



CITY OF TRINIDAD TRINIDAD, COLORADO

The City Council of the City of Trinidad, Colorado,
will hold its regular Work Session on Tuesday, May 27, 2014 at 1:30 P.M.
in City Council Chambers at City Hall, Third Floor, City Hall

AGENDA

1. Petitions and Communications, Oral or Written
2. Discussion of purchase and placement of public art
3. Consideration of bid results for industrial mowers for the Parks Department
4. Review of City project matrix
5. Review of draft revised Safety Manual Policy
6. Discussion regarding retail marijuana licensing
7. Discussion regarding proposed dog park, trails in the river walk, Boulevard property and the Sopris Trail
8. Discussion of other agenda items



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 23, 2014
PREPARED BY: Tara Marshall
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS:

SUBJECT: The purchase and designated location for several public art pieces

PRESENTER: Marilyn Leuszler, Chairman of Arts & Culture Advisory Commission

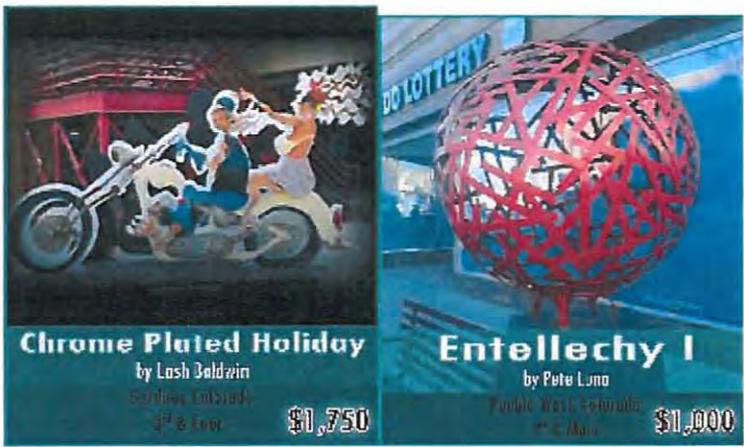
RECOMMENDED CITY COUNCIL ACTION: Provide input to the Arts & Culture Advisory Commission regarding the location and purchase of several new installations of public art.

SUMMARY STATEMENT:

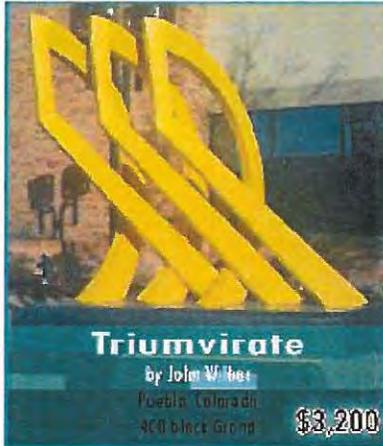
The Arts & Culture Advisory Commission along with the Creative District Steering Committee are considering several new installations of public art that would be put in place quickly. These three new installations would add to our public inventory of art and most importantly would be in place for our summer season.

1. Chrome Plated Holiday can be mounted to a wall.
2. Entellechy I has a pedestal and would be free standing. (Pedestal Cost \$450)

The total for the two would be \$3200. We would like to select two sites, the short wall behind the "bus stop" between Safeway and the Tire Shop and perhaps the wall of Rodney Wood's studio. This would put one piece at the West end of Main Street and the other at the East end of Main Street. We, of course need to get permission from owners first, but we see these as the two most logical sites. (Paid out of A & C Commissions funds)



3. Triumvirate would be purchased with Creative District funds from CCI. I do not have cost for the pedestal, but will get that. We identified a John Wilbar piece earlier that is priced at \$7000, so this is a bargain. We have not identified a location for this and are open to suggestions.



EXPENDITURE REQUIRED:

\$3,200 would be expended from Arts & Culture Advisory Commissions funds
\$3,200 plus the cost of the pedestal would be expended from Creative District funds
City of Trinidad would provide installation by the Public Works department

SOURCE OF FUNDS: Same as above

POLICY ISSUE: Purchase and location of Public Art

ALTERNATIVE: No not authorize the purchase and placement of these art installations

BACKGROUND INFORMATION:

The Arts and Culture Advisory Commission was created to advise City Council in the purchase and placement of all public art installations as well as support and encourage programming and organizations that celebrate the culture and creativity of Trinidad.



COUNCIL COMMUNICATION

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CITY COUNCIL MEETING: May 27, 2014
PREPARED BY: Dave Esquibel, Parks Supt.
DEPT. HEAD SIGNATURE: 
OF ATTACHMENTS: 2

SUBJECT: Consideration of bid results for industrial mowers

PRESENTER: Dave Esquibel, Parks Supt.

RECOMMENDED CITY COUNCIL ACTION: Consider the bids and forward to the next regular meeting for bid award.

SUMMARY STATEMENT: Five bids were received. The apparent low bid is not the recommended bid because it is not the most qualified. The low bidder's mowing units have catch bags that sit very low to the ground. Once full, those bags must be removed from the unit and picked up by hand to remove the clippings to the back of a pickup. The mower units that are recommended for purchase sit higher up and are hydraulic. Once full the hydraulic unit lifts the bag high enough to dump into the back of a truck. This difference represents a time savings and is safer for the employees in that they do not have to physically lift a full bag into the back of a truck.

EXPENDITURE REQUIRED: Yes

SOURCE OF FUNDS: 2013 and 2014 Budget, Lottery Fund, #9310 Equipment Acquisition, \$25,000 each year; #9334 Park Maintenance

POLICY ISSUE: The bidding policy was adhered to for the acquisition of the mowers.

ALTERNATIVE: N/A - Current equipment is no longer adequate and recommended bid is the most qualified bid.

BACKGROUND INFORMATION:

- The current mowers are 16 years old and Parks Department employees are credited with sustaining their useful life. The recommended mowers are the same make as the current units. Current mowers are hydraulic. Therefore the recommended units are like units.
- Last budget year the purchase was delayed due to budgetary constraints. We are at a point where the equipment is necessary to maintain the parks adequately and efficiently.

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MEMO

TO: Tom Acre, City Manager
Mayor Reorda and Members of City Council

FROM: David L. Esquibel, Parks & Boulevards Superintendent 

SUBJECT: Award of Bid for TWO (2)
New Industrial Grade Mowers

DATE: April 16, 2014

Council approved on this years budget the purchase of One Industrial Grade Mower and One in last year budget (not Purchased) for the Parks & Boulevards Department. Bid specifications for a two new 2014 industrial grade mowers were published, March 13th, 17rd and 21st, 2014 in our local news paper, along with a hand delivered copy to one local business and four out-of-town businesses. Bid specifications are on file with the Parks & Boulevards Department.

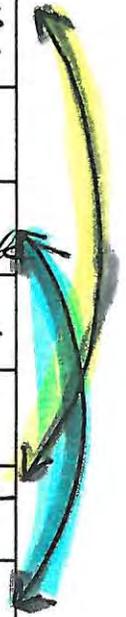
Sealed bids were received until 1:30 PM on April 11, 2014 at which time were publicly opened and read at the Parks & Boulevards Department. Bids were received from five businesses, some meet all our specifications others did not.. The bid opening is now documented and on file with our department.

My recommendation for the Parks and Boulevards Department if approved by City Council is to purchase two new 2014 Industrial Grade Mowers from Horizon Distributors Inc. of Littleton, CO. in the amount of \$51,744.24. The other bids that came in are listed on page two. Please understand that Horizon Distributors Inc. was not the low bid, but is my recommendation.

PROJECT: # 2014-4513-9310

DATE: 04/11/14 TIME: 1:30 p.m.

No.	Bidder's Name	Amount	Addendum Acknowledged
1	THE L. JOHNSON DISTRIBUTING Co.	\$25,403.00	DID NOT MEET ALL SPECIFICATIONS SHOWED 62" NOT A 72" FRONT DECK SMALL MARGINAL PAPER (?)
2	MONTE VISTA COOPERATIVE	\$50,880.00	MEETS ALL SPECIFICATIONS QUESTION FRONT DISPLAY PANEL FREIGHT NOT INCLUDED (?)
3	CANON CITY TRUE VALUE	\$14,960.00	NO WRITTEN SPECIFICATIONS DID NOT QUALIFY
4	RECORD'S HARDWARE & RENTAL	\$53,000.00	MEETS SPECIFICATIONS SHOWED 60" NOT A 72" FRONT DECK
5	HORIZON DISTRIBUTORS INC	51,744.24	MEETS ALL SPECIFICATIONS
6			
7	THE L. JOHNSON DISTRIBUTING Co		SIDE GRASS CATCHER NOT REAR
8	RECORD'S HARDWARE & RENTAL		NO BROCHURE? Highest Bidder!
9			
10			



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CITY OF TRINIDAD, COLORADO
1876

Council Communication

City Work Session:
Prepared:
Dept. Head Signature:
of Attachments:

May 27, 2014

May 23, 2014


1

SUBJECT: Review of Project Tracking Matrix

Presenter: Tom Acre, City Manager

Recommended City Council Action: This item is for City Council and Staff discussion. No formal action is requested.

Summary Statement: At the request of City Council, staff developed the project matrix with City Council input on what they wanted to follow. This is intended to be a tool to inform City Council on the status and progress on various projects. This can be used in conjunction with the council priorities as previously set by City Council.

Expenditure Required: No expenditure is required at this time.

Source of Funds: No applicable.

Policy Issue: Communication and updates for City Council regarding projects.

Alternative: Council could request information be communicated in a different format.

Background Information: Council has had the desire to have more regular updates on projects and many had been tracking specific projects on an individual basis. This provides a means to provide a regular and consistent flow of information to City Council.

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CITY OF TRINIDAD, PROJECT MANAGEMENT GRID

	PROJECT		CURRENT STATUS	RECENT MILESTONE	PREVIOUS MILESTONE
1	2014 Budget Revisited	Council	Monitored monthly	Revisit in June per budget adopting discussion	12/17/13 - City Council passed 2nd reading of ordinance appropriating fund for 2014 Budget
2	Adopt a Flag program	Council	Discussion Pending	TBD - Who will manage? City, Tourism or other group?	2013 - Introduced into discussion by Councilmember Frank Shew
3	Am Track Train Matters	Council	TIGER VI Grant submitted with funding from SE Colorado. HB 1161 passed legislature and will be signed by Governor in Pueblo on 5/14/14	Staff, Mayor and Mayor Pro-Tem testifies at Legislature on Amtrak bill Councilmember Bolton coordinating National Train Day	3/20/12 - City Council authorized \$20,000 to be used for lobbying purposed in Washington D.C.
4	Annexation	Council	Annexation to be included on July 2014 Planning and Zoning Meeting. Study of availability of utility service required. Waiting on information from Ray Duran still pending.	Staff has met with Ray Duran, waiting for him to provide information to determine tax impact, have made second request. Renewal of Pinon Water and Sanitation agreement pending for services from City	2013 - Staff began to work on annexation of Ray Duran property at Exit 11
5	ARPA Negotiations	Council	City Council Passed Resolution approving basic terms of settlement. ARPA Considered and tabled Resolution on May 12, 2014. Lamar City Council discussion on May 12, 2014 - ARPA Board to reconsider on May 23, 2014.	On-Going meetings, next one on 4/18/14	2014 - ARPA lawsuit negotiations continue, much information is privileged
48	Certified Local Government (CLG)	Council	First local meeting to be held in early June with working group. Tim Stroh (DOLA) and Patrick Eidmann (HC) will facilitate. Tom Acre to put together working group by invitation.	Tim Stroh and Tara Marshall discuss next steps with History Colorado	4/17/14 - Discussion with Tim Stroh to being process of CLG

6	CIP Ballot Initiative	Council	Discussion Scheduled May 13, 2014	Need further discussion on who is lead, Council, Staff and/or Citizens group?	2014 - CIP Ballot Initiative is put on priority list by Council at January 14 and March 11 Retreat
7	City Council Ethics and Norms	Council	Clarification Pending	Previous discussion yielded mixed results of support/need. Potential draft is pending, clarification required by Council	2/12/13 - Council discusses creating norms and policies
8	City Council Training Opportunities	Council	CML Conference - June 17-20 or CML Workshop: Effective Governance for Elected Officials - 7/14	Need more information from Council on topics and type of training required	2/24/14 - CML Effective Governance for Elected Officials, 2/13/14 - CML Legislative Workshop at the Capitol
9	City Manager Travel Calendar	Council	Process has been established, this item has been completed	Notice is being provided to City Council when City Manager is out of town on business as agreed upon	2014 - Council Members requested travel calendar on Project Tracking Grid
10	Commercial Street Renovation	Council	SGM is the selected design firm for project	In process of selecting design firm for both Commercial Street Renovation Phase I and Phase II	4/1/14 - Council approves contract with DOLA for Commercial Street Phase II renovation
11	Commissions and Boards	Council	Council continues to fill positions, guidance from Council is required for this item	Need more information from Council on this item	2014 - City Council has been active in filling positions on all Council appointed Boards & Commissions
12	Creative District/Main Street	Council	Group of 4 attended Creative District gathering in Salida on April 30-May 2. Public Meeting to be held within the next 30 days to update community on Creative District activities. Tara and CY to attend National Main Street conference in May	Creative District/Main Street group begins to meet monthly in 2014 to formulate plans for local activation	2/4/14 - City Council authorized Main Street 2014 MOU
13	Cross-Connection Ordinance	Council	5/6/14 - Ordinance is approved by Council on 2nd reading. Staff putting educational information in Commercial Utility Bills and begin process of implementation.	Ordinance is in progress and staff continues to answer questions posed by City Council	4/8/14 - Cross-Connection Ordinance introduced to City Council at Work Session

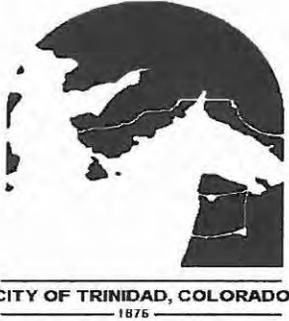
14	Downtown Enhancement Grant	Council	Clearances have been completed, the processing of necessary easements are beginning	Historic and Environmental clearances are in process	2013 - Design Phase completed, historic and environmental clearances begin, several easement issues are identified, CDOT authorizes an additional \$100,000 to address these issues
15	Drug Policy	Council	Draft expected soon-pending completion by CIRSA.	CIRSA & employment attorney are drafting an example	2013 - Staff/City Council began discussion of City Drug Policy
47	Economic Development Director	Council	Further discussion required, previous discussion yielded mixed results about need and funding sources	4/8/14 - City / County joint meeting to discuss hiring of ED director	2013 - City/County work to schedule a joint meeting to discuss funding and director
16	Economic Development Incentives	Council	Staff to provide draft for review by end of May and schedule discussion at a June work session.	Draft in progress, presented at upcoming work session	2014 - City Council requested staff develop Economic Development incentives
17	Employee Policy Manual	Council	Discussion upcoming, pending review by CIRSA. Safety Manual discussion May 13, 2014	In review at CIRSA	2013 - Employee Policy Manual developed
18	Establish home for Parks Department	Council	Solution has been implemented that addresses immediate liability issues	Need further discussion on potential location tied to S&B shops potential relocation/enhancement	2013 - Idea of relocating Parks Department to Central Park is introduced to Staff
19	Forensic Audit	Council	Firm contracted, tentative scheduled for site visit by last week in May	In process of contracting, need to confirm budget since source of funds has not been identified	2014 - City Council suggests staff present information on a forensic audit
20	Lease the Scale at the Landfill	Council	Have requested meeting with potential contractor May 16, 2014 to work out details for scope.	Waiting for information from potential contractor, landfill foreman researching cost of added printer	2014 - Leasing scale discussed in conjunction with ordinance raising fees at the Landfill
21	Medical Marijuana	Council	4/1/14 - City Council amends ordinance to open up the number of locations. 4/22/14 - P&Z reviews CUP applications. No applications for licenses have been processed yet.	CUP application review in process, City Council amended Ordinance to alter the number of locations allowed	3/4/14 - City Council passes 2nd reading of ordinance establishing Medical Marijuana

