

COLUMBINE VALLEY

MUNICIPAL CODE

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4-2011, enacted August 16, 2011.

See the Code Comparative Table for further information.

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COLUMBINE VALLEY MUNICIPAL CODE

**A Codification of the General Ordinances of
the Town of Columbine Valley, Colorado**

**Beginning with Supp. No. 2,
Supplemented by Municipal Code Corporation**



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PREFACE

The Columbine Valley, Colorado Municipal Code, originally published by Book Publishing Company in 1990, has been kept current by regular supplementation by Matthew Bender & Company, Inc., its successor in interest.

Beginning with Supplement 2, Municipal Code Corporation will be keeping this code current by regular supplementation.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Lee Schiller, town attorney.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the Title, chapter, and section. Thus, Section 2.12.040 is Section .040, located in Chapter 2.12 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification; and beginning with Supplement No. 2, legislation can be tracked using the "Code Comparative Table and Disposition List."

A subject-matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This supplement brings the Code up to date through Ordinance 4-2011, passed August 16, 2011.

Municipal Code Corporation
1700 Capital Circle SW
Tallahassee, FL 32310
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HOW TO USE YOUR CODE

This code is organized to make the laws of the town as accessible as possible to town officials, town employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

Numbering System.

The numbering system is the backbone of a Code of Ordinances; Municipal Code Corporation uses a unique and versatile numbering structure that allows for easy expansion and amendment of this Code. It is based on three tiers, beginning with title, then chapter, and ending with section. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

Title.

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are **Reserved** for later use.

Chapter.

Chapters deal with more specific subjects, and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, Town Manager, can be added between 2.04, Town Council, and Chapter 2.08, Town Attorney.

Section.

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

Tables of Contents.

There are many tables of contents in this code to assist in locating specific information. At the beginning of

the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

Ordinance History Note.

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: (Ord. 272 § 1, 1992).)

Beginning with Supplement No. 2, a secondary ordinance history note will be appended to affected sections. Ordinance history notes will be amended with the most recent ordinance added to the end. These history notes can be cross referenced to the code comparative table and disposition list appearing at the back of the volume preceding the index.

Statutory References.

The statutory references direct the code user to those portions of the state statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

Cross-Reference Table.

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein."

As of Supplement No. 2, this table will no longer be updated.

Ordinance List and Disposition Table.

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. This very useful table tells you the status of every ordinance reviewed for inclusion in the code. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: (2.04, 6.12, 9.04).) If the ordinance is

of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)" or "(Missing)."

Beginning with Supplement No. 2, this table will be replaced with the "Code Comparative Table and Disposition List."

Code Comparative Table and Disposition List.

Beginning with Supplement No. 2, a Code Comparative Table and Disposition List has been added for use in tracking legislative history. Located in the back of this volume, this table is a chronological listing of each ordinance considered for codification. The Code Comparative Table and Disposition List specifies the ordinance number, adoption date, description of the ordinance and the disposition within the code of each ordinance. By use of the Code Comparative Table and Disposition List, the reader can locate any section of the code as supplemented, and any subsequent ordinance included herein.

Index.

If you are not certain where to look for a particular subject in this code, start with the index. This is an alphabetical multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

Insertion Guide.

Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement. It will then list the pages

that must be pulled from the code and the new pages that must be inserted. Following these instructions carefully will assure that the code is kept accurate and current. Removed pages should be kept for future reference.

Page Numbers.

When originally published, this code was numbered with consecutive page numbers. As it is amended, new material may require the insertion of new pages that are numbered with hyphens. (Example: 31, 32, 32-1.) Backs of pages that are blank (in codes that are printed double-sided) are left unnumbered but the number is "reserved" for later use.

Electronic Submission.

In the interests of accuracy and speed, we encourage you to submit your ordinances electronically if at all possible. We can accept most any file format, including Word, WordPerfect or text files. If you have a choice, we prefer Word, any version. You can send files to us as an e-mail attachment, by FTP, on a diskette or CD-ROM. Electronic files enable us not only to get you your code more quickly but also ensure that it is error-free. Our e-mail address is:

ords@municode.com.

