels of land, the name of the owner and the amount of the assessment.

Section 15. - Payment of assessment.

- (a) It shall be the duty of the owner to pay such assessment or object thereto, in writing, within thirty (30) days after the receipt of such notice, and in case of his or her failure to do so, he or she shall be liable personally for the amount of the assessment. The same shall be a lien upon the respective lot or parcel of land from the time of such assessment, and the Town shall have all remedies for collection thereof provided by state statutes, for the purpose of having the same placed upon the tax list and collected in the same manner as taxes are now collected. The assessment shall be a lien against each lot or tract of land until it is paid and shall have priority over all other liens except general taxes and prior special assessments.

- (b) The amount of such assessment may be paid to the Town Clerk at any time before the tax list is placed in the hands of the County Treasurer, but thereafter only to the County Treasurer.

Section 16. - Objection to assessment; hearing.

In the event any owner desires to object to said assessment, he or she shall, within thirty (30) days after the receipt of said notice, file a written objection thereto with the Town Clerk, who shall thereupon designate the next regular meeting of the Town Council as the date when said objector may appear and have a hearing before the Town Manager and Town Council.

Section 17. - Certified assessment.

In case the owner shall fail to pay such assessment or object thereto within the required time as provided above, then it shall be the duty of the Town Clerk to certify the amount of the assessment to the proper county officers, who shall collect the assessment as provided for by state law for the collection of delinquent general taxes.

Section 18. - Cumulative remedies.

No remedy provided herein shall be exclusive, but the same shall be cumulative, and the taking of any action hereunder, including charge, conviction or violation of this Ordinance in the Municipal Court, shall not preclude or prevent the taking of other action hereunder to abate or enjoin any nuisance found to exist.

Section 19. - Concurrent remedies.

Whenever a nuisance exists, no remedy provided for herein shall be exclusive of any other charge or action, and when applicable the abatement provisions of this Ordinance shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this Ordinance that is in the nature of a civil action shall not prevent the commencement or application of any other charges brought under this Code or any other provision of law.

Section 20. - Violations and penalties.

Any person who shall violate any of the provisions of this Ordinance shall be subject to the provisions as defined in the Town's general penalty ordinance.

Section 21 – Nuisances Defined

A nuisance is defined as meaning any person doing an unlawful act or omitting to perform a duty or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

- a. Injures or endangers the comfort, repose, health or safety of others;
- b. Offends decency;
- c. Is offensive to the senses;
- d. Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;
- e. In any way renders other persons insecure in life or the use of property; or

- f. Essentially interferes with the comfortable enjoyment of life and property or tends to depreciate the value of the property of others.
- g. Has been declared to be such by state courts or statutes or known as such at common law.

Section 22.

In addition to the nuisances identified in Section 21 of this Ordinance, the following are declared to be nuisances by the Town Council of the Town of Keystone.

- 1) Noise – It is prohibited to make and/or amplify sound in an excessive manner which can or does annoy, injure, or endanger the comfort, repose, health, or safety of others and emits sounds or vibrations that can be felt or heard outside of the property boundary.

It shall be a nuisance to make excessive noise between the hours of 11:00 pm and 6:00 am.

It shall be a nuisance to operate a vehicle within Town limits that creates excessive noise or creates noise through the operation of a compression release engine brake.

- 2) Fireworks – It is prohibited to set off fireworks that explode or leave the ground, with the exception of pre-approved public displays. This includes firecrackers, bottle rockets, Roman candles, cherry bombs, and mortars.

- 3) Open Fires –

A: Open burning is prohibited at all times in the town, except under the following conditions:

- 1. The burning is for the noncommercial cooking of food for human consumption;
- 2. The burning is for recreational purposes and is located within an established campfire ring, fire pit, or other similar protective enclosure, and the fire is no larger than three feet (3') in diameter and two feet (2') in height;
- 3. The burning is a smokeless flare or safety flare used to indicate danger or distress to the public or public safety officials; or
- 4. The burning is conducted in compliance with a permit issued by the town manager or designee, which permit may be issued by the town manager or designee if the town manager or designee finds that such burning can be accomplished in a safe manner and in compliance with all other applicable regulations.

B. Notwithstanding subsection A of this section, the town council may by resolution, in its sole discretion, place additional restrictions on open burning upon receipt of credible evidence of the need for additional restrictions or bans.

C. Notwithstanding subsection A of this section, all open burning is prohibited in the town during any periods of time when the board of county commissioners of the county of Summit, state of Colorado has adopted burning restrictions, in accordance with such restrictions, provided that the town may, at the discretion of the town manager or designee, exempt certain locations or devices from the burning restrictions adopted by the board of county commissioners, or adopt additional restrictions on locations or devices that are more restrictive than those adopted by the board of county commissioners.

4) Noxious Fumes or Smokes – It is prohibited to cause or allow the transmission or emission of an odor that a reasonable person would consider an offensive odor; endangers the public health or welfare; or unreasonably interferes with another person's health, safety, peace, comfort or enjoyment of property.

5) Animals –

A. It is prohibited to allow an animal to run at large under circumstances where the animal is not either restrained by means of a leash, rope, chain or other physical restraint of sufficient strength to control the animal or is not under the effective and immediate control of the owner or other responsible person present with the animal and immediately obedient to that person's commands.

B. Exceptions: The following shall constitute exceptions to running at large:

1. An animal is not considered to be running at large, either on or off the premises of its owner, if the animal is being physically held by the owner or other responsible person or is in the immediate presence of the owner or other responsible person and is immediately obedient to that person's command.

2. An animal is not considered to be running at large if it is confined within a motor vehicle or secured within the confines of the bed of a pickup truck, in compliance with the provisions of this chapter, in such manner that it cannot exit the vehicle or pose a risk to any person outside the confines of the vehicle by its own volition.

6) Camping – (I do not recall the Council's wishes on prohibiting camping on private property or public property)

- 7) Noxious and Dangerous Liquids – This will allow the Town to regulate the storage of chemicals on private property.
- 8) Noxious Weeds and Rank Vegetation – Leafy spurge, Canadian thistle, Russian knapweed, spotted knapweed, and diffuse knapweed, and all other plants designated "undesirable plants" by the Town are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the Town of Keystone, and as the Town Council, in its sole discretion, deems necessary.