22	Multi Modal Project	Council	Project is pending appraisal and final contract details with BNSF	Waiting for appraisal, appear to have BNSF site location issues worked out. Need to finalize indemnification language in contract. Amtrak providing comments to BNSF on purchase and sale contract	6/11/13 - Louis Fineberg and Priscilla Fraiser (COG) provide update to City Council on Multi Modal Project
23	Naming Policy	Council	On Agenda for discussion May 13, 2014	Need some direction from Council regarding naming policy	7/16/13 - Council adopted Resolution 1416 as the City's Naming Policy
24	Nature Park (Boulevard Addition)	Council	Final details in process, anticipating project will close this month	Property acquisition complete	7/30/13 - City Council approved Contract to purchase land in the Boulevard Addition
25	North Lake Dam Project	Council	Equipment mobilizing this week. Work to start as site conditions permit. Discussion pending closing of project in June 2014	Contractor to start as weather allows - completion planned for June 2014, Staff and contractor need to discuss project closeout items	2/18/14 - Tom Acre reports that next steps are to install permanent gage, do grouted rip rap work, final site clean up, revegetation, seeding and final survey. This should begin in Spring as weather allows
	Parks and Boulevard Shop	Council	Initial discussion on potential for use of PD/FD training center held with Chief of Police and Fire in last couple weeks. Site visit needed by end of May.	New Item	New Item
26	Police Department Relocation	Council	Discussion pending	Need more information regarding potential location and funding	2013 - Chief Glorioso presents budget to Council and discusses possibly relocating the Police Department to Downtown
27	Priorities for CI Projects	Council	Discussion pending in future work session	Need further staff discussion and future work session with Council	2013 - Budget discussion, City Council asks for priorities to be set on CI projects

28	Public Works Director	Council	Mike Valentine hired as Public Works/Utilities Director	Interviews pending in April 11 for Public Works/Utility Director	2014 - City Council requested update on the hiring of Public Works Director
29	Renegotiate All City Contracts	Council	Discussion pending scheduling at Work Session	Schedule and determine specific contracts to revisit	2/25/14 - Council looks at Monument Lake contract and suggests looking at all City contracts with the purpose of renegotiating
30	Residency Requirement for Management	Council	Discussion pending	Needs further discussion	2014 - Residency requirements are put on priority list by Council at January 14 and March 11 Retreat
31	Retail Marijuana	Council	Discussion on Ordinance to be introduced at Work Session in May 13, 2014.	Staff working on ordinance as directed by Council on 3/25/14 Work Session	9/17/13 - Council approves 2nd reading of an ordinance which places a moratorium on retail marijuana until 6/30/14
32	Rural Philanthropy Days	Council	4/22/14 - Discussion of funding at Work Session. RPD contact checking on what City can provide in-kind to minimize cash contribution.	Lead is outside group, need more information on Council's request	1/21/14 - Council receives report on event from Linda Perry and Harriet Vaugeois
46	Sales Tax Quarterly Update	Council	Process has been established, this item has been complete. Update planned of June work session.	Monthly Financial information presented by City Finance Director	2014 - Item is mentioned during development of project matrix
33	Solar Collection Panels on Drive in Theater	Council	Discussion pending direction from Council	New item, need Council direction on discussion	2014 - Project mentioned during development of project matrix
34	Sopris Trail Project	Council	2/18/14 - City Council approves resolution for GOCO Paths to Parks Grant to acquire 150 acres of land to develop trail	2/4/14 - City Council adopts Old Sopris Trail Plan	2013 - City Staff works with consultant to complete Old Sopris Trail Plan, funding provided by State Trails Grant 2012
35	Tour of City Facilities	Council	Scheduling is pending	Need to schedule	2014 - Tour of City facilities by new and returning Council members is put on priority list by Council at January 14 and March 11 Retreat

36	Union Negotiations & Relations	Council	Negotiations pending in July	Negotiations to start mid-year	2014 - Strengthen relationship with Union is put on priority list by Council at January 14 and March 11 Retreat
37	Update on all Open City Positions	Council	Public Works/Utility Director to start May 19, 2014.	PW/Utility Director position interviews in April, working with P&L to refine job description for Assistant Foreman and shop staff-advertise by end of April (internal only), HR/Executive Assistant - developing job description and budget	2014 - Item is mentioned during development of project matrix
38	Upgrades to City Shops	Council	Discussion pending the settling in of the Public Works director	On-hold until we hire a Public Works director, potential to tie in Parks facility as well	2013 - Following tour of City facilities during fall 2013, Council discusses upgrading several City facilities
39	Upgrades to the City Asphalt Plant	Council	Discussion pending the settling in of the Public Works director	S&B foreman looking at options for new plant	2012 - Discussed during presentation by Jeff Hill, previous Public Works Director
40	Urban Renewal	Council	Jeni is working diligently through this conversion on a daily basis and should finish up by end of May. Once conversion is complete, blight study can be completed. Anticipate June site visit by consultant.	Jeni working with Consultant to convert parcel information from paper to electronic for analysis. Still looking for Board Members	October 2013 - Council meets with attorney Malcolm Murray regarding URA
41	User Friendly Building Codes	Council	Staff in moving forward with CLG process which is being tracked as a separate item in this report. The CLG committee will make any recommendations to Council regarding potential changes in Code at the end of the process	Review on April 8 with Chris Kelley and Special Work Session with Chris and Tim Stroh on 4/17/14	2014 - Building Codes are put on priority list by Council at January 14 and March 11 Retreat

42	Utilities Rate Increases	Council	Discussion pending any questions from City Council	Need more information on Council's request regarding rates	2/18/14 - Council approves ordinances on 2nd reading to increase sewer and water rates
43	Utility Payment via Credit Card	Council	Item pending new financial software	Staff is in the process of selecting financial software which will allow this conversion process to take place in approximately 6 months	2013 - Council suggests staff look into utility payments made via credit card
44	Water Filtration Project	Council	Design for first phase at 90% and application for work being submitted May 15, 2014 to CDPHE for review.	Contractors short list selected - B&V working on design for first phase conversion fro Chlorine use	2013 - Council & Staff discuss water filtration project
45	Wayfinding Project	Council	Completed manufacturing is pending	Signs in progress of being manufactured	11/6/13 - Council approves bid for production of directional signs



COUNCIL COMMUNICATION

5

CITY COUNCIL MEETING: May 27, 2014
PREPARED BY: Chris S. Kelley, Safety Officer

DEPT. HEAD SIGNATURE:
OF ATTACHMENTS:

1 *Chris S. Kelley*

SUBJECT: City of Trinidad Safety Manual Revision

PRESENTER: Chris S. Kelley, Safety Officer

RECOMMENDED CITY COUNCIL ACTION: Review the provided revision to the Safety Manual for the purpose of adoption.

SUMMARY STATEMENT: On May 14, 2014, the Safety Committee provided copies of the final revision of the safety manual to all department heads and foremen for review. The memo attached requested all concerns or questions be brought to the attention of the Safety Coordinator or any of the listed committee members. Since no additional input was requested from any city department, the final revision of the Safety Manual is again presented to City Council for consideration of adoption.

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: Safety Manual and Policy

ALTERNATIVE: No alternative revision available

BACKGROUND INFORMATION: Although the majority of those employed by the City of Trinidad are conscientious about safety, the current Safety Manual provided by the City is lacking content in order to educate employees about safety issues, procedures and policies.

In March 2013, the Safety Committee was urged by the City Manager to create a subcommittee for the purpose of revising the City's Safety Manual. The subcommittee spent the last year reviewing manuals from various municipalities, conferring with CIRSA officials, evaluating interdepartmental safety procedures and collaborating with our City Manager. Through diligent and thoughtful insight provided by the members of the Safety Committee, a much more complete and thorough manual has now been prepared for review by the City Council for the purpose of adoption.

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CITY OF TRINIDAD

MEMORANDUM

To: All Department Heads and Foremen

From: Chris Kelley, Safety Coordinator

Date: May 14, 2014

Subject: City of Trinidad Safety Manual Revision

For the past year, the Safety and Safety Manual Committees have been working on revising the City's safety manual. I am forwarding you a copy of the final draft for review. If you have any questions or concerns, please let me or any of the committee members below know. The draft will be reviewed by City Council on May 27th.

Safety Committee

Stacey Sanchez, Sports/Recreation
Manuel Torres, Water
Paul Cordova, Power & Light
Jeni Jackson, Engineering
Ruth Wilson, Finance
Bill Van Slyke, Gas

Safety Manual Committee

Stacey Sanchez
Manuel Torres
Paul Cordova

CITY OF TRINIDAD

SAFETY PROCEDURE & POLICY MANUAL



CITY OF TRINIDAD, COLORADO
1876

Presented by:
City of Trinidad Safety Committee
Revision 1
April 17, 2014

Approved by:
Tom Acre, City Manager

Signature

Date

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INTRODUCTION FROM THE SAFETY COMMITTEE

Congratulations on your employment with the City of Trinidad. All employees and volunteers are tasked with continually endeavoring to create a safe workplace. As an employee, you are the greatest asset the City has and your safety, as well as those working with you and our citizens, is paramount. This manual is a culmination of a year's work between the Safety Committee and the City Manager in order to provide you with a clear and concise explanation of the City of Trinidad's expectations regarding safety. It is not practical to think that all safety situations be covered in this manual but when you add this information to that which your department head or supervisor will provide to you, we hope you will realize how important safety is to all of us.

The Safety Committee is here for all employees as an approachable group of co-workers who strive to ensure safe working practices are in place and being followed. The City Clerk has on file a list of all active Safety Committee members. Please do not be shy about asking questions or providing suggestions to your supervisor, department head or Safety Committee member. We are all responsible for our workplace safety.

MISSION STATEMENT

No task is so important and no call of service is so urgent that we cannot take the time to perform our work safely.

The City of Trinidad is extremely conscious of the safety and welfare of its employees and that of our citizens. As an employer, we recognize our obligation to ensure the safest possible work place for our employees. As a governmental entity, we recognize our responsibility to provide a safe environment for the public we serve.

The mission of the City of Trinidad Safety Committee is to develop and promote a healthy and safe environment for all employees and visitors to our facilities through the involvement of all individuals with regards to education, communication and safe work practices.

In addition to this primary mission, the Safety Committee encourages all employees to participate in the safety process for the betterment of all concerned. The personal safety and health of each employee of the City of Trinidad is of primary importance. To the greatest degree possible, this committee will provide employees a voice to management to ensure that concerns and issues related to safety are brought to the forefront. In carrying out its primary mission, the committee is committed to four basic principles:

1. Help to formulate and disseminate policies, practices, and procedures that promote health and safety.
2. Assist management in formulating a plan of action regarding occupational health and safety. This will include helping to set priorities to control hazards.
3. Act as a problem solving group to help with the identification and control of hazards.
4. Help to resolve health and safety issues.

Activities

The activities of the committee will include, but are not limited to, the following:

- Identify unsafe work practices and conditions and suggest appropriate remedies.
- Review accident/incident reports. Types of accidents, causes and trends shall be identified and appropriate corrective action suggested.
- Assist in the development, implementation and maintenance of effective safety programs.
- Encourage feedback from all individuals with regard to health and safety related ideas, problems, and solutions.
- Serve as an advisory body to the City Manager on safety programs and issues.

GENERAL SAFETY RULES

This manual has been developed to establish safety policies for the City of Trinidad. These policies are intended to enable and enhance the City's Safety Program.

The City of Trinidad recognizes it has a basic responsibility to provide a place of employment that is free of recognized hazards that may cause physical harm or death. Because of the diversity of operations within the City it is impractical to develop a Safety Policy Manual that is applicable to all departments. Therefore, this manual, and the stated policies that follow, are generalized in nature. This manual is intended to be used in conjunction with Department/Division specific safety policies and practices.

As a general policy, the City incorporates this Employee Safety Manual as part of the Personnel Rules and Regulations issued to all employees. It is the responsibility of each city employee to learn and practice the safety procedures outlined in this manual, and if applicable, your specific department/division employee safety manual. Failure to abide by the policies contained in this manual may result in disciplinary action including and up to termination. Costs associated with losses may be assigned to the specific departmental budget.

Accident prevention, the preservation of human life both on and off the job, should be the most rewarding activity that we as City employees can share together. If we do not assume responsibilities in accident prevention, we must suffer the consequences, which often result in human suffering.

No phase of our operation is of greater importance than accident prevention. The purpose of this manual is to assist in the elimination of accidents. This manual shall be effective as of the date of issuance and shall be complied with by every employee under every circumstance where it is applicable. Existing governmental codes, statutes, rules and orders shall be considered a part of this manual, and where any conflict exists between the two, those of governmental status shall prevail.

EMPLOYEE CONDUCT AT WORK

The City of Trinidad is responsible for the safe and courteous conduct of all its employees. As employees of the City, we are visible to all citizens and visitors while accomplishing our day to day duties. It is very important to convey courtesy and a proper work ethic. It is the responsibility of each department head and/or work foreman to set the standard of proper behavior on the job. Employees shall cultivate courtesy, not only to our customers but to fellow employees as well. Horseplay, scuffling, or practical joking of any kind is strictly forbidden as it creates a potentially dangerous work area.

Alcohol and Drugs. **The City of Trinidad is a Drug/Alcohol Free Workplace.** The use of or being under the influence of or using intoxicating beverages or drugs during working hours is prohibited and shall be sufficient cause for disciplinary action including and up to termination. Per City policy, any employee suspected by his/her supervisor, foreman or person of higher authority and a second supervisor, foreman or person of higher authority of working while impaired may be required to submit to testing. In the case of any personal injury or motor vehicle accident, the employee may be requested to submit to drug testing. If you are taking medication prescribed by a physician or over-the-counter medication that could impair assigned work, you must report this fact to your supervisor prior to reporting to work. Employees who are doubtful of their ability to work safely because of illness, medications, or extreme emotional upset must report this condition to their immediate supervisor before start of work. For more information regarding the City's policy on this or any other topic, refer to the Personnel Policy handbook.

Smoking. **All City facilities, including vehicles, are considered Smoke Free Zones.** It is therefore required to be a minimum of 15 feet from any City facility/vehicle in order to smoke. It is also prohibited to smoke while performing duties of any kind, including reading meters or inside a citizen's home/business or on their property.

Cell Phones. **No personal cell phones are allowed on jobsites or during working hours unless approved by your immediate supervisor for emergency purposes only.** If approved for usage, cellular telephones should be placed on voicemail or placed on minimum ringer volume so as not to disrupt the working environment. If a call or text must be received or made, the worker must ensure safe operating measures i.e. pull vehicle over and place in park. Common courtesies should always be employed when using cellular devices.

Communications. All City base communication stations and mobile two-way radios shall keep an updated list of all Fire and Police Department numbers readily available.

Customer Courtesy. As City Employees, we are sometimes required to enter private property. An employee entering a customer's premises to perform work, except for reading of meters, must always announce his/her presence and explain the reason for required entry. The customer's permission to enter must be secured, and any instructions as to precautions to be taken in entering, while working, and in leaving these premises must be respected. Employees owe customers special courtesies while on their property. Employees shall not smoke while on duty, including inside a citizens home or property. Unnecessary noise shall not be made, and care

should be taken to avoid damage to said property. If children or pets are present, arrangements must be made to keep them out of danger areas, and from interfering with the work.

City Provided Vehicles. Some employees are furnished vehicles which are well identified as City vehicles by color and signs. Remember, smoking is prohibited in any City facility including vehicles and cell phone usage is prohibited unless authorized by your supervisor and is subject to safe operating procedures. At each corner and crossing those driving City vehicles are indirectly contacting our customers, and these contacts either promote, or tear down city relations, depending entirely on the conduct of the employee. Remember, that in the eyes of the customer,

YOU ARE THE CITY OF TRINIDAD.

RESPONSIBILITIES

The safety rules and definitions in this manual shall apply to all City employees. It is the responsibility of each employee to accept safety as a personal matter and to cooperate by developing and maintaining safe work habits and by reporting hazardous conditions. Individual employees have the ability to control their work environment and the responsibility for their actions in the work environment. While safety is everyone's responsibility and starts with the individual employee and their actions. Effective safety management policy begins at the management level and extends downward through the organization via regular lines of communication and control.

Each employee must follow all safe work practices which are established for his/her protection. It shall be the duty of each employee of the City of Trinidad to work in a safe manner, to familiarize himself/herself with and use safe practices, and to guard his/her fellow employee by providing a good example and by warning them of dangerous conditions or work practices. City employees are not expected to expose themselves to any hazards in order to provide service or to attain unusual speed in doing work. Experienced employees have extra responsibilities for conducting work with safety-first in mind for themselves and others. Their attitude and behavior is taken as a model by example as well as by instruction so that newer employees will develop safe habits as a matter of imitation and custom. An employee must depend on his/her own alertness and caution for protection as well as on the warnings of danger given by experienced employees. Employees must ask questions freely and not be satisfied with answers they do not fully understand.