For hard copy, send two copies of all ordinances passed to:
Municipal Code Corporation
P.O. Box 2235
Tallahassee, FL 32316

Customer Service.

If you have any questions about this code or our services, please contact Municipal Code Corporation at 1-800-262-2633 or:

Municipal Code Corporation
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Tallahassee, FL 32310

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Included." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omitted."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit
Supp. No. 2		
2-2007	6-19-2007	Included
3-2007	6-19-2007	Included
3-2008	10-21-2008	Included
4-2008	11-18-2008	Included
1-2009	4-21-2009	Included
2-2009	5-19-2009	Included
4-2009	10-20-2009	Included
1-2010	2-16-2010	Included
5-2010	7-20-2010	Omitted
7-2010	10-19-2010	Included
1-2011	3-15-2011	Included
2-2011	3-15-2011	Included
4-2011	8-16-2011	Included

Title 1GENERAL PROVISIONSChapters:

- 1.01 Code Adoption
- 1.04 General Provisions
- 1.08 General Penalty

Chapter 1.01CODE ADOPTIONSections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Ordinances passed prior to adoption of the code.
- 1.01.040 Codification authority.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.

1.01.010 Adoption. Pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, there is hereby adopted the "Columbine Valley Municipal Code" as published by Book Publishing Company, Seattle, Washington. (Ord. 11-1990 §1, 1991)

1.01.020 Title--Citation--Reference. This code shall be known as the "Columbine Valley Municipal Code" and it shall be sufficient to refer to said code as the "Columbine Valley Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the "Columbine Valley Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Columbine Valley Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 11-1990 §2, 1991)

1.01.030 Ordinances passed prior to adoption of the code. The last ordinance included in the original code is

Trustee Bill No. 5, Series of 1990, passed August 21, 1990. The following ordinances, passed subsequent to Trustee Bill No. 5, Series of 1990, but prior to the adoption of this code, are hereby adopted and made a part of this code: Trustee Bill No. 6, Series of 1990; Trustee Bill No. 7, Series of 1990; Trustee Bill No. 8, Series of 1990; Trustee Bill No. 9, Series of 1990; and Trustee Bill No. 10, Series of 1990. (Ord. 11-1990 §3, 1991)

1.01.040 Codification authority. This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the town of Columbine Valley, Colorado, codified pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes. (Ord. 11-1990 §4, 1991)

1.01.050 Reference applies to all amendments. Whenever a reference is made to this code as the "Columbine Valley Municipal Code" or to any portion thereof, or to any ordinance of the town of Columbine Valley, Colorado, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 11-1990 §5, 1991)

1.01.060 Title, chapter and section headings. Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 11-1990 §6, 1991)

1.01.070 Reference to specific ordinances. The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within the code. (Ord. 11-1990 §7, 1991)

1.01.080 Effect of code on past actions and obligations. Neither the adoption of this code nor the repeal or amendments of any ordinance or part or portion of any ordinance of the town of Columbine Valley, Colorado, shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall

continue in full force and effect. (Ord. 11-1990 §8, 1991)

Chapter 1.04GENERAL PROVISIONSSections:

- 1.04.010 Title--Citation.
- 1.04.020 Definitions.
- 1.04.030 Rules of construction.
- 1.04.040 Amendments.
- 1.04.050 General repeal.
- 1.04.060 Effect of repealing ordinances.
- 1.04.070 Severability.

1.04.010 Title--Citation. The ordinances codified in this and the following titles shall constitute and be designated "the code of the town of Columbine Valley, Colorado," and may be so cited. Such ordinances may also be cited as "Columbine Valley Municipal Code." (Prior code §1-1-1)

1.04.020 Definitions. In the construction of the code and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinances, or unless inconsistent with the manifest intent of the ordinance:

Board of Trustees. The word "board" or "trustees" means the board of trustees of the town of Columbine Valley.

"Code" means the code of the town of Columbine Valley as published and subsequently amended, unless the context requires otherwise.

"County" means the county of Arapahoe, Colorado.