Accountability. Each department is accountable for and shall maintain records of:

1. Safety Education/Training.

2. Safety meeting minutes conducted.
3. Safety inspection reports. Annual inspection reports are to be turned into the City Manager.
4. Accident investigation.
5. Think, Practice, Teach, and Support the safety program.

Department Head Responsibility. Good safety performance is an essential factor in effective cost and quality control. Safety cannot be subordinate to other management interests, but must be considered an integral part of the entire operation. Department Heads are required to maintain written records, which document that their employees have read and understand both the City's manual and their departmental safety guidelines. Such records are to be included in the employee's personnel file that is maintained by the supervisor. Each Department Head shall be considered the safety officer for their department unless they choose to designate one of their employees to the position. The Department Head must ensure:

1. Safety has been built into each operation and procedure, taking into consideration employees, general public, and property which may be adversely affected.
2. Each employee is trained to recognize the hazards of his/her job and how to avoid accidents and resulting injury. Documentation of such training shall be maintained.
3. Each employee understands that they are expected to work safely, and that willful violations of safety procedures will not be tolerated.
4. All employees are actively involved in the safety program. An atmosphere wherein employees are encouraged to communicate openly about issues involving safety.
5. Prompt corrective disciplinary action is taken when unsafe acts or conditions are observed or reported.
6. Adequate personal protective equipment, shop safety equipment, protective devices, and related training are provided for tasks associated with daily operations.
7. All injuries are treated immediately, and appropriate notification is made.
8. Prompt and thorough investigation of all accidents and completion of reports when required.
9. An annual department safety checklist is developed and updated. Periodic safety inspections of the work place and equipment are performed to reduce hazards. An annual department safety inspection is completed by the end of the fiscal year (December 31) and a copy submitted to the City Manager by January 31. Periodic safety follow up inspections are performed noting corrective measures taken. Copies shall be maintained by the department with a copy sent to the City Manager.
10. Foremen are held accountable for the application of the safety program.
11. Safety within each department is maintained by the proper assignment of personnel.
12. Regular departmental safety meetings are held.
13. Assistance from CIRSA or the Safety Committee is requested on safety problems as needed.
14. A Safety Bulletin Board is established and updated.

YOU ARE RESPONSIBLE FOR YOUR OWN SAFETY FIRST!

Employee Responsibility. Management and workers alike share the responsibility for accident prevention. Although each employee is primarily responsible for his/her own safety, in all

instances where conditions are not covered by this manual, or where it is not completely understood by him/her, the employee shall obtain specific instruction from his/her supervisor before proceeding with the work. Each employee must perform the duties associated with their job as safely as possible.

1. Learn the safe way to do the job by following accepted practices; seek instructions from the supervisor when in doubt.
2. Always use the safety equipment provided and follow instructions and established procedures.
3. Report any injury, no matter how slight, to the Supervisor immediately.
4. Report hazardous conditions and recommend corrective actions to the Supervisor immediately. If you feel it is necessary, Safety Committee members are always available for reporting concerns.
5. No participation in "horse play" or other unsafe activities.
6. Be familiar with and support the safety program.
7. Understand that safety violations may be cause for disciplinary actions, up to and including dismissal.
8. Keep the work area clean and obstruction free.
9. Keep tools, equipment, safety equipment and facilities in good repair.
10. Weekly review weekly of your department's Safety Bulletin Board.
11. Obtaining and maintaining CPR and Basic First Aid training
12. Doing daily vehicle and/or equipment inspection, noting areas needing attention and immediately resolving any potential safety issues.

SAFETY COMMITTEE

The role of the Safety Committee is that of an advisory committee to the City Manager and a sounding board for any employee with safety concerns. It consists of a body of employees from various departments including three (3) union and three (3) non-union employees, as well as an elected Committee Chairperson and Secretary. All terms are on an annual basis. The use of volunteers for the positions is preferred otherwise they will be appointed by the City Manger. The Safety Committee develops and recommends the contents of the safety manual, reviews and assists in the development of departmental/division safety practices and job specific announcements (JSAs). The Committee is a valuable asset to the City's safety program in that it provides the City Manager with safety recommendations to help eliminate incidents/accidents and offers advice regarding the safety program and policies. Safety recommendations from the Safety Committee are supported by the City Manager and must be acted upon within the time frame allotted by the Committee.

Vehicle and job related personnel injury claims are reviewed and a vote is taken by all members as to whether the accident was preventable or non-preventable. All factors are taken into consideration including previous employee accident records. Employee will have the opportunity to explain the accident and the circumstances that led up to it. If the Safety Committee finds that an employee's negligence was a contributing factor in any accident, such negligence shall be

grounds for disciplinary action. Although the Committee does not impose discipline, employees and supervisors have agreed to all the safety rules herein and are directed to comply with these rules.

GENERAL GUIDELINES

To ensure compliance with procedures established for the protection of all personnel against occupational hazards, the maintenance of a safe work environment is the responsibility of all supervisory staff and employees. It is the responsibility of each city employee to learn and practice the safety procedures outlined in this manual, and where applicable, specific department/division employee safety manual. Accidents result in wasted or lost time, materials and service to community and taxpayers' money.

1. Learn and practice job and safety procedures.
2. Know and maintain tools and equipment. Use for intended purposes only.
3. Ensure tools or equipment guards or shields are safely in place; use them. Look for and repair defects.
4. Don't use it unless you know how.
5. Never engage in or allow unauthorized use.
6. Look for unsafe conditions or practices where you work and fix them or report them to your supervisor.
7. Lift properly with your legs not your back. If it's too heavy to lift or handle by yourself, **ASK FOR HELP.**
8. Be considerate and watch out for your co-workers' safety.
9. Don't take unnecessary chances or shortcuts.
10. Anticipate the unexpected
11. Don't engage in horseplay or practical jokes.

REPORTING OF ACCIDENTS

All accidents must be reported immediately (**within 24 hours**) to your **IMMEDIATE SUPERVISOR**. **In the case of any personal injury or motor vehicle accident, employees are required to submit to drug testing.**

Supervisors will have employee complete a Preliminary Accident Report. The Supervisor will complete CIRSA's Supervisor's Accident/Incident Investigation Report and submit both reports to the City Clerk (for property damage claims) and the City Manager's office (for Workers' Compensation claims).

It is very important that ***under no circumstances should a City employee admit fault*** for an accident, property damage, for a sewer back-up, water break, etc. Employees should state something to the effect of, "The nature and cause will be determined," or something as simple as

"I don't know." The reason for this is that many lawsuits towards cities are generated because employees admit that something is the towns fault when it may not be.

Vehicular Accidents

1. Call 911 when circumstances necessitate i.e. other vehicles, people, or medical emergencies are involved. Give location and any information regarding injuries.
2. Render first aid if necessary – at your discretion
3. Contact direct supervisor immediately **(within 24 hours)**.
4. Leave vehicle(s) exactly where they stop after impact.
5. Do not make any statements as to who is at fault. The law enforcement agency will do this.
6. If the other driver leaves the scene of the accident, be sure to write down as much information as possible i.e. driver description, license plate number, vehicle description.
7. If there is a witness present, ask them to wait for the police, whether this is in your favor or not.

Physical Injuries

1. Call 911 when circumstances necessitate. Give location and any information regarding injuries. **DO NOT TRANSPORT** any person with life threatening injuries to receive medical attention. Be aware, what may seem like a small injury could be much more serious than you realize.
2. Render first aid, if necessary, - at your own discretion.
3. Notify your immediate supervisor **within 24 hours** with all pertinent information.

PERSONAL PROTECTIVE EQUIPMENT (PPE)

below is a list of basic safety equipment which you may be required to use depending on your job description/classification and department requirements:

Hard Hat	Leather Apron	Welding Helmet w/ face guard
Safety Glasses	Leather Gloves	Hearing Protection
Dark Glasses	Specialized Shirts	
Safety Vest	Sunscreen	
Steel Toe Boots	Respiratory Device	

**YOUR PERSONAL PROTECTIVE
EQUIPMENT MUST:
Proper fit
Be right for the job
Be properly maintained
Be worn when required**

HEAD PROTECTION

Safety hard hats w/ ANSI Standards
Z89.1 and Z89.2

ANSI Standards

Some job duties require employees to wear safety hard hats. Head protection is important because it affords protection for one of the most vital parts of your body – YOUR BRAIN. Not only does the brain allow you to think and make decisions, it also controls your speech, your abilities to move, smell, taste, see, and much more through a delicate nerve system. An unprotected head increases the chance of injury that may result in brain damage that could handicap you for life or end your life.

A hard hat will prevent or minimize head injury caused by:

- Being hit by falling or flying objects
- Cuts, fractures, or penetration
- Contact with electricity
- Burns from heat, chemicals, etc.

It is important to use and maintain your hard hat/bump cap correctly by:

- Adjust it properly to get a good fit.
- Never carry anything in the clearance space.
- Inspect for cracks, dents, or wear before use; don't forget the suspension system.
- Have damaged hat or suspension system replaced.
- Minimize exposure to extreme heat, cold, or chemicals.
- Keep it clean and storing it properly.

Safety hard hats shall be adjusted in accordance with the manufacturer's instructions to provide maximum protection. Only approved attachments may be worn with hard hats. Baseball type caps shall not be worn with hard hats. No holes, metal attachments or alterations of any kind (including painting) shall be made on safety hard hats. The wearing of an approved type of protective headgear shall be mandatory while doing any of the following:

- at all times while working in any type of excavation, trench, manhole, tunnel, or where head clearance is limited;
- working where there is danger of falling objects;
- working where there is overhead movement of material or equipment;
- working where there is earth moving or other equipment such as trenchers, backhoe, scoops, dump trucks, tampers, motor graders and winch trucks;
- and working on foot in any construction work zone where there is or may be danger from vehicular traffic; e.g. streets, thoroughfares, alleys.
- When working in the field in conjunction with other companies whose employees are wearing protective headgear.
- At such other times as required by the person in command.

EYE AND FACE PROTECTION

Safety eye protection will be provided by the City and shall meet the latest version of ANSI Standard Z87.

Without the miracle of eyes, you would most likely not be able to do your present job, as well as many other activities. Eyes are easily injured and just as easily protected through the use of adequate and proper protection. Suitable eye and face protection means: adequate to provide complete protection against the condition or hazard present. In considering the need for protection, both the employee and the person in charge must remember that any injury to the eye, however slight, can be serious. Remember to provide eye protection for helpers and wear eye protection on windy days.

All city employees doing the following jobs, or any other task that may expose their eyes to injury from flying particles, dust, sparks, or other foreign objects, must wear correct and adequate eye protection.

- Machine grinding (front and side protection)
- Welding (or cutting) with oxy/acetylene: (goggles with tinted/plate lens)
- Arc welding (helmet with goggles and filter lens-safety glasses under)
- Power saws/sanders (face shields with goggles)
- Using a chainsaw
- Chipping
- Handling/spraying paint, chemicals
- Pressurized hoses
- Line trimmers

If you have any questions concerning the proper type of eye protection to wear for a particular job, contact your supervisor.

- a. Proper fit
- b. Be right for the job
- c. Be properly maintained
- d. Be worn when required

SAFETY VESTS

Safety vests are made out of reflective material and are manufactured in a variety of bright colors in order to make workers more visible. Worn by road workers, road flaggers and emergency personnel, safety vests help alert citizens of City employees working in dangerous work zones or cautionary areas. The Occupational Safety and Health Administration (OSHA) reports that safety vests should encompass reflective materials that are sown into all areas of the vest that include horizontal, vertical and angular stripes. This allows them to be used for both day and night work.

Safety vests will be provided by the City and consist of a retro reflective materials meeting MUTCD and ANSI standards.

- Safety vests are to be worn *at all times outside of vehicle* and

- Safety vests will be kept in good condition/repair.

Safety vests are designed for high visibility, and provide the public with a visual que of a potential work zone.

HEARING PROTECTION

Ear protection must be worn when there is a possibility of hearing damage, which can occur during continuous exposure to noise or impulse exposure to loud impact noise. Specific areas where the noise level is greater than 90 dBA shall be identified, and time limits stated. Employees shall wear proper protective devices when exposed beyond posted limits. Proper ear protection must be worn when exposed to the following:

- noise of 90 dBA (decibels) for more than eight (8) hours,
- 95 dBA for more than four (4) hours,
- 100 dBA for more than two (2) hours, or
- 105 dBA for more than one (1) hour,
- impact noise more that 140 dBA, e.g., noise similar to rifle or shotgun.

PERMISSIBLE NOISE EXPOSURES

Proper ear protection **MUST BE WORN when these exposure are present.*

Duration per day in hours	Sound level dBA
8	90
6	92
4	95
3	97
2	100
1 ½	102
1	105
½	110

If normal conversations can be understood about two feet (2) away, the noise level is probably less than 90 dBA. (See Permissible Noise Exposures above)

Proper ear protection devices shall be worn properly to provide the required protection and kept clean to reduce the possibility of ear infection. Proper ear protection may consist of any or any combination of the following:

- Ear muffs,
- Ear plugs,
- Molded ear protectors, and

- Wax-type ear plugs

CLOTHING

If employee has a City issued shirt or uniform, this shall be worn, unless otherwise necessitated by the work conditions. Proper work clothing, gloves and shoes provide primary protection from many injuries and will reduce the seriousness of an accident. Loose or flapping clothing, dangling sleeves, neck ties, or scarves shall not be worn around machinery and equipment.

Suitable clothing must be worn at all times for the personal protection of all employees. Some garments or situations which are ***not permissible*** include:

- Tank tops or “muscle” type shirts, the net type or otherwise.
- Sleeveless shirts.
- Shirts must be worn at all times.

Caution should be extended to some clothing and personal items. Please consider the following:

- Dress appropriately for the job and weather conditions, i.e., dry gloves, adequate shoes/boots, safety glasses and/or goggles, fluorescent vests, etc.
 - Be alert to warning signs resulting in frostbite or heat exhaustion before it happens.
- Polyester clothing is not recommended if working in areas where electric flash/excessive heat is possible.
- Gloves and clothing saturated with gasoline, oil or other matter shall be promptly removed and not worn until cleaned.
- Finger rings or unnecessary jewelry shall not be worn while climbing on or off structures or vehicles or while performing any task where the ring might be caught under or snagged by a projection item. Rings and wrist watches with metal case and watch bands shall not be worn while working on or near energized equipment or lines.



FOOT PROTECTION

Foot protection shall consist of steel-toe boots, toe protectors or hard sole working boots as specified by the work conditions or department requirements. ***Tennis or open toe shoes are not permissible.*** Foot protection shall be worn while operating pavement breakers, tampers, or similar pneumatic-impact type tools and by those employees working in or around the area where such equipment is being used and could constitute a potential accident.

Injuries to the feet (including toes, ankles, etc.) are generally caused by:

- Materials falling on them or by flying objects propelled from equipment such as lawnmowers and weed trimmers.
- Trash containers, vehicle and equipment tires, barrels, or other objects rolling over your foot.
- Stepping on something that punctures or by not being careful when using a power tool that cuts.
- Putting your foot between or under objects that crush.

Possible precautions include:

- Watch where you're walking.
- Wear proper footwear when required, such as:
 - Steel toe safety shoes
 - High top boots
 - Shin guards
 - Metal foot guards
- Puncture proof/non-slip soles
- Don't try to stop or move a heavy object with your foot.
- Use caution and keep feet clear of power tools.
 - If you drop it or it falls, get out of the way.
- Clear your work area of obstructions.

ACCIDENT TYPES AND PRECAUTIONS

TRIPPING, SLIPPING OR FALLING

This category of accidents seriously injures or fatally harms a large number of people each year and is among the most costly in terms of medical expenses, lost work time, and loss of valuable services to the community.

Employees should follow these safety guidelines:

1. Always look down for steps when rounding a corner, exiting, or entering a doorway.
2. Always use handrails.
3. On a smooth surface be alert for rugs, floor mats, or area carpets that could slip out from under you if not taped down or rubber backed.
4. Use caution on freshly washed or waxed floors.
5. Watch for uneven surfaces, loose tiles, and door jams.
6. Slow down and ensure footing and balance on ice – use sand or salt where needed.
7. On smooth surfaces, wet areas from spills, oil, or grease must be avoided. Make sure the areas are cleaned up or absorbed immediately.

Prevention tips:

1. Ensure adequate lighting, don't stumble around in the dark. You must be able to see it to do it.
2. Don't use a stack of boxes, chair, or other articles as a ladder substitute.
3. Keep all four legs/wheels of a chair on the floor; keep your office chair in good condition.
4. Pick up, clean up, repair, or replace where necessary – make the effort.
5. Don't block your vision when carrying something.
6. When you get down from ladders, scaffolds, ledges, or the like, lower yourself carefully – **DON'T JUMP, WATCH YOUR STEP AND ALWAYS USE 3 POINTS OF CONTACT.**
7. Shoes with non-skid flat soles are preferred (especially when working above the floor or ground).
8. Ensure shoe bottoms are free from ice, snow or other debris.

DECREASE YOUR CHANCES OF INJURY

- ❖ Use proper and adequate safety equipment.
- ❖ Be alert to what you and others are doing and where you are going.
- ❖ Slow down. Avoid running. It's better to be late than have an accident.
- ❖ Learn and use the safety procedures in this manual, your department manual.
- ❖ Participate in all required CIRSA safety training.

Your back is a miracle and deserves to be cared for because without it you cannot walk, run, lift, stand, work, stoop or bend. It is also one of the most injury-prone parts of your body that is not as strong, by itself, as some people think it is. It is much easier to prevent a back injury through proper lifting and material handling procedures than it is to medically correct a back injury.

BACK INJURIES ARE ALMOST ALWAYS LIFELONG PROBLEMS!

To prevent back pain, strain, or fatigue:

- If you stand for a prolonged period of time, frequently shift your weight or change positions.
- If you stand for a prolonged period of time in the same place on a regular basis, consider acquiring a cushioned mat for the area.
- When sitting, try to keep the back straight and periodically stand up and walk around.
- Relax and gently stretch your arms, shoulders, and neck.
- When sleeping, it is best to be on your side with hips/knees bent .

Apply these basic principles when lifting objects.

- Before you lift anything ask yourself:
 - ✓ How large or heavy is the object? Where and how will I place my hands on it?
 - ✓ Are there things on it that can cut, pinch, or cause it to slip out of my grip? Do I need gloves?
- Before it's lifted – think about the following:
 - ✓ Where am I taking it?
 - ✓ Are there obstacles or conditions along the way that may cause a fall?
 - ✓ Where and how will I put it down?
 - ✓ Will my vision be blocked?
 - ✓ Will it stay together when lifted?
 - ✓ **Do I need help?** (too heavy or too large)

How to lift properly in order to save your back.

1. Stand close to it, feet level with one foot slightly in front of the other, and far enough apart (usually shoulder width) to maintain balance.
2. Lower yourself from your knees (like a baseball catcher's position), slightly straddle the object, back straight, knees bent.
3. Get a good firm grip – bottom or bottom and top.
4. Take a deep breath just prior to lifting to support the spine with inflated lungs.
5. Slowly and smoothly lift with your legs by straightening them, keeping the back straight.
6. Once your legs are straight, return your back to a vertical position – **AVOID JERKY MOTIONS.**
7. Maintain your grip and keep the object held closely to your body (don't change your grip).

8. If changing direction, do so by changing the position of your feet rather than twisting your back.

If you must lift something over your head, use the following technique:

1. Use extreme caution and spread feet for balance.
2. Raise it slowly – don't twist or use shoulders.
3. Protect your hands.
4. **ASK FOR HELP IF THERE IS ANY DOUBT.**

If you must lift something large or very heavy, use the following technique:

1. **Get help (team lift), don't try it alone.**
2. Use a mechanical aid when required (dolly or hand truck).
3. Lift it a piece at a time, making more trips.
4. If you can't see where you are going, **ask a co-worker to act as a guide.**

When putting an object you have lifted down, use the following technique:

1. Do it the same way you lifted it, with your legs.
2. Keep back straight, set it down gently, slide it into place.
3. Ensure its secure after you put it down so it won't fall over.

DOLLIES AND HAND TRUCKS

When using a dolly to move material:

1. **Team up for the job,** if possible – two minds – four hands.
2. Do not overload, and ensure load is secure.
3. Work slowly.

When using a hand truck to move material:

1. Do not overload, and ensure it is loaded evenly.
2. Do not obscure visibility with a load.
3. Push it rather than pull it, if possible, be positioned so that it cannot pin you or run over you.
4. Give pedestrians the right-of-way. Stop at corners and doorways and stay to the right in aisles.
5. **Don't ride on truck or take on riders.**

REMEMBER!!!

Don't try to be the Incredible Hulk.

Asking for help may be the best solution.

Your legs are about 10 times stronger than your back. USE THEM!

ELECTRICAL SAFETY

Electricity can seriously injure or kill faster than most job-related hazards and can do so without warning. It is vital that electricity be treated with respect and extreme caution!

Do not attempt to install or repair electrical components, fixtures, equipment, etc. yourself. If you have any questions about electricity, ask before you act.

Follow these general guidelines.

- Keep electrical connections, cords, equipment, cables, plugs, etc., in good repair (including conduit or insulation)
- Keep electrical connections, cords, equipment, cables, plugs, etc. away from water, oil, grease, or solvents.
- Keep electrical cords and cables out of areas where they may be damaged by traffic or cause a tripping hazard.
- Grounds provided on electrical apparatus must not be disconnected, broken, or cut off.
- Ensure any faulty electrical equipment is disconnected and repaired using a tag or lock out procedure. **Ensure current is off before repairing.**
- When working on or around electrical circuits, be aware that wearing watches, rings, or other metallic objects may result in receiving a shock or burn.
- As a general rule, **maintain a 10 foot minimum distance** when operating equipment around high voltage power lines.
- Ensure proper protective clothing is worn when working with electricity.
- Report any faulty electrical equipment immediately to your supervisor and remove questionable equipment from service.
- Do not overload outlets with multiple outlet assemblies.
- Never use Flat-2 wire (zip) extension cords. Extension cords are only for temporary use.
- **ONLY** three prong extension cords are acceptable for use and should be plugged into a three pronged outlet.
- Do not plug one surge strip into another surge strip to power it up. This is then classified as an extension cord.

REMEMBER !!!

**110 – 120 Volts kill more people
than all other voltages combined.**

PUBLIC SAFETY

Work Zone Safety is the responsibility of every employee and shall encompass public safety as well as employee safety. Public safety shall be forefront in thought when performing all work, regardless of location. Work will be performed with maximum protection of life and property, and minimum interference with public activities. To the extent possible, work shall be carried on in such a way as to prove least attractive to children. When necessary a person shall be assigned to keep children away from work areas. This task shall always be done as tactfully as possible. Precautions must be taken to protect all workers and the public from potentially dangerous activities such as arc welding, flying chips and sparks, falling objects, or from tripping over or striking piled material or equipment.

WORK ZONE PRECAUTIONS

- Work areas accessible to the public must be barricaded, roped off, or otherwise safeguarded against entry by public.
- Where traffic is congested, flag-persons shall direct traffic to protect both the public and workers.
 - ✓ All flag-persons will be trained and certified.

Barricades and Barriers

Instruction on type of and materials for barricades, warning lights and signs to be displayed at or adjacent to work areas shall be the responsibility of the person in charge of the job site.

- All excavations, soft trench material and machinery shall be protected by adequate barricades, warning signs, and flashers at night.
- Open manholes shall be protected with barricades or approved equivalent, except on short inspection visits where a truck may be used as a barricade.
- Barricades shall be set to provide a work area of adequate size and also provide areas for storage of material and equipment.
- When possible, the truck or equipment shall be used as part of the barricade, especially in heavy or fast traffic. If the engine is left running, care must be taken so that the exhaust fumes do not endanger working employees, especially those in trenches or manholes.
- In buildings and other structures, temporary openings in floors or platforms must be guarded with ropes or barricades.

Flashers

- Flashers must be kept in good condition; checked daily, cleaned if necessary if necessary, and kept in operation from sunset to sunrise.
- All flashers will be of an approved type.
- All flashers in operation shall be checked for correct operation when they are set in place.
- In case flashers are to be operated over a weekend or during a holiday, all flashers will be checked for correct operation at least once every twenty-four (24) hours.
- Defective flashers shall be replaced or repaired immediately.

VEHICLE SAFETY/EQUIPMENT OPERATION SAFETY

Only properly trained, licensed and qualified personnel are authorized to operate vehicles and equipment. Operators must be constantly alert for people and other vehicles/equipment or property before putting any equipment or parts of equipment in motion.

General Guidelines

- Any employee driving a City vehicle must have a valid state operator's license
- City vehicles must be operated in strict accordance with state and local laws. No work or errand is of sufficient importance to warrant violation of state driving laws.
- Employees shall not drive or operate City vehicles while restricted by order of a medical doctor.
- Seat belts are to be used by both the driver and all passengers in all City equipment.
 - Seat belts installed in vehicles shall not be cut off or altered in any way to render them useless.
- Passengers in City vehicles must be seated in such a manner that:
 - no part of their person projects beyond the body lines of the vehicle,
 - the number of passengers carried in a passenger-type vehicle shall not exceed the number which can be carried safely seated (must have seat belt) and in no case more than three are to be carried in the front seat of any vehicle.
 - Employees shall not permit anyone to ride on the running boards, fenders or any other part of the equipment. Passengers shall not stand in moving vehicles.
 - In regards to ATV usage, this vehicle shall be operated in accordance with the operating manual for that vehicle specifically regarding passenger limits, seating and safety.
- An employee assigned to drive a City vehicle is responsible for safe operation of that vehicle, including the **non-use of cell phones while driving**. If supervisor has provided approval for emergency cell phone usage, pull vehicle to the side of the road and put gear into Park prior to using cell phone.
- All vehicle accidents, however slight, must be **immediately** reported to the appropriate agency and your supervisor.
 - Do not move the vehicle until the accident investigation has been completed.
- All City vehicles shall be equipped with a standard first-aid kit and fire extinguisher.
- If there are any defects, or repairs are needed on the vehicle, the driver must promptly report these conditions to the City Garage on the form provided for that purpose.
- All doors, end-gates, enclosures, and detachable equipment must be made secure before driving. **Before starting either forward or backward, the driver shall determine that no person or object is in the path of the vehicle.**
- When parking a vehicle on a slope or grade, wheels must be cramped to the curb, or heel chocked to prevent the vehicle from rolling.
- Always shut the engine off when refueling, and as soon as possible after entering a garage, loading dock or other enclosure.

- The driver shall make daily inspection checks to make sure that the brakes, lights, horn, mirrors, wipers, tires, and instrument controls are in safe operating condition before the vehicle is used. The driver shall keep the windshield clean and check the fuel, oil and coolant levels to keep vehicle in proper operating condition.

Vehicle Backing

If you must back when you cannot see behind you, follow these procedures:

1. Be sure that all mirrors are properly adjusted for the best visibility.
2. If you do not have a guide or spotter, exit the vehicle and check the top, sides, and rear for obstructions and proper clearance.
3. Back slowly, using the mirrors to watch your spotter, if available, and the area behind you.
4. If you have a rider with you, have them guide you whenever backing is necessary.
 - a. Ensure they know what you want them to do and keep them in view at all times.

**It is the driver's responsibility, not the guide or spotter, to back safely.
MOST BACKING ACCIDENTS CAN BE AVOIDED BY WITH DUE DILIGENCE.**

**AVOID BACKING
WHENEVER POSSIBLE!!!**

TRAILERED VEHICLES AND EQUIPMENT

A safety chain of sufficient strength is required when towing any trailer or equipment and must be fastened securely to the truck and the trailer.

2. Lights of trailers or other equipment must be connected to the truck system and operating properly.
3. When the trailer is equipped with brakes, they must be connected to the truck system, operating properly and have the break-away features properly fastened which will automatically set the trailer brakes in the event of a break-away.
4. The driver shall observe laws and regulations regarding legal width, height, length, and axle loads of the vehicle he/she is operating, and shall properly mark with warning flags or lights any projections of loads over the body line. Such projections shall be avoided whenever possible.
5. Loads must be properly distributed and not piled too high. When necessary they shall be blocked, tied or padded to prevent shifting or damage. The load shall be such that the driver has clear vision to front, both sides and with sufficient mirrors to properly see to the rear.

Heavy Equipment

When operating or moving heavy equipment with booms and/or overhead cables in the immediate area of electric lines, a signalman shall be provided. Booms, cables, etc., shall be kept a safe distance from overhead electric lines. If any equipment is or can come within ten feet of electric lines, electric department personnel shall be onsite to oversee and direct operations that may breach the ten foot clear zone.

General Guidelines

1. Only persons trained in the proper operation of any equipment will be allowed operate said equipment.
2. Operators shall make sure personnel, material and equipment are in the clear before moving a machine.
3. Only the operator shall be on the equipment when it is in operation, unless the supervisor has instructed otherwise. The operator shall be seated when the equipment is in motion.
4. Operators shall take hand signals from only one person. Only approved hoisting hand signals shall be used. If an operator does not understand a signal, he/she shall wait until it is made clear.
5. Employees shall not mount or dismount moving equipment and shall not jump from the equipment to the ground.
6. Employees shall not ride in any working attachment of any machine at anytime.
7. Hand or tag lines shall be used to guide long material.
8. When handling pipe, the helper shall stand clear after the slack is taken out of the cable.
 - a. A helper shall never stand between the pipe and the equipment.

Types of equipment you may be required to operate.

- | | |
|---------------------------|---------------------------------------|
| ▶ Front End Loader | ▶ Street Sweeper |
| ▶ Skid Loader | ▶ Dump Truck – Single Axle and Tandem |
| ▶ Bull Dozer | ▶ Snow Plow |
| ▶ Fork Lift | ▶ Vac Truck |
| ▶ Motor Grader/Maintainer | ▶ Boom Truck |
| ▶ Back Hoe | ▶ Brush Hog |
| ▶ Trencher | ▶ Riding Lawn Mower |
| ▶ Air Compressor | |

FIRE PROTECTION AND PREVENTION

Fire creates the possibilities of death, injury, or property damage from fire and/or smoke. Prevention and protection against the hazards of fire, therefore, become a crucial part of the City's safety program. ***In the case of any fire, call 911*** and secure the area until the proper authorities arrive. You should not try to put it out on your own. Offer assistance to any citizens or bystanders but remember. . .

YOU ARE RESPONSIBLE FOR YOUR OWN SAFETY FIRST.

GENERAL GUIDELINES

- ❖ Ensure fire extinguishers are present in your work area and that they are ***inspected and tagged yearly.*** (They are no good if they are not there or do not work).
 - ✓ Know the location of fire extinguishers or fire equipment (such as hoses, pull boxes, alarms) and how they work.
- ❖ Ensure fire exits/routes are not blocked.
- ❖ Do not block fire extinguishers, fire hoses, fire alarm boxes, sprinkler valves/heads, or other similar devices.
- ❖ Do not hang clothing or place materials on fire extinguishers or other fire equipment.
- ❖ Always observe posted no smoking regulations.
- ❖ Dispose of all flammable waste as soon as possible.
- ❖ Know where fire exits/routes are located.
- ❖ Do not block the ventilation system on furnaces, boilers, electrical equipment, etc.
- ❖ Ensure containers of flammable materials are properly stored (away from sources of ignition) and properly marked.
- ❖ Repair or replace damaged electrical cords.
- ❖ Approved safety cans must be used for handling or transporting small quantities of flammable liquids. Replace any damaged or leaking container.

FOR QUESTIONS REGARDING FIRE SAFETY IN YOUR AREA CONTACT

- **Your Supervisor**
- **City of Trinidad Fire Department**
- **City of Trinidad Police Department**
- **Any member of the Safety Committee**

EXCAVATION, TRENCHING, SHORING and CONFINED SPACE ENTRY

All excavation work must be planned and consideration must be given to traffic and other nearby activities, disposal of excavated material, and storage of equipment and material.

GENERAL PROTECTION REQUIREMENTS

- Walkways, runways, and sidewalks shall be kept clear of excavation matter or other obstructions and no sidewalk shall be undermined unless shored.
- If planks are to be used for raised walkways, runways, or sidewalks, they shall be laid parallel to the length of the walk and fastened together against displacement.
- All employees shall be protected with personal protective equipment for the protection of the head, eyes, respiratory organs, hands, feet, and other parts of the body.
- Employees exposed to vehicular traffic shall be provided with and shall be required to wear hard hats and safety vests marked with or made of retro reflective or high-visibility material.
- Employees subjected to hazardous dust, gases, fumes, mists, or atmospheres deficient in oxygen, shall be protected with approved respiratory protection.
- No person shall be permitted under loads handled by power shovels, derricks, or hoists. To avoid injury, employees shall be required to stand away from any vehicle being loaded.
- Daily inspections of excavations shall be made by a competent person. If evidence of possible cave-ins or slides is apparent all work in the excavation shall cease until the necessary precautions have been taken to safeguard the employees.