"Day" means the period of time between any midnight and the midnight following.

"Daytime, nighttime" means the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

"In the town" means and includes all territory over which the town now has, or shall hereafter acquire, the jurisdiction for the exercise of its police powers or other regulatory powers.

"Month" means a calendar month.

"Oath" means an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

"Owner" applied to a building or land means any part owner, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land.

"Person" means a firm, partnership, corporation, association, or other organization acting as a group or unit as well as an individual.

"Preceding, following" mean next before and next after, respectively.

"Property" means real, tangible and intangible personal property.

"Public way" means any street, alley, boulevard, parkway, highway, sidewalk or other public thoroughfare.

"Real property" means lands, tenements, and hereditaments.

"Sidewalk" means the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

"State" means the state of Colorado.

"Street" means any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

"Tenant" or "occupant" applied to a building or land, means any person who occupies the whole or a part of such building or land, whether alone or with others.

"Town" or "this town" means the town of Columbine Valley, Colorado.

"Year" means a calendar year, unless otherwise expressed. (Prior code §1-1-2(part))

1.04.030 Rules of construction. A. All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning.

B. When an ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

C. The time within which an act is to be done shall be computed by excluding the first and including the last day; but if the time for an act to be done shall fall on Sunday or a legal holiday, the act shall be done upon the day following such Sunday or legal holiday.

D. Every word in any ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and bodies corporate as well as individuals shall be included.

E. Shall is mandatory and may is permissive.

F. The title of any section or subsection of this code shall not be deemed to in any way restrict, qualify or to limit the effect of the provisions set forth and contained in such section or subsection.

G. In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. (Prior code §1-1-2(part))

1.04.040 Amendments. Any additions or amendments to this code shall be adopted as ordinances as required by state law, and when passed in such form as to indicate the intention to make the same a part thereof, shall be incorporated into this code so that reference to it as "the code of the town of Columbine Valley" shall be understood as including such additions or amendments. (Prior code §1-1-3)

1.04.050 General repeal. All ordinances and parts of ordinances of a general and permanent nature adopted by the town before the effective date of this code are repealed; provided, however, that any ordinances establishing salaries, establishing any contract right, authorizing the issuance of any bonds or evidence of indebtedness of the town, relating to the annual appropriation of the annual tax levy, granting any franchise, annexing territory to the town, naming streets or alleys, creating or assessing any local improvement district, or authorizing the sale, purchase or lease of property by the town, shall not be considered to be ordinances of a general and permanent nature and the same are not repealed. (Prior code §1-1-5)

1.04.060 Effect of repealing ordinances. The repeal of any provision of this code shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceedings as commenced under or by virtue of the provision repealed, nor the tenure of an office of any person holding office at the time when such repeal shall take effect. The repeal of any provision of this code shall not revive any provision or any ordinance theretofore repealed or superseded. (Prior code §1-1-6)

1.04.070 Severability. The provisions of this code are declared to be severable, and if any section, provision, or part thereof shall be held unconstitutional or invalid, the remainder of this code shall continue in full force and effect, it being the legislative intent that this code would have been adopted even if such unconstitutional matter had not been included therein. It is further declared that, if any provision or part of this code or the application thereof to any person or circumstances is held invalid, the remainder of this code and the application thereof to other persons shall not be affected thereby. (Prior code §1-1-4)

Chapter 1.08

GENERAL PENALTY

Sections:

- 1.08.010 Violation--Penalty.
- 1.08.020 Aiding and abetting.

1.08.010 Violation--Penalty. A. Whenever in this code or any other ordinance or resolution of the town or any rule or regulation promulgated under the provisions of this code or any act is prohibited or declared to be unlawful or an offense or a misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or a misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this code or other ordinance or resolution of the town hereafter enacted or of such rules or regulations shall be punished by a fine of not more than one thousand dollars or by imprisonment in jail not exceeding one year or by both such fine and imprisonment.