SPECIFIC EXCAVATION REQUIREMENTS

Before any excavation can begin, other utility departments and companies shall notify the City of Trinidad as well as the Utility Notification Center of Colorado (UNCC) by dialing 811. Prior to opening an excavation, underground utilities and storm sewer lines shall be located and marked. When the excavation approaches the marked location of any utility line(s), the exact location shall be determined and when it is uncovered, proper supports shall be provided for all existing utility line(s).

Any City department that may be affected by excavation work shall be allowed to have a member from the department on site during any and all excavations. That person shall halt excavations that jeopardize the safety of people, equipment or utility structures.

1. Trees, boulders, and other surface encumbrances creating a hazard to employees involved in excavation work or in the vicinity shall be guarded by a shoring system, sloping of the ground, or some other equivalent means.

2. The walls and faces of all excavations in which employees are exposed to danger from moving ground shall be guarded by a shoring system, sloping of the ground, or some other means.
3. Excavation shall be inspected by a competent person after every rain storm or other hazard-increasing occurrence, and the protection against slides and cave-ins shall be increased if necessary.
4. All slopes shall be excavated to at least the angle of repose except for areas where solid rocks allow for line drilling or pre-splitting.
5. The angle of repose shall be flattened when an excavation has water conditions, silt material, loose boulders, and areas where erosion, deep frost action, and slide planes appear.
6. In excavations which employees may be required to enter, excavated or other material shall be effectively stored and retained at least two feet or more from the edge of excavation.
 - a. As an alternative to the clearance prescribed above, the employer may use effective barriers or other effective retaining devices in order to prevent excavated or other material from falling into the excavation.
7. Special precautions shall be taken in sloping or shoring the sides of excavations adjacent to previously back-filled excavation or fill, particularly when the separation is less than the depth of the excavation. Particular attention shall be paid to joints and seams of material comprising a face and the slope of such seams and joints.
8. If the stability of adjoining building or walls is endangered by excavation, shoring, bracing, or under-pinning shall be provided as necessary to insure their safety. Such shoring, bracing, or under-pinning shall be inspected daily or as conditions warrant.
9. Diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering an excavation and to provide adequate drainage of the area adjacent to the excavation.
10. Adequate physical barrier protection shall be provided at all remotely located excavations.
11. If possible, dust conditions shall be kept to a minimum by the use of water.
12. In locations where oxygen deficiency or gaseous conditions are possible, air in the excavation shall be tested. Controls shall be established to assure acceptable atmospheric conditions.
13. Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.
14. All ladders used on excavation operations shall be in accordance with the requirements of this manual.

SPECIFIC SHORING REQUIREMENTS

1. Any excavation with depths more than 20 feet shall have a professionally designed Shield Shore Plan.
2. Where employees may be exposed to moving ground or cave-ins, banks more than five feet high shall be shored, laid back to a stable slope, or some other equivalent means of protection. Trenches less than five feet in depth shall also be effectively protected when examination of the ground indicates hazardous ground movement may be expected.

3. Employees entering bell-bottom pier holes shall be protected by the installation of a removable type casing of sufficient strength to resist shifting of the surrounding earth. Such temporary protection shall be provided for the full depth of that part of each pier hole which is above the bell. A lifeline, suitable for instant rescue and securely fastened to a shoulder harness, shall be worn by each employee entering a shaft.
4. When employees are required to be in trenches four feet deep or more, an adequate means of exit, such as a ladder or steps, shall be provided and located so as to require no more than twenty-five feet (25') of lateral travel.
5. Bracing and shoring of trenches shall be carried along with the excavation.
6. Cross braces or trench jacks shall be placed in true horizontal position, be spaced vertically, and be secured to prevent sliding, falling, or kick-outs.
7. Portable trench boxes or sliding trench shields may be used for the protection of personnel instead of a shoring system or sloping. Where such trench boxes or shields are used, they shall be designed, constructed, and maintained in a manner which will provide protection equal to or greater than the sheeting or shoring required for the trench.
8. Back-filling and removal of trench supports shall progress for the bottom of the trench. Jacks or braces shall be released slowly and, in unstable soil. Ropes shall be used to pull the jacks or braces from above after employees have cleared the trench.

TRENCHING EQUIPMENT

Only qualified personnel authorized to do so will operate trenching machines, backhoes, tampers, side-booms, and other mechanical equipment.

1. Before starting equipment, the operator must make sure that everyone is clear. During operation he/she must remain alert to all persons in the area.
2. If any obstruction is encountered, the operator must determine the nature of the obstruction and proceed with extreme caution.
3. No person shall board, alight from, lubricate, or adjust equipment while it is in motion or in operation.

CONFINED SPACE ENTRY

The following procedures shall apply to any City employee having authorization to enter and work in facilities or areas determined to be confined spaces. As specified in contract language, contractors shall perform operations including Permit-Required Confined Space entry in accordance with OSHA standards.

INITIAL WORK PLAN

The entry supervisor overseeing the work within the confined space shall develop an initial work plan consistent with the actual and potential hazards of the specific confined space. The work plan shall include:

1. Determining the type of work, time requirements for completion, classification of the confined space, and other conditions or hazards that may affect the safety of the personnel entering the confined space.
2. Completing the pre-entry requirements (upper portion) of the confined space entry permit found in Appendix A.
3. Arranging for adequate tools, personnel, equipment, materials, personal protective equipment, and appropriate confined space entry and rescue equipment.
4. Reviewing the confined space procedures with the work crew prior to entry. Arranging for follow-up with the crew after entry has been completed.

WORK SITE PROTECTION

Upon arrival at the site, the City employees shall determine the safeguards required to protect the work site area from vehicular and/or pedestrian traffic. These safeguards shall be in accordance with the CDOT Construction Zone Traffic Control Procedures and the Manual for Uniform Traffic Control Devices (MUTCD) and include:

1. Providing warning signs and other visible devices to alert any vehicular or pedestrian traffic,
2. Arranging for proper traffic flow and channeling through and around the work area,
3. Protecting openings from exhaust, flowing water, or other potential dangers or contaminants,
4. Clearing and maintaining a safe working area around the opening to prevent any debris, tools or objects from falling, accidentally being kicked, or blowing into the opening or creating a tripping hazard. Hard hats shall be worn when the potential for falling objects in the space or from the entry cannot be safeguarded.
5. Any energized or pressurized lines within the confined space, which may represent a potential danger to the entrant, shall be de-energized in accordance with proper lockout/tagout procedures prior to entering such spaces.

COMMUNICATIONS

1. Two-way communications shall be readily available between all confined space locations through the attendant and a monitored communication base station any time entrants are working within the confined space.
2. The Trinidad Fire Department shall be notified of the location and time duration of any entry into a permit required confined space. They will ensure that personnel and rescue equipment are available and in working order during a confined space entry.
3. All City base communication stations and mobile two-way radios shall keep an updated list of all appropriate Fire and Police Department numbers readily available.
4. When attendants do not have eye contact or two-way verbal communication with all entrants in the confined space, special communication equipment or procedures shall be established to assure the safe status and well-being of all persons in the confined space. The attendant shall keep an accurate count of all entrants in the confined space and revise the permit when the count changes.

POSTING

1. Confined space facilities on City of Trinidad owned properties shall have warning signs posted whenever the public or untrained personnel may potentially enter permit required spaces. Signs are not necessary for manholes unless a space is presently being entered. Records of manhole locations as designated shall be maintained on file.
2. A portable sign shall be placed at all remote confined spaces whenever they are being entered. Folding signs or attachments to traffic cones, portable rails, flags, etc. may be used to accomplish this warning.
3. All notification signs shall have wording or symbols indicating "DANGER – Permit-Required Confined Space – DO NOT ENTER", and shall be placed near the entry point. This is not intended to prohibit authorized entry, but to deter those that are unauthorized from entering the space.

MONITORING

1. A functional check of the oxygen sensor shall be performed each time the monitor is being used by blowing into the sensor. The flammability and hydrogen sulfide settings shall be zeroed in a known, clean environment. The oxygen level should be set at or around 20.8%. The adequacy of charge on the monitor shall be ensured and the last calibration date checked to see that it is current. Monitoring equipment shall be calibrated, handled and stored as outlined by the manufacturer with all users being trained in its proper use.

2. All permit-required confined spaces shall be tested prior to entry for atmospheric conditions including toxic gases, flammability and oxygen level. Results of these tests shall be entered on the entry permit. The air testing sequence shall be as follows:
 - a. Oxygen percentage,
 - b. Flammable and combustible gases,
 - c. Toxic gases and vapors.

Testing shall also be performed for specific contaminants that may be generated within the space or are brought into the space for necessary work. Any chemical products brought into the space shall be accompanied by a Material Safety Data Sheet (MSDS) readily available at the site of work.

3. Recalibration dates shall be readily visible on air monitoring equipment. Calibration procedures shall be strictly followed in accordance with manufacturer's specifications.
4. All confined space atmospheres shall be pre-tested at a minimum of three levels within the space (i.e., top, middle, and bottom) prior to entry. Additionally, pre-testing shall include, when possible, locations such as corners, duct entrances and pockets where gases might accumulate.
5. If a potentially hazardous atmosphere such as methane is suspected prior to opening a confined space cover, the atmosphere shall be pre-tested, where possible, through a small cover opening. When this is not possible, the cover can be "cracker" and a probe with a suction line and aspirator attachment shall be used to draw the air into the monitor.
6. When the hazardous atmosphere or other unsafe conditions cannot be corrected, the entry supervisor shall be contacted to determine if alternative procedures may be used. No entry will occur without approval from the entry supervisor.
7. Continuous air monitoring shall be performed whenever a space cannot be totally isolated and ventilated. Also, whenever ventilation is not able to stabilize oxygen percentages or concentrations of hazardous gases, continuous monitoring shall be used. Results of these tests shall be recorded on the entry permit.
8. At any time an alarm is activated while entrants are in a confined space, all entrants shall immediately evacuate the confined space and the entry supervisor shall be notified. A new permit must be issued prior to reentry after safe conditions are documented and stabilized, and the entry supervisor signs off on the new permit.
9. Whenever a hazardous atmosphere or other hazards are experienced while working in a confined space, such information shall be recorded on their permit and reviewed by the entry supervisor. This information may be used to reclassify the space or to prepare for

hazards previously unforeseen. The entry supervisor shall ensure that cancelled entry permits are kept in a central file for at least one year.

10. Use calibrated instruments for measuring hydrogen sulfide, carbon monoxide, oxygen, and flammability (% of LFL). Acceptable limits are:

Oxygen	No less than	19.5%
	No greater than	23.5%
Hydrogen Sulfide	No greater than	*10 ppm
Carbon Monoxide	No greater than	*50 ppm
All Combustible Gas or Vapors	No greater than	10% LFL

*ppm – parts per million contaminants versus air volume.

VENTILATION

1. Positive ventilation (air blown into the confined space (shall be supplied in any permit-required confined space unless repeated testing has shown that a hazardous atmosphere will not develop. The exemption from ventilation applies only to spaces that can be isolated such as meter pits or backflow prevention pits and have had no hazardous atmospheres.
2. All spaces that can be isolated shall be purged for at least seven air changes before entering. The alignment chart in Appendix B, or equivalent, shall be used to determine the time duration to achieve seven air changes. This purging shall be re-instituted if the space is re-entered after a break, or the space is closed for more than one hour after purging.
3. Air monitoring shall be performed prior to ventilation being supplied to purge the space. A repeat of air monitoring shall also be performed after purging just prior to entry. If there are fluctuations in gas concentrations or hazardous atmospheres during work activities, ventilation shall be used during the entire time of entry along with continuous air monitoring.
4. Positive ventilation shall be provided for at least ten minutes prior to entry into permit spaces that cannot be isolated, such as storm and sanitary sewer lines. Ventilation shall continue in these spaces for the entire duration of the entry.
5. Blowers and generators used to operate electrical equipment shall be located downwind of confined space openings so that exhaust does not enter the space. Ducting shall be placed far enough into the space so that the entire space where employees are working is adequately ventilated, and the same supply air is not just re-circulated.

6. If limited space prohibits the use of continuous positive ventilation, atmospheric testing shall be performed continuously and alarms heeded. These limitations shall be noted on the permit form.
7. If activities within the space generate toxic gases or vapors, local exhaust ventilation should be used along with the positive ventilation. The ducting for the exhaust ventilation must be within two feet of the localized source of contamination.

LOCKOUT/TAGOUT

Controls shall be in place to prevent start-up of machinery and/or electrical current prior to beginning any maintenance operations.

1. Identify all parts of the system that need to be shut down to prevent accidental start up or release of energy.
2. Communicate the specific lockout/tagout procedure to all pertinent personnel.
3. Identify all possible power sources, including electrical, hydraulic, and pneumatic systems. Shut valves off if there is a potential for a leak into the confined space.
4. Neutralize all power at the source. Lock the source in the off position and tag the equipment and machine so it cannot be accidentally started. If lockout is not possible, a minimum acceptable action is to tag the source and notify all personnel involved in the entry.
5. Test the system to assure it is off prior to starting any work. If the system can be started with the currently level of lockout, other energy sources need to be isolated to ensure this does not happen.

SAFEGUARDING AGAINST OTHER HAZARDS

1. Upon completion of all pre-entry procedure requirements, entrants shall also survey for other potential hazards such as loose or deteriorated ladder rungs, snakes, insects, rodents, broken glass, sharp metal objects, structural defects in walls, ceilings, sump openings, electrical wiring, piping, ducts, unsound or slippery flooring, etc. these hazards shall be noted in the comments section on the permit form.
2. Smoking shall not be permitted in or near any confined space.
3. Accumulated water shall be pumped out prior to entering in order to accomplish work safely. All other debris, foreign material and decaying animals/vegetation etc., shall be removed after monitoring and positive ventilation procedures have been completed. As always, as much work as possible should be performed without entry into the confined space. If the entire operation may be performed safely outside the space, such as the use of a long meter wrench, this is preferred over entry.

4. Persons entering confined spaces shall not carry tools or equipment in their hands when descending or climbing ladders or rungs. Such items shall be raised or lowered utilizing other means such as a rope and bucket, etc. Hard hats shall be worn when there is a potential for falling tools or debris from above.
5. All covers, hatches and access opening shall be properly secured upon completion of duties within the confined space.
6. If a sanitary sewer or storm sewer is entered when flash flooding may occur, the weather bureau should be contacted and necessary provisions made. This may include the use of waterproof flashlights, SCBA, boats, etc. Also, fire suppression activities in the area may flood the storm sewers and any entry should be halted during this activity.

DUTIES OF ATTENDANTS

1. Receive appropriate training and have knowledge of the City of Trinidad confined space procedures.
2. Remain at the opening of a permit-required confined space at all times when entrants are in the space. The attendant shall continuously observe and communicate with all the entrants to ensure their status and well-being. At least one attendant shall be outside each permit-required confined space being entered.
3. Provide two-way communication equipment to summon help through one of the City base stations. If visual contact cannot be maintained between entrants and attendant, a means shall be established to communicate critical information back and forth.
4. Notify emergency and rescue personnel should a rescue be necessary and/or provide rescue equipment at the site. The attendant shall also summon rescue services when needed and perform non-entry rescue.
5. Be knowledgeable of and alert to any potential hazards associated with working in confined spaces, and be able to recognize the signs, symptoms and consequences of exposure to atmospheric hazards which may be encountered.
6. Be aware of conditions within the specific spaces that merit the use of personal protective equipment and be trained in its proper use.
7. Order immediate evacuation of a confined space at any time conditions, such as an alarm sounding, warrant such action.
8. Attendants may rotate functions with other crew employees only when the replacement is trained and fully aware of all required attendant duties and responsibilities. Notations shall be made of such changes of personnel and duties on the entry permit. Attendants must order an evacuation when they or the entry supervisor determine they cannot

effectively and safely perform all their required tasks without a suitable, trained replacement.

9. Verify that all the measures necessary to ensure safe entry are conducted, documented, and given to the entry supervisor for signature before entry. The attendant shall place the completed entry form at the entry site for the duration of the permit. The attendant may also act as the entry supervisor.
10. Assure that the confined space is properly secured at the time of the completion of operation.
11. Keep unauthorized persons from the site of operation and removes them as needed.

DUTES OF ENTRANTS

1. Receive appropriate training and have knowledge of the confined space procedures and the hazards of entry.
2. Use personal protective equipment properly and understand its limitations and when its use is merited.
3. Recognize the mode, signs and symptoms of overexposure to atmospheric hazards.
4. Alert the attendant of problems and evacuates the space as necessary, knowing how to perform a self-rescue.
5. Exits the space whenever ordered by the attendant or entry supervisor, or when an evacuation alarm is activated.

DUTIES OF ENTRY SUPERVISORS

1. Receive appropriate training and have knowledge of the confined space procedures and the hazards of entry.
2. Verify that the entry permit tests and procedures have been conducted, that necessary equipment is available, and sign the permit before allowing entry to begin.
3. Verify rescue services are available and prepared to respond.
4. Remove unauthorized people from the site.
5. Terminate entry when operations are completed.

PERSONAL PROTECTIVE AND RESCUE/SAFETY EQUIPMENT

1. Proper foot wear, hard hats, work gloves, eye protection, or other personal protective equipment shall be utilized as needed.

2. Electrical sources used for lighting, powered tools and equipment within the confined space shall have Ground Fault Circuit Interrupter (GFCI) protection. Power tools and powered equipment taken into confined spaces with flammable gases such as methane must be intrinsically safe.
3. Safety belts, full body harness and retrieval lines shall be inspected and worn during all permit-required confined space entries. Retrieval devices shall be stationed over the entry portal if there is a potential for a fall, entrapment, or a hazardous atmosphere. Entrants shall be attached to the harness and retrieval line during entry in these cases.
4. Appropriate tripods, hoists or other approved lifting and fall arrest devices shall be available to accommodate emergency or rescue requirements.
5. If there is a high potential for hazardous gases or vapors to develop from operations conducted inside the space, ten-minute escape respirators or SCBA shall be readily available and worn as needed.
6. Traffic vests shall be worn by attendants and other workers when confined space openings are located within any traveled roadways.

RESCUE OPERATIONS

The City of Trinidad Police and Fire Departments shall assist city employees rescue services and specialized training. During an emergency situation in a confined space, rescue operations must start immediately. All attendants shall be trained in rescue operations. All entrants will also be trained on self-rescue procedures and equipment to make a quick exit, being able to recognize hazardous situations and symptoms of overexposure. All departments performing confined space entry shall be required to have an approved two-man rescue team meeting the requirements outlined below.

1. Rescue teams shall be composed of two or more employees trained in the appropriate rescue procedures and the dangers of working in confined spaces.
2. Rescue teams shall be provided with and trained in the use of all appropriate personal protect equipment, including specialized confined space rescue equipment.
3. Rescue team members shall maintain certification in basic first aid and CPR.
4. Rescue team members shall practice making confined space rescues. These practices shall simulate operations at which they remove dummies, mannequins or personnel through representative openings whose size, configuration and accessibility closely approximates the confined spaces which employees must enter.

IN THE EVENT OF A RESCUE

5. At the first sign of trouble, symptoms of exposure, or other hazard, the attendant shall order the entrant(s) out of the confined space. The entrant may initiate self-rescue if there is an upset condition, symptom or obvious hazard without consulting the attendant. Once out of the space, the condition causing the hazard shall be evaluated and mitigated. No effort to minimize the hazard potential shall be made while being exposed inside the space unless it can be done safely.
6. If the entrant is unable to exit the confined space on their own, the attendant shall start a non-entry rescue procedure immediately. The attendant shall immediately summon the Trinidad Police and Fire Departments through any means such as the City dispatch system or a cellular phone. The appropriate rescue team shall also be summoned. Those people responding to a rescue emergency shall be instructed of any unique hazards that may confront them in the rescue.
7. The attendant shall start retrieving the entrant using the attached lifeline which is connected to the confined space retrieval equipment. Caution should be used when retrieving an entrant to make sure that parts of their body do not become entangled or caught on any object, which could cause further injury.
8. Under no circumstances is the attendant to enter the confined space for a rescue until another trained attendant is present at the site. If entry into the confined space is necessary for the rescue, the attendant performing the rescue shall wear all necessary personal protective equipment, including an SCBA.

TRAINING

1. Any employee required to work as an attendant, entrant, or entry supervisor involving a confined space shall be trained in the potential hazards and safety/rescue procedures involving confined space.
2. City employees who are members of a rescue team and emergency personnel shall practice in representative spaces.
3. Initial training for this program shall include classroom instruction and a field exercise. This training shall be expanded or repeated as deemed necessary by the City's Safety Coordinator and/or person performing the confined space training.
4. Training shall be provided as a part of orientation for a new employee who is required to participate in confined space entries.
5. Additional training shall be required relative to utilization of any new personal protective equipment, monitoring devices, new hazards or procedural changes.

THE PERMIT SYSTEM

The permit form found in Appendix A shall be used to ensure that all foreseeable safety measures have been taken to provide safe entry conditions and continued safety during the entire confined space entry.

1. The attendant(s) or their designees shall conduct the necessary tests and verifications noted on the permit form. If questions arise as to whether items such as PPE, ventilation, or continuous monitoring are needed, these shall be discussed with the entry supervisor and the determination documented on the permit form. If variations from accepted procedures are made for a valid reason, these rationales should be placed in the comments section or the line to note problems.
2. In evaluation of the work to be done, consideration should be given to performing as much work as possible outside the confined space if this is indeed safer and feasible. The purpose of the entry should be noted which is descriptive of all operations to be performed.
3. A new permit must be issued when conditions specified in the original permit are no longer accurate, the entry has exceeded the specified time duration and/or conditions have become unsafe for entry. Cancellation of the original permit shall occur per the above conditions or when the work has been completed. This cancellation shall be made by the entry supervisor and anew permit issued if necessary.
4. If hot work is to be performed such as riveting, welding, cutting, burning or heating, a separate hot work permit will be generated and approved with pertinent safety measures.
5. Entry permits shall be kept in a central file for at least one year after cancellation and periodically reviewed to determine if unforeseen hazards merit a change in the classification of spaces or the revision of the Confined Space Entry Program.
6. The permits shall be issued by the department head involved in the entry or the entry supervisor. The entry supervisor shall verify that all activities on the form have been performed and/or verified and sign-off on the entry form when safe conditions have been assured. A listing of the sequential procedures involved in safe entry into permit-required confined spaces is found in Appendix C. The permits shall be placed at the job site for the duration of entry, ideally at the entry portal.

TOOLS OF THE TRADE

As an employee of the City of Trinidad you will be required to use a variety of tools to complete necessary work. You will be expected to be knowledgeable in the proper and safe use of these tools, in order to keep you and your fellow workers safe.

Some of the types of hand tools you will be required to use include:

Shovels	Hammers
Pickaxe	Digging Barricaded
Wrenches	Saws

HAND TOOL SAFETY

- Hammers with metal handles, screwdrivers or knives with the metal continuing through to end or slides of handles shall not be used on or near energized electrical equipment.
- Metal measuring tapes, tapes having metal strands woven into the fabric, brass-bound rules, metal scales and gauges, wire or metal-bound hose, or rope with wire core, shall not be used when working on or near energized electrical circuits or equipment.
- Chisels, drills, punches, ground rods and pipes shall be held with suitable holders or tongs (not with the hands) while being struck with a sledge by another employee.
- Pipe shall not be used to extend a wrench handle for added leverage unless the wrench was designed for such use. Tools shall be used only for the purpose for which they were designed.
- When using a screwdriver or other tool, an employee shall place himself/herself in such a position that injury will be avoided if the tool should slip.
- When shock tools such as chisels, punches or drills become mushroomed or cracked, they shall be dressed, repaired or replace.
- When faces of hammers, sledges or similar tools become chipped or rounded, they shall be repaired or replaced.

PNEUMATIC TOOLS

A pneumatic tool or air tool is a tool driven by a gas, usually compressed air, supplied by a gas compressor. Pneumatic tools can also be driven by compressed carbon dioxide (CO₂) stored in small cylinders allowing for portability. Pneumatic tools are commonly cheaper and safer to run and maintain than their electric power tool counterparts, as well as having a higher power-to-weight ratio, allowing a smaller, lighter tool to accomplish the same task.

Some of the types of pneumatic tools you may be required to use include:

Air impact wrench	Air ratchet
Airbrush	Blow Gun
Jackhammer	Pneumatic angle grinder

Pneumatic Drill
Pneumatic nail gun
Paint sprayer

Pneumatic jack (device)
Sandblaster
Tire chuck or inflator

Below is a list of safety guidelines that should be followed when operating a pneumatic tool.

- Properly maintain and lubricate tools.
- **At NO TIME will any tool be pointed in the direction of any person.**
- Wear hearing protection.
- Take frequent breaks.
- Wear proper clothing.
- Wear eye protection.
- Ensure that tool is properly oiled.
- Ensure a dead man switch is there and working.
- Ensure thick rubber hand grips are in place.
- Ensure no pressure in air hose before uncoupling.
- Ensure hammer retainer clips are in place and used.
- Ensure cutting tool head not mushroomed.
- Check bolts for tightness; check bushing for wear.
- Be sure that tool i.e. paint sprayer, sand blaster, etc. is never pointed at yourself or others

HYDRAULIC TOOLS

Hydraulic tools operate quietly and are dependable in service. Their chief advantage over pneumatic and electrical tools is the possibility of obtaining considerably greater force or torque with tools of the same size. This stems from the fact that the hydraulic drive can operate at pressures ten times higher than the pneumatic drive. However, it is necessary to provide a pump for supplying the working fluid to the hydraulic drive and to use high pressure fittings.

Guidelines include:

- Manufacturers' safe operating pressures for hydraulic tools, hoses, valves, pipes, filters, and fitting shall not be exceeded.
- Pressure shall be released before connections are broken unless quick-acting, self-closing connectors are used.
- Employees shall wear appropriate personal protective equipment and shall not use any part of their bodies to locate and attempt to stop a hydraulic leak.
- The fluid used in hydraulic powered tools shall be fire resistant and shall retain its operating characteristics at the most extreme temperatures to which it will be exposed.
- All hydraulic lines longer than 35 feet should have check valves or provide for loss of insulating value due to partial vacuum, when used where they may come into contact with exposed live parts.

OFFICE SAFETY

Office work is generally considered to be one of the safest of all city activities. Often overlooked, however, are hazards present in most offices that may cause accidents resulting in serious injury and lost time. Exposure to slips, trips, and falls, collisions with desks, chairs, open drawers, or injury from improper lifting are common in an office environment.

GENERAL GUIDELINES

- ❖ Employees shall report all injuries, regardless of severity, to their immediate supervisor.
- ❖ Use proper office ergonomics.
- ❖ Don't sit for extended periods of time without standing or stretching.
- ❖ Before you lift anything, ask yourself – Can I lift it alone? Do I need help? Is the load too big or awkward?
 - Use proper lifting/material handling techniques.
 - If it's too heavy to lift yourself, **ASK FOR HELP, team lift or don't attempt it.**
 - Never twist while lifting, move one foot at a time in the direction you want to go.
- ❖ Do not use chairs, boxes or other objects as a substitute for a ladder.
- ❖ When filling file cabinets, start with the bottom drawer first.
 - Overloading the top file drawer in file cabinets may overbalance the cabinet and cause it to fall forward when the drawer is pulled out..
- ❖ Always try to store heavy objects on lower shelves and not on top of filing cabinets.
- ❖ Always close desk/file cabinet drawers after use.
 - Only one drawer of a file cabinet shall be pulled out at a time in order to avoid overbalancing, unless the cabinet is securely fastened to the wall or to other cabinets.
- ❖ Be extremely cautious when using paper cutters, automatic staplers, or similar office equipment. Don't be in a hurry and ensure any safety guards are in place and used.
- ❖ Repair or replace damaged electrical cords on office machines, coffee pots, and any approved extension cords. Inspect all the cords periodically and make sure they are grounded.
- ❖ Unsafe electrical cords, faulty electrical or other equipment, or any other hazardous conditions shall be reported and removed from service until repaired or replaced and removed from service until repaired or replaced.
- ❖ Eliminate tripping hazards caused by telephone cords, extension cords, or other similar objects by covering them with rubber mats or rearranging them out of the way.
- ❖ Unsafe electrical cords, faulty electrical or other equipment, or any other hazardous condition shall be reported.
- ❖ Safety shall be considered in what employees wear on the job. Loose-fitting clothing, dangling bracelets, rings, and ties may cause serious injury to employees operating or working around power-driven machines and shall not be worn.
- ❖ Employees shall walk cautiously up and down stairs; the handrail shall be used whenever possible.
- ❖ Hallways and aisles shall be kept clear of all obstructions.
- ❖ Make sure walkways are well-lighted.

- ❖ Burned out light bulbs should be replaced to ensure proper lighting of work areas.
- ❖ All emergency exits and emergency equipment such as fire extinguishers and fire hose racks shall be kept clear of all obstructions.
- ❖ Employees mopping or waxing floors shall place warning signs to alert co-workers of the potential for slippery floors. All liquid spills shall be immediately cleaned up.

**ALWAYS USE
GOOD HOUSEKEEPING PRACTICES.**

EMPLOYEE EVIDENCE OF REVIEW

As an employee of the City of Trinidad, I realize it is my responsibility to ensure my safety and help secure the safety of my environment. I have read and understand the safety requirements as set forth in this manual and any requirements set forth for my specific department. I will endeavor to establish a safe work practice.

Employee Printed Name

Employee Signature

Date

Employee's Supervisor Printed Name

Supervisor Signature

Date



CITY OF TRINIDAD, COLORADO
1876

COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 27, 2014

PREPARED BY: Les S. Downs

DEPT. HEAD SIGNATURE:

OF ATTACHMENTS: 1

Les S. Downs

6

SUBJECT: Discussion regarding retail marijuana licensing, and discussion of the proposed ordinance therefore.

PRESENTER: Les Downs, City Attorney

RECOMMENDED CITY COUNCIL ACTION: Provide input on the proposed ordinance.

SUMMARY STATEMENT: The proposed ordinance would allow for the sale of retail marijuana in the corporate City limits

EXPENDITURE REQUIRED: No

SOURCE OF FUNDS: N/A

POLICY ISSUE: The current moratorium is set to expire. Therefore it either needs to be extended or regulations need to be established.

ALTERNATIVE: Extend the moratorium

BACKGROUND INFORMATION:

- City Council instructed staff to work on an ordinance to allow retail marijuana in the corporate City limits.
- The current moratorium on retail marijuana is set to expire on June 30, 2014.
- A questionnaire has been provided to Council to assist with providing necessary input and discussion points. Two of the questionnaires have been returned to staff.
- Among other points to consider are how to assess a fee for the “exporting” of retail marijuana that would be cultivated here. Two possible ways of doing that would be to assess a fee based on the square footage of a facility, or to assess a fee per pound of marijuana as it is transported from the Trinidad cultivation facility.
- All other considerations are going to need to be discussed and decided upon. Also, if necessary, the moratorium could be extended for a period of time beyond June 30th.

6



CITY OF TRINIDAD, COLORADO

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TRINIDAD,
COLORADO, ESTABLISHING REGULATIONS AND LICENSING
REQUIREMENTS FOR RECREATIONAL MARIJUANA BUSINESSES

WHEREAS, at the November 6, 2012, general election, the voters of the State of Colorado adopted Amendment 64 to the Colorado Constitution ("Amendment 64") which is codified as Article XVIII, § 16 of the Colorado Constitution; and

WHEREAS, Amendment 64 permits persons twenty-one years of age and older to possess, use, display, purchase or transport one ounce or less of marijuana, or marijuana accessories, to grow limited amounts of marijuana and manufacture and sell marijuana accessories; and

WHEREAS, Amendment 64 also provides for the establishment of marijuana establishments, which include cultivating, testing and product manufacturing facilities, and retail marijuana stores; and

WHEREAS, Amendment 64 required that the Colorado Department of Revenue adopt regulations to implement Amendment 64; and

WHEREAS, the City of Trinidad imposed a moratorium until June 30, 2014, on the submission, acceptance or processing of applications and the licensing, permitting, establishment or operation of any recreational marijuana business that sells, cultivates, manufactures, prepares, packages, purchases, tests, or otherwise provides for or allows the use of marijuana or marijuana products pursuant to Amendment 64, including the use of land for such purpose or purposes, to allow reasonable and necessary time for the City to develop its own licensing scheme for marijuana establishments and to have an opportunity to investigate, develop, adopt and implement, and if necessary amend regulations it deemed appropriate to regulate recreational marijuana businesses as necessary to protect the public's health safety, and welfare.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO, that:

Section 1. Article 12, Chapter 14, is hereby repealed and re-enacted in its entirety as follows:

CHAPTER 14

ARTICLE 12. MARIJUANA LICENSING AUTHORITY – RETAIL

14-222. Definitions.