B. Every day any violation of this code or any other ordinance or resolution of the town or any rule or regulation promulgated under the provisions of this code shall continue shall constitute a separate offense. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: prior code §1-1-7)

1.08.020 Aiding and abetting. Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be in violation of the ordinances of this municipality, whether individually, or in connection with one or more persons as a principal, agent or accessory, shall be guilty of such offense, and every person who fraudulently directs another to violate any ordinance of this municipality is likewise guilty of such offense. (Prior code §10-7-14)

Title 2ADMINISTRATION AND PERSONNELChapters:

<u>2.04</u>	<u>Board of Trustees</u>
<u>2.08</u>	<u>Mayor</u>
<u>2.12</u>	<u>Town Administrator</u>
<u>2.16</u>	<u>Town Clerk</u>
<u>2.20</u>	<u>Town Treasurer</u>
<u>2.24</u>	<u>Town Attorney</u>
<u>2.28</u>	<u>Traffic Engineer</u>
<u>2.32</u>	<u>Elections</u>
<u>2.36</u>	<u>Municipal Court</u>
<u>2.40</u>	<u>Police Department</u>
<u>2.44</u>	<u>Planning and Zoning Commission</u>
<u>2.48</u>	<u>Rules of Procedure</u>
<u>2.52</u>	<u>Emergency Protection</u>
<u>2.56</u>	<u>Lost or Abandoned Property</u>

Chapter 2.04BOARD OF TRUSTEESSections:

2.04.010	Mayor--Trustees--Appointment.
2.04.020	Qualifications.
2.04.030	Vacancies.
2.04.040	Regular meetings.
2.04.050	Special meetings.
2.04.060	Quorum.
2.04.070	Agenda.
2.04.080	Order of business.
2.04.090	Motions--Roll call vote.
2.04.100	Adoption of ordinances.
2.04.110	Vote required.
2.04.120	Publication of ordinances.
2.04.130	Committees.
2.04.140	Suspension of rules.
2.04.150	Intergovernmental contracts.
2.04.160	Oath and bond.
2.04.170	Removal from office.

2.04.010 Mayor--Trustees--Appointment. The legislative and corporate authority of the town shall be vested in a board of trustees consisting of one mayor and six trustees, who shall be registered electors, who have resided

within the limits of the town for a period of at least twelve consecutive months immediately preceding the date of the election. The mayor shall be elected for a term of two years. Those three members of the board of trustees receiving the greatest number of votes shall be elected for a term of four years. The other three members of the board of trustees shall be elected for a term of two years. Thereafter all members of the board shall be elected for a term of four years. Pursuant to CRS 31-4-304 (1973, as amended), the board of trustees is given the power to appoint a clerk, treasurer, marshal and town attorney, or provide by ordinance for the election of such officers, and may appoint such other officers, including a town administrator, as it deems necessary for the good government of the town, and shall prescribe by ordinance their duties when the same are not defined by law and the compensation or fees they are entitled to receive for their services. (Ord. 10-1987 §1, 1987: prior code §2-2-1(part))

2.04.020 Qualifications. Each trustee shall be a resident of the town and a qualified elector herein. If any trustee shall move from, or become, during the term of his office, a nonresident of the town, he shall be deemed thereby to have vacated his office, upon the adoption by the board of trustees, or a resolution declaring such vacancy to exist. (Ord. 3-1990 §1(part), 1990: prior code §2-2-1(part))

2.04.030 Vacancies. In case of death, resignation, vacation or removal for cause of any of the town officers during their term of office, the board by a majority vote of all the members thereof may select and appoint from among the duly qualified electors of the town until the next regular town election. (Ord. 3-1990 §1(part), 1990: prior code §2-2-1(part))

2.04.040 Regular meetings. Beginning with the month of August, 1998, the regular meeting of the board of trustees shall be held on the third Tuesday of each month at the hour of six-thirty p.m.; provided, however, that when the day fixed falls upon a date designated by law as a legal holiday or a national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday. All such regular meetings of the board will be held at 5931 S. Middlefield Road, Suite 101, Columbine Valley, Colorado 80123. (Ord. 7-1998 §1, 1998: Ord. 4-1991 §§1, 2, 1991; Ord. 4-1988 §1, 1988: prior code §2-2-2(a))

2.04.050 Special meetings. The mayor may convene the board at any time. Whenever a special meeting shall be called, a summons or a notice in writing signed by the mayor shall be served upon each member of the board, either in person or by notice left at his place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat, except as is stated in the notice. If the mayor is absent from the town, a special meeting may be convened by a majority of the board. (Prior code §2-2-2(b))

2.04.060 Quorum. No action shall be taken unless a quorum is present. A majority of the trustees shall constitute a quorum. A lesser number may adjourn from time to time and compel the attendance of absent members. Any member of the board, at any regular or special meeting, may, in writing, demand the attendance of the absent members, which demand shall be entered on the record forthwith by the clerk, who shall thereupon notify the absent members of the time and place of the meeting. (Prior code §2-2-2(c))

2.04.070 Agenda. All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the board shall, at least two hours prior to each meeting, be delivered to the town clerk, whereupon the clerk shall immediately arrange a list of such matters according to the order of business. Each trustee, the mayor, and the town attorney will be furnished with a copy of the order of business, together with a copy of the minutes of the last preceding meeting, prior to the council meeting and as far in advance of the meeting as time for preparation will permit. (Prior code §2-2-2(d))

2.04.080 Order of business. The order of business of a board meeting shall be as follows:

A. Call to Order. The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the board to order. The mayor or temporary chairman shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in "Robert's Rules of Order" unless otherwise provided by ordinance.

B. Roll Call. Before proceeding with the business of the board, the clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

C. Reading the Minutes. Unless a reading of the minutes of a board meeting is requested by a member of the board, the minutes of the preceding meeting, which have been furnished by the clerk to each trustee, shall be considered approved if correct, and errors rectified if any exist.

D. Reports by Officers. Town officials and/or committees shall present such reports as may be required by the board.

E. Old Business. The board shall consider any business not heretofore considered, including the introduction or readings of ordinances and resolutions.

F. Petitions. Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the board. All such remarks shall be addressed to the board as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officers. No person other than the individual speaking shall enter into the discussion without the permission of the presiding officer.

G. Other Business. Prior to adjournment the board shall, as it deems necessary, consider such business as is not specifically provided for herein.

H. The board may, by a majority vote of those present, adjourn from time to time to a specific date and hour. A motion to adjourn shall always be in order and decided without debate. (Prior code §2-2-2(e))

2.04.090 Motions--Roll call vote. Every subject coming before the board for its action shall be submitted by resolution or motion. The clerk shall call the roll and the vote thereon shall be taken by ayes and nays. (Prior code §2-2-2(f))

2.04.100 Adoption of ordinances. No ordinance shall be passed finally on the date it is introduced, except in cases of special emergency, for the preservation of the public peace, health or safety, and then only by the affirmative vote of three-fourths of the members of the board. In all other cases an ordinance shall be introduced and read at one regular meeting of the board, and, if the ordinance is passed on first reading, the ordinance shall be read by title only and again voted upon at the next regular meeting of the board. If the ordinance receives the required vote on its second reading, the same shall be duly adopted. (Prior code §2-2-2(g))

2.04.110 Vote required. All ordinances, all resolutions or orders for the appropriation of money, all resolutions or orders to enter into contract, and all appointments of officers, shall require for the passage or adoption the concurrence of a majority of all the members elected to the board. In all other matters a majority of the votes cast is sufficient for passage except in cases of special emergency, for the preservation of the public

peace, health or safety, and then only by the affirmative vote of three-fourths of the members of the board (CRS 139-33-6, 1963). (Ord. 1-1998 §1, 1998; prior code §2-2-2(h))