As used in this ordinance, the following words shall have the following meanings, unless the context clearly requires otherwise. In addition, the other defined terms in Amendment 64 are incorporated herein by reference. Other terms used in this Article shall have the meaning

ascribed to them in Article XVIII, Section 14, of the Colorado Constitution or in the Colorado Medical Marijuana Code or Colorado Retail Marijuana Code, or in Article 11 of this Chapter, and such definitions are hereby incorporated into this Article by this reference.

(a) “Applicant” means any person or entity who has submitted an application for a license or renewal of a license issued pursuant to this Article. If the applicant is an entity and not a natural person, applicant shall include all persons who are the members and managers of such entity.

(b) “Colorado Medical Marijuana Code” means Title 12, Article 43.3 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

(c) “Colorado Retail Marijuana Code” means Title 12, Article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.

(d) “Consumer” means a person twenty-one (21) years of age or older who purchases marijuana or marijuana products for personal use by a person twenty-one (21) years of age or older, but not for resale to others.

(e) “Cultivation” or “Cultivate” means the process by which a person grows a marijuana plant.

(f) “Dual Operation” means a business that operates as both a licensed medical marijuana business and a licensed marijuana store in accordance with Article 11 of this Chapter.

(g) “Industrial Hemp” means the plant of the genus cannabis and any part of such plant, whether growing or not, with a Delta-0 tetrahydrocannabinol concentration that does not exceed three-tenths percent on a dry weight basis.

(h) “Good Cause” (for the purpose of refusing or denying a license or license renewal under this Article) means: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of the Article, of the Colorado Retail Marijuana Code or of any rule and regulation promulgated pursuant to this Article or the Colorado Retail Marijuana Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license or facility, whether state or local, or in prior disciplinary proceeds or that arose in the context of potential disciplinary proceeds; or (3) the licensee’s retail marijuana establishment has been found to have been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the retail marijuana establishment is located. Evidence to support such a finding can include, but is not limited to: (i) a continuing pattern of offenses against the public peace; (ii) a continuing pattern of drug-related criminal conduct within the premises of the retail marijuana establishment or in the immediate area surrounding the retail marijuana establishment; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the retail marijuana establishment.

(i) “License” means a document issued by the City officially authorizing an applicant to operate a retail marijuana establishment pursuant to this Article, or if required by the context,

means a document issued by the state licensing authority pursuant to the Colorado Retail Marijuana Code.

(j) “Licensee” means the person or entity to whom a license has been issued pursuant to this Article.

(k) “Licensed Premises” means the premises specified in an application for a license under this Article, which is owned or in possession of the licensee and within which the licensee is authorized to cultivate, test, manufacture, distribute, or sell retail marijuana or retail marijuana products in accordance with state and local law.

(l) “Local Licensing Authority” or “Authority” means the city council sitting as the recreational marijuana licensing authority for the city.

(m) “Marijuana” means all parts of the plant of the genus *cannabis* whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or its resin, including marijuana concentrate. Marijuana does not include industrial hemp, nor does it include fiber produced from the stalks, oil, or cake made from the seeds of the plant, sterilized seed of the plant which is incapable of germination, or the weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other product.

(n) “Marijuana Accessories” means any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

(o) “Marijuana Cultivation Facility” means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers.

(p) “Marijuana Product Manufacturing Facility” means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to marijuana stores, but not to consumers.

(q) “Marijuana Store” means an entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers.

(r) “Marijuana Testing Facility” means an entity licensed to analyze and certify the safety and potency of marijuana.

- (s) “Medical Marijuana Business” means a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.
- (t) “Retail Marijuana” means marijuana that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment.
- (u) “Retail Marijuana Establishment” means a marijuana store, a marijuana cultivation facility, a marijuana products manufacturing facility or a marijuana testing facility.
- (v) “Retail Marijuana Products” means concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients that are intended for use or consumption, including without limitation edible products, ointments and tinctures.
- (w) “State Licensing Authority” or “State” means the authority created by the Colorado Department of Revenue for the purpose of regulating and controlling the licensing of the cultivation, manufacture, distribution, sale and testing of retail marijuana in the State of Colorado pursuant to C.R.S. § 12-43.4-201.

14-223. Licensing Authority Created.

There shall be and is hereby created a Retail Marijuana Licensing Authority hereafter referred to in this Article as the “Authority.”

14-224. Composition of the Authority.

The Authority shall be the City Council.

14-225. Functions of the Authority.

- (a) The Authority shall have the duty and authority pursuant to the Colorado Retail Marijuana Code and this Article to grant or refuse licenses in the manner provided by law.
- (b) The Authority shall have all the powers of a Local Licensing Authority as set forth in the Colorado Retail Marijuana Code.
- (c) The Authority shall have the power to promulgate rules and regulations concerning the procedures for hearings before the Authority.
- (d) The Authority shall have the power to require any applicant or licensee to furnish any relevant information required by the Authority.
- (e) The Authority shall have the power to administer oaths and issue subpoenas to require the presence of persons and the production of papers, books and records at any hearing which

the Authority is authorized to conduct. Any such subpoena shall be served in the same manner as a subpoena issued by the District Court of the State.

- (f) The local licensing authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder. Any decision made by the local licensing authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

14-226. License required.

- (a) It shall be unlawful for any person to operate any retail marijuana establishment within the City other than a retail marijuana establishment that has been licensed by the State Licensing Authority. It shall further be unlawful for any person to operate any retail marijuana establishment within the City without first having obtained from the Authority a license for the retail marijuana establishment.
- (b) The following four types of business operations as defined in the Colorado Retail Marijuana Code C.R.S. 12-43.4-103 et seq. may be licensed hereunder: Marijuana Cultivation Facility, Marijuana Product Manufacturing Facility, Marijuana Store, and Marijuana Testing Facility.
- (c) Such licenses shall be kept current at all times and shall be conspicuously displayed at all times in the premises to which they apply. The failure to maintain a current state or City license shall constitute a violation of this Article.

14-227. Application; term; fees; taxes.

Any person operating or proposing to operate a retail marijuana establishment shall first procure from the City Clerk a retail marijuana establishment license, which the Clerk shall issue in accordance with the following procedures:

- (a) A person seeking to obtain a license pursuant to this article shall submit an application to the City Clerk. The form of the application shall be provided by the City Clerk.
- (b) A license issued pursuant to this section does not eliminate the need for the licensee to obtain other required licenses and permits related to the operation of the retail marijuana business, including, without limitation, any development approval required by the land use code; a sales tax license; and a building, mechanical, plumbing, or electrical permit.
- (c) An application for a license under this article shall contain the following information:
 - (1) Completed state and local licensing authority application forms;

- (2) A completed set of individual history forms, including a set of the fingerprints for the applicant and for any person owning ten percent or more of the retail marijuana business.
 - (3) The street address of the proposed retail marijuana business;
 - (4) If the applicant is not the owner of the proposed location of the retail marijuana business, a notarized statement from the owner of such property authorizing the submission of the application;
 - (5) An acknowledgement by the applicant that the applicant and its owners, officers, and employees may be subject to prosecution under federal laws relating to the possession and distribution of controlled substances, that the city of Trinidad accepts no legal liability in connection with the approval and subsequent operation of the retail marijuana business; and that the application and documents submitted for other approvals relating to the retail marijuana business operation are subject to disclosure in accordance with the Colorado Open Records Act.
 - (6) A complete and accurate list of all owners, officers, managers, and employees of the retail marijuana business and of all persons having a direct or indirect financial interest, and the nature of such interest in the retail marijuana business, including names and addresses for such persons.
 - (7) Plans and specifications for the interior of the building in which the retail marijuana business is located. If the building is not in existence, the applicants shall file a plot plan and detailed sketch for the interior and submit an architect's drawing of the building to be constructed.
 - (8) Evidence that the applicant is, or will be, entitled to possession of the premise for which the application is made under a lease, rental agreement, or other arranged for possession of the premises, or by virtue of ownership of the premises.
 - (9) Any additional information that the City Clerk and/or Authority reasonably determines to be necessary in connection with the investigation, review and determination of the application.
- (d) The applicant shall pay to the city a non-refundable application fee of two thousand five hundred dollars (\$2,500.00) when the application is filed. The purpose of the fee is to cover the administrative and other costs of processing the application. A separate license fee of one thousand dollars (\$1,000.00) shall be paid prior to the issuance of the local license, and upon renewal of such license.

The City shall not accept or act upon an application for a retail marijuana business license if the business application concerns a particular location that is the same as, or within one thousand feet of, a location for which, within the two years immediately preceding date of the application, the city or the state licensing authority denied an application for the same class of license due to the nature of the use or other concern related to the location.

- (e) Any license issued by the Authority under this Article shall expire at such time as any license then issued by the State for the retail marijuana establishment expires.
- (f) A licensee shall collect and remit City sales tax on all retail marijuana, retail marijuana products, paraphernalia and other tangible personal property sold at retail.
- (g) **Retail marijuana which is cultivated within City limits and exported to other locales within the State of Colorado shall be subject to a surcharge due to the City of \$5.00 per plant or per pound.**

14-228. Public Notice and Public Hearing.

- (a) Upon receipt of an application, except an application for renewal unless one is deemed necessary for good cause, the Local Licensing Authority shall schedule a public hearing upon the application to be held not less than thirty days after the filing date of the application.
- (b) Once the Local Licensing Authority schedules a hearing for a retail marijuana application, it shall post and publish the public notice thereof not less than ten days prior to the hearing. Public notice shall be given by the posting of a sign in a conspicuous place on the premises for which application has been made and by publication in a newspaper of general circulation in the City.
- (c) Public notice given by posting shall include a sign of suitable material, not less than twenty-two inches wide and twenty-six inches high, composed of letters not less than one inch in height and stating the type of license applied for, the date of the application, the date of the hearing, and the name and address of the applicant, and such other information as may be required to fully apprise the public of the nature of the application. If the applicant is a partnership, corporation, or limited liability company, the sign shall contain the names and addresses of the officers, directors, or manager of the facility to be licensed.
- (d) Public notice given by publication shall contain the same information as that required for signs.
- (e) If the building in which the retail marijuana is to be sold is in existence at the time of the application, any sign posted as required by this ordinance shall be placed so as to be conspicuous and plainly visible to the general public. If the building is not constructed at the time of application, the notice shall be posted at the premises upon which the building is to be constructed in such a manner that the notice shall be conspicuous and plainly visible to the general public.

- (f) The Local Licensing Authority may request that the state licensing authority conduct a concurrent review of a new license application prior to the local licensing authority's final approval of the license application.
- (g) For the public hearing held pursuant to this section, each party in interest shall have an opportunity to file remonstrances until 5:00 p.m. the day of the hearing to be presented to City Council for their consideration during the public hearing.
- (h) As used in this ordinance "Party in Interest" means any of the following:
 - (1) The applicant;
 - (2) An adult resident of the neighborhood under consideration who does not represent a group identified in subparagraph 5 of this paragraph h;
 - (3) The owner or manager of a business located in the neighborhood under consideration;
 - (4) The principal or representative of a school or day care center located within the neighborhood and within one thousand five hundred (1,500) feet of the premises for which a retail license is under consideration;
 - (5) One representative of an organized neighborhood group that encompasses part or all of the neighborhood under consideration. The representative shall reside within the neighborhood group's geographic boundaries and shall be a member of the neighborhood group;
 - (6) A representative of a local law enforcement agency.
- (i) The Local Licensing Authority in its discretion may limit the presentation of evidence and cross-examination so as to prevent repetitive and cumulative evidence or examination.
- (j) All testimony given at the hearing shall be under oath or affirmation.

14-229. Notice of decision; appeal of decision; finality.

- (a) The Local Licensing Authority shall notify the applicant of the decision on the application within thirty (30) business days of rendering the decision. Notice shall be given by mailing a copy of the Local Licensing Authority's decision to the applicant by first-class mail, postage prepaid, at the address shown in the application. Notice is deemed to have been properly given upon mailing.
- (b) Any decision made by the Local Licensing Authority pursuant to this Section shall be a final decision and may be appealed to the district court pursuant to C.R.S. Section 24-4-106. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

14-230. Renewal fee; process.

Each license issued pursuant to this section shall be valid for a period of one year from the date of issuance, and may be renewed as provided in this section.

(a) An application for renewal shall be made to the City Clerk not less than forty-five days prior to the date of expiration and shall be accompanied by the license fee identified in Section 14-203(d). The City Clerk will accept late applications not more than ninety days after the date of expiration upon a payment of a five hundred dollars late application fee which shall be in addition to the renewal fee. The City Clerk shall not in any circumstances accept renewal applications more than ninety days after the date of expiration.

(b) In addition to the renewal application, the applicant shall furnish copies of any approvals or permits required by local and state health officials, as well as the annual inspection report prepared by such officials, for their licensed facilities to the City Clerk.

(c) The City Clerk shall cause the renewal application to be placed on the agenda of the Council meeting to be held no less than four (4) nor more than thirty (30) days after the Clerk has received the application.

(d) The applicant shall be in attendance at the Council meeting at which his/her renewal application is presented to the Authority.

(e) At the time of presentation of the renewal application, the Authority shall be furnished with the following:

(1) A summary report submitted by the Police Department of the City of Trinidad identifying all calls responded to by the Police Department to the licensed location. Such summary report shall be accompanied by necessary subordinate information to provide a clear explanation of calls identified within the report.

(2) Copies of all incident reports of police responses to incidents which are identified as having originated at or within the licensed establishment during the previous license period.

(3) A report prepared by the City Building Inspector identifying satisfaction of City Building Codes or a recitation of deficiencies and the steps required to correct such deficiencies.

(f) At the time the renewal application is presented to the Authority, the Authority may approve the renewal application or postpone action on the application to a later date. In the event of a postponement, the Authority shall not be required to hold a hearing on the application, except that no renewal application may be denied unless a renewal hearing has been held.

The motion to set a hearing on the application must set forth the reason or reasons for holding a hearing. Notice of the hearing shall be posted in a conspicuous place on the licensed premises for a period of ten (10) days, and notice of the hearing shall be provided to the applicant at least ten (10) days prior to the hearing. Notice shall be by mail or personal service.

(g) The renewal hearing shall be conducted in the manner provided for hearings on applications for new liquor and fermented malt beverage licenses. At the hearing, evidence shall be taken to determine whether good cause exists to refuse to approve the renewal application. At the close of the hearing, the Authority may vote to approve or deny the renewal application, or may adjourn the hearing to a later date before rendering its decision. Where timely application for renewal has been made, the decision must be rendered prior to the date of expiration of the existing license, and in no event shall the hearing be adjourned for a period exceeding thirty (30) days.

(h) The Authority may refuse to renew a license for any of the following reasons: Failure to comply with City, State or Federal Building Codes, Fire Codes or Electrical Codes; any other reasons set forth under State law; and any other Good Cause reasons.

(i) A criminal history record of the applicant and all employees of the applicant shall be provided to the City Clerk as part of the renewal application.

14-231. Persons prohibited as licensees.

(a) No license provided by this article shall be issued to or held by:

(1) Any person whose criminal history indicates the person is not of good moral character;

(2) Any corporation, any of whose officers, directors, or stockholders whose criminal histories indicate such person is not of good moral character;

(3) Any partnership, association, or company, any of whose officers, or any of whose members whose criminal histories indicate such person is not of good moral character;

(4) Any person employing, assisted by, or financed in whole or in part by any other person whose criminal history indicates such person is not of good moral character, or who is not a resident of Colorado.

(5) Any cooperative association, any of whose officers, directors, or stockholders or members whose criminal histories indicate that such person is not of good moral character.

(6) A person under twenty-one years of age;

(7) A person licensed pursuant to this article who, during a period of licensure, or who, at the time of application, has failed to:

(A) Provide surety bond or file any tax return with a taxing agency,

(B) Pay any taxes interest, or penalties due,

(C) Pay any judgments due to a government agency,

- (D) Stay out of default on a government issued student loan,
- (E) Pay child support, or
- (F) Remedy an outstanding delinquency for taxes owed, an outstanding delinquency for judgments owed to a government agency; or an outstanding delinquency for child support;

(8) A person who has discharged a sentence for a conviction of a felony in the five years immediately preceding the application date; or who has discharged a sentence for a conviction of a felony pursuant to any state or federal law regarding the possession, distribution, manufacturing, cultivation, or use of a controlled substance in the ten years immediately preceding his or her application date or five years from May 28, 2013, whichever is longer; except that the Authority may grant a license to a person if the person has a state felony conviction based on possession or use of marijuana or marijuana concentrate that would not be a felony if the person were convicted of the offense on the date he or she applied for licensure;

(9) A person who employs another person at a marijuana facility who has not passed a criminal history record check;

(10) A sheriff, deputy sheriff, police officer, or prosecuting officer, or an officer or employee of the state licensing authority or a local licensing authority;

(12) A person for a license for a location that is currently licensed as a retail food establishment or wholesale food establishment; or

(13) A person who has not been a resident of Colorado for at least two years prior to the date of the person's application.

(b) In making a determination as to good moral character or when considering the conviction of a crime, the Authority shall be governed by the provisions of C.R.S. § 24-5-101 and the definition of Good Cause contained within this Article.

14-232. Issuance or denial of license.

(a) In determining whether to issue a license under this section the Authority may consider the following:

- (1) Whether the application is complete and signed by the applicant;
- (2) Whether the applicant has paid the application fee;
- (3) Whether the application complies with all the requirements of this article;
- (4) Whether the application contains any material misrepresentations;
- (5) Whether the proposed retail marijuana business complies with applicable zoning regulations. The city council shall make specific findings of fact with respect to whether the building in which the proposed retail marijuana business will be located conforms to the Trinidad City Codes, including the zoning code and all International Codes adopted by the City;
- (6) The facts and evidence adduced as a result of its investigation;

- (7) Any other facts pertinent to the type of license for which application has been made, including the number, type and availability of retail marijuana outlets located in or near the premises under consideration; and
- (8) In the case of an application for a second license, after considering the effect on competition of granting or denying the additional license, that the issuance of a second license will not have the effect of restraining competition.
- (b) The Authority shall deny the license application if the application fails for good cause as defined in C.R.S. § 12-43.4-305(1).
- (c) The Authority may impose reasonable conditions upon any license issued pursuant to this article.
- (d) Reserved.
- (e) Within thirty days after the public hearing or completion of the application investigation, the city shall issue its decision approving or denying the application. The decision shall be in writing, shall state the reasons for the decision, and a copy of the decision shall be mailed by certified mail to the applicant at the address shown on the application.
- (f) The City shall not issue a license until the building in which the business to be conducted is ready for occupancy and has been inspected for compliance with the architect's drawing and the plot plan and detailed sketch for the interior of the building submitted with the application.
- (g) After approval, the city shall notify the state licensing authority of such approval.

14-233. Contents and display of license.

The licensee shall post the license in a conspicuous location at the retail marijuana business. A marijuana business license shall contain the following information:

- (a) The name of the licensee;
- (b) The date of issuance of the license;
- (c) The street address at which the licensee is authorized to operate the retail marijuana business;
- (d) Any conditions of approval imposed upon the license by the city council;
- (e) The type of license;
- (f) The date of expiration of the license; and
- (g) The license shall be signed by the applicant and the City Clerk.

14-234. Transfer/termination.

A license holder wishing to transfer ownership of the retail marijuana business shall apply for such a transfer on forms prepared and furnished by the state licensing authority, accompanied by a transfer application fee of one thousand five hundred dollars (\$1,500.00) and license fee of one thousand dollars (\$1,000.00). In determining whether to permit a transfer of

ownership, the city shall consider only the provisions of this article, of the Colorado Retail Marijuana Code, and any rules promulgated by the state licensing authority.

14-235. Suspension or revocation.

- (a) A license issued pursuant to this article may be suspended or revoked by the Authority, or the hearings officer appointed by the Authority for the purpose, after a hearing for the following reasons:
 - (1) Fraud, misrepresentation, or a false statement of material fact contained in the permit application;
 - (2) Any violation of city ordinance or state law pertaining to the operation of a retail marijuana business including regulations adopted by the state licensing authority or the possession or distribution of marijuana;
 - (3) A violation of any of the terms and conditions of the license;
 - (4) A violation of any of the provisions of this section.
 - (5) A violation of the criminal code of the United States or of any state that shall constitute a felony, or misdemeanor if committed in the state of Colorado. It shall be at Authority's discretion as to whether a violation of the criminal code shall be cause for disciplinary measures.

- (b) In deciding whether a license should be suspended or revoked, and in deciding whether to impose conditions in the event of a suspension, the Authority, or the hearings officer appointed by the Authority, shall consider:
 - (1) The nature and severity of the violation;
 - (2) Corrective action, if any, taken by the licensee;
 - (3) Prior violation(s), if any, by the licensee;
 - (4) The likelihood of recurrence of the violation;
 - (5) The circumstances of the violation;
 - (6) Whether the violation was willful; and
 - (7) Previous sanctions, if any, imposed on the licensee.

- (c) The provisions of the Colorado Retail Marijuana Code shall govern proceedings for the suspension or revocation of a license issued. The Authority may adopt its own codes or ordinances governing the proceedings for the suspension or revocation of license issued under this article.

- (d) The Authority or the hearings officer appointed by the Authority may impose a fine in lieu of a suspension in accordance with the provisions of C.R.S. § 12-43.4-601(3).

14-236. Change of location.

- (a) A licensee may move his or her permanent location to another location in the city, but it shall be unlawful to cultivate, manufacture, distribute, or sell retail marijuana at any such place until permission to do so is granted by the city and the state licensing authority.
- (b) In permitting a change of location, the city shall consider all reasonable restrictions that are or may be placed on the new location and any such new location shall comply with all requirements of this article, the Colorado Retail Marijuana Code, and rules promulgated by the state licensing authority.
- (c) The City shall not authorize a change of location until the applicant produces a license issued and granted by the state licensing authority covering the period for which the change of location is sought.
- (d) The application for a change in location must be accompanied by a non-refundable fee of one thousand five hundred dollars (\$1,500.00).

14-237. Operational requirements.

Retail marijuana businesses shall comply with the following operational requirements:

- (a) Retail marijuana facilities shall operate only during the hours of 8:00 a.m. to 7:00 p.m.
- (b) Retail marijuana businesses shall provide adequate security on the business premises, which shall include the following:
 - (1) Twenty-four-hour security surveillance cameras to facilitate the investigation of crimes and to include video and audio capabilities, with a redundant power supply and circuitry to monitor entrances/exits and parking lots along with the interior and exterior of the premises. Copies of all security audio or video should be retained as set forth in the Colorado Retail Marijuana Enforcement Division Rules, Security Requirements. The business owner may, but shall not be required to, provide segments of surveillance footage upon request to law enforcement officers investigating crimes committed against the business or its patients. The business owner shall not be required to produce surveillance footage disclosing the identity of business patients and may edit surveillance footage to protect patient privacy. The resolution of these color cameras will be of sufficient quality to allow for the identification of the subject's facial features, in all lighting conditions, in the event of a crime.
 - (2) A burglar alarm system that is professionally monitored and maintained in good working order.
 - (3) A locking safe permanently affixed to the premises suitable for storage of the centers' inventory and cash; all to be stored during non-business hours; live plants being cultivated shall not be deemed inventory requiring storage in a locked safe.
 - (4) Exterior lighting that illuminates the exterior walls of the business.
- (c) No firearms, knives, or other weapons shall be permitted in a marijuana center except those carried by sworn peace officers, employees, owners, or managers of such facilities.

- (d) Marijuana shall not be consumed or used on the premises of a marijuana business and it shall be unlawful for a retail marijuana licensee to allow marijuana to be consumed on its premises.
- (e) Marijuana businesses shall comply with the provisions of Article XVIII, Section 16 of the Colorado Constitution and with any other relevant Colorado statute or administrative regulation. The operator of a marijuana business shall provide evidence of said compliance and shall permit the inspection of the premises upon request of any sworn peace officer in the employ of the city of Trinidad Police Department.

14-238. Distance requirements.

All retail marijuana businesses shall be at least one thousand feet from any school, as defined in Section 14-201 of Article 11. Distance shall be computed using a route of direct pedestrian access from the nearest property line of the land used for the protected activity to the nearest portion of the building in which marijuana is sold.

14-239. Zoning; Dual Operations.

All marijuana businesses shall be located only in those zoning districts designated for marijuana businesses and shall not be allowed within any residentially zoned areas nor be allowed as a home occupation.

(a) Retail Marijuana Stores; Dual Operations.

(1) Retail Marijuana Stores are defined as set forth in C.R.S. Section 12-43.4-103(20) "Retail Marijuana Store" now in effect or as may be amended from time to time. Marijuana stores shall only be allowed in the Community Commercial, Historic Preservation, or Industrial zone district, and only after issuance of a Conditional Use Permit has been granted.

(2) All marijuana businesses shall meet the distance requirements set forth in this Article.

(3) All marijuana stores shall comply with all applicable state and local statutes, ordinances, rules, and regulations regarding the operation of marijuana stores, and other statutes, ordinances, rules, and regulations for the operation of businesses within the City of Trinidad, including but not limited to City sales tax and the City's sign code.

(4) (a) Only those Medical Marijuana businesses that have been issued a license or are eligible for issuance of a license on or before April 22, 2015 by the City pursuant to Article 12 of this Chapter and by the State pursuant to the Colorado Medical Marijuana Code, whether for a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer, or any combination thereof, each as defined in the Colorado Medical Marijuana Code, may share its existing location with a licensed marijuana store or change the license type to retail in accordance with state law, provided, however, that if such

licensed medical marijuana business shall have any sign that fails to conform to any requirement or limitation of this Code concerning signs, such sign shall be brought into compliance with such requirement or limitation before a City license may be issued.

(b) Marijuana Testing Facilities, Marijuana Cultivation Facilities, Marijuana Product Manufacturing Facilities not licensed as of April 22, 2015, shall only be allowed in the **Industrial zone district, and only after issuance of a Conditional Use Permit has been granted.** All marijuana facilities shall comply with all applicable state and local statutes, ordinances, rules, and regulations regarding the operation of marijuana stores, and other statutes, ordinances, rules, and regulations for the operation of businesses within the City of Trinidad, including but not limited to City sales tax and the City's sign code and shall meet the distance requirements set forth in this Article.

14-240. Signage and Advertising.

- (a) Any person or premises licensed as a medical marijuana center shall comply with all City ordinances regulating signs and advertising. In addition, no licensed marijuana business shall use any advertising material that is misleading, deceptive, or false, or that, as evidenced either by the content of the advertising material or by the medium or the manner in which the advertising is disseminated, is designed to appeal to minors.
- (b) Except as otherwise provided in this Section, it shall be unlawful for any person licensed under this article or any other person to advertise any marijuana business anywhere in the City where the advertisement is visible to members of the public from any street, sidewalk, park or other public place, including advertising utilizing any of the following media: any billboard or other outdoor general advertising device; any sign mounted on a vehicle, any hand-held or portable sign; or any handbill, leaflet or flier directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without the consent of the property owner. The prohibition set forth in this paragraph (b) shall not apply to:
 - (1) Any sign located on the same lot as a marijuana business which exists solely for the purpose of identifying the location of the marijuana business and which otherwise complies with the City's sign code and any other applicable City laws and regulations; or
 - (2) Any advertisement contained within a newspaper, magazine, or other periodical of general circulation within the City; or
 - (3) Advertising which is purely incidental to sponsorship of a charitable event by a marijuana business.
- (d) For purposes of this Section, the terms "advertise," "advertising" or "advertisement" means the act of drawing the public's attention to a marijuana business in order to promote the sale of marijuana.

- (e) In advertising the business location through signage, in addition to all regulations set forth in the City of Trinidad sign code, the following shall apply:
- (1) No neon lighting shall be allowed;
 - (2) No flags or other displays shall be allowed;
 - (3) The aesthetic façade and exterior of the business must compliment the surrounding neighborhood;
 - (4) All signage must be discrete in nature.

14-241. Penalty.

Any person who violates any of the provisions of this Section 14 Article 12 is guilty of a misdemeanor and punishable by a fine of up to five hundred dollars and a jail sentence of up to one year or both a fine and jail sentence as set forth in Trinidad City Code Chapter 1, Section 1-8 now in effect or as may be amended from time to time.

Every day that a violation of this section and article continues shall be deemed a separate violation.

14-242. No waiver of governmental immunity.

In adopting this ordinance, the City Council is relying on and does not waiver or intend to waive by any provision of this ordinance, the monetary limitations or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-140-101, et. seq. C.R.S., as from time to time amended, or any other limitations, right, immunity, or protection otherwise available to the City, its officers or its employees.

14-243. No City liability.

By accepting a license issued pursuant to this ordinance, a licensee releases the City, its officers, elected officials, appointed officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of dispensary owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations. The licensee shall execute a written instrument confirming the provisions of this section.

14-244. Indemnification of City.

By accepting a license issued pursuant to this ordinance a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and

demands, on account of injury, loss, or damage, including without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana dispensary that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The Local Licensing Authority may require a licensee to execute a written installment confirming the provisions of this Section.

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 City Council hereby declares that it would have passed this ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

Section 3. Safety Clause. The City Council hereby finds, determines, and declares that this ordinance is promulgated under the general police power of the City, that it is promulgated for the health, safety, and welfare of the public, that this ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare, and that this ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 4. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof is hereby repealed to the extent of such inconsistency or conflict.

Section 5. The repeal or modification of any provision of the Code of Ordinances of the City of Trinidad, Colorado, by this ordinance shall not release, extinguish, alter, modify or change in whole or in part any penalty, forfeiture or liability, either civil or criminal, which shall have been incurred under such provision. Each provision shall be treated and held as still remaining in force for the purpose or sustaining any and all proper actions, suits, proceeding and prosecutions for enforcement of the penalty, forfeiture or liability, as well as for the purpose of sustaining any judgment, decree or order which can or may be rendered, entered or made in such actions, suits, proceedings or prosecutions.

Section 6. This ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

Section 7. The moratorium imposed on the licensing of retail/recreational marijuana through the adoption of Ordinance No. 1944 on September 17, 2013, shall be lifted upon the effective date of this ordinance.

INTRODUCED BY COUNCILMEMBER _____, READ AND ORDERED PUBLISHED, this ____ day of _____, 2014.

FINALLY PASSED AND APPROVED this ____ day of _____, 2014.

EFFECTIVE DATE OF THIS ORDINANCE SHALL BE the ____ day of _____, 2014.

JOSEPH A. REORDA, Mayor

ATTEST:

AUDRA GARRETT, City Clerk

EXHIBIT TO ORDINANCE NO.

**CITY OF TRINIDAD RETAIL MARIJUANA FEES
JUNE, 2014**

Application Fee (Non-Refundable)	\$2,500.00
Transfer of Ownership Application Fee (Non-Refundable)	\$1,500.00
Change of Location Fee (Non-Refundable)	\$1,500.00
License Fee	\$1,000.00

Application fees and License Fees are due at the time of application.
Renewal applications shall be accompanied by the License Fee.

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COUNCIL COMMUNICATION

CITY COUNCIL MEETING: May 27th, 2014
PREPARED BY: Louis Fineberg
DEPT. HEAD SIGNATURE:
OF ATTACHMENTS: 2

SUBJECT: Potential Dog Park Locations

PRESENTER: Louis Fineberg, Planning Director

RECOMMENDED CITY COUNCIL ACTION: This item is for discussion only at this time and no formal action is required.

SUMMARY STATEMENT:

A discussion of possible locations for a dog park facility within the City.

EXPENDITURE REQUIRED: None at this time.

SOURCE OF FUNDS: NA.

POLICY ISSUE: Should the City of Trinidad create a dog park facility or facilities and if so where?

ALTERNATIVE: The City of Trinidad could decide not to create a dog park facility.

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BOULEVARD ADDITION NATURE PARK

Potential Dog Park Locations



Computer File Information	
Creation Date: 2/17/2011	Initials: JMJ
Last Modification Date: 2/17/2011	Initials: JMJ
Full Path: H:\ENGINEERING\PROJECTS\DEPARTMENTS\PLANNING\	
Drawing File Name: TRAIL_PLAN_MAP.dwg	
Acad Ver. 2010	Scale: 1"=200' Units: FEET

Sheet Revisions	



City of Trinidad
 135 N. Animas
 Trinidad, Co 81082
 (719)-846-9843

As Constructed
No Revisions:
Revised:
Void:

AERIAL PHOTOGRAPHS		
Designer: JMJ	Structure Numbers:	
Detailer: JMJ		
Sheet Subset: .	Subset Sheets: .	

Project No./Code
Sheet Number . of .

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