2.04.120 Publication of ordinances. All ordinances as soon as as may be after their adoption, shall be recorded in a book kept for that purpose and shall be authenticated by the signature of the mayor and the clerk. All ordinances of a general or permanent nature and those imposing any fine, penalty, or forfeiture, following adoption, shall be published in some newspaper of general circulation in the town. Except for calling for special elections or necessary to the immediate preservation of the public health or safety and containing the reasons making the same necessary in a separate section, such ordinances shall not take effect and be in force before thirty days after they have been so published. The excepted ordinances shall take effect upon adoption, if they are adopted by an affirmative vote of three-fourths of the members of the board of trustees. (Ord. 3-1990 §1(part), 1990: Ord. 6-1988 §1, 1988: prior code §2-2-2(i))

2.04.130 Committees. Any question pending before the board may be referred to the appropriate committee, or to a special committee, for its consideration and report. When a question has been referred to a committee, such committee shall report thereon with its recommendation at the next meeting. (Prior code §2-2-2(j))

2.04.140 Suspension of rules. Any of the provisions of this chapter may be temporarily suspended in connection with any matter under consideration by a recorded vote of three-fourths of the members present, except that this shall not be construed to permit any action that is contrary to state statute. (Prior code §2-2-2(k))

2.04.150 Intergovernmental contracts. The board of trustees shall have the authority on behalf of the town to enter into contractual arrangements with one or more other local governments for the performance of any governmental service, activity or undertaking which could be performed by each of the local governments. Any such contract shall set forth fully the purposes, powers, rights, obligations, and the responsibilities, financial and otherwise, of the contracting parties. Such contract may be approved by the board by resolution or by ordinance (CRS 29-1-201, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-2-3)

2.04.160 Oath and bond. All officers elected or appointed in the town shall take an oath or affirmation, administered by the municipal judge, clerk, or other person

who is designated by the board of trustees or who is authorized by law to administer oaths, to support the Constitution of the United States and the state constitution. The board of trustees shall require, from the treasurer, or any other town employee or independent contractor empowered to handle town finances, and such other officers and employees as they think proper, a bond, with proper penalty and surety, for the care and disposition of municipal funds in their hands and the faithful discharge of the duties of their offices. The board of trustees has the power to declare vacant the office of any person appointed or elected to any office who fails to take the oath of office or give bond when required within ten days after he has been notified of appointment or election, and it shall proceed to appointment as in other cases of vacancy (CRS 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-2-4)

2.04.170 Removal from office. By a majority vote of all members of the board of trustees, the mayor, the clerk, the treasurer and any member of the board, or any other officer of the town may be removed from office. No such removal shall be made without a charge in writing and an opportunity of hearing being given unless the officer against whom the charge is made has moved out of the limits of the town. When any officer ceases to reside within the limits of the town, he may be removed from office pursuant to this section. A municipal judge may be removed during his term of office only for cause, as set forth in Section 13-10-105(2), C.R.S. The marshal is specifically excluded from the applicability of this section. The term "officer," as used in this section, does not include police officer. (Ord. 1-1994 §1, 1994)

Chapter 2.08

MAYOR

Sections:

- 2.08.010 Duties.
- 2.08.020 Mayor pro tem.
- 2.08.030 Acting mayor.
- 2.08.040 Office.

2.08.010 Duties. The mayor, or in his absence, one of the trustees, who may be elected mayor pro tem, shall preside at all meetings of the board of trustees and shall

have the same voting powers as any member of the board. The mayor shall be considered a member of the governing body of the board of trustees. He shall execute and authenticate by his signature such instruments as the trustees, or any statutes or ordinances shall require. (Ord. 3-1990 §1(part), 1990: prior code §2-1-2)

2.08.020 Mayor pro tem. At its first meeting following each regular election, the board shall elect one of the trustees as mayor pro tem, who, in the absence of the mayor

from any meeting of the board or during the mayor's absence from the town or in his inability to act, shall perform the duties of mayor. (Ord. 3-1990 §1(part), 1990: prior code §2-1-3)

2.08.030 Acting mayor. In the event of absence or disability of both the mayor and mayor pro tem, the trustees may designate another of its members to serve as acting mayor during such absence or disability. (Prior code §2-1-4)

2.08.040 Office. The office of the town shall be located at such location as is determined by the board of trustees, from time to time. In the event the office of the town is not located in the town, then it shall be as close to the town as is reasonably practical, as determined by the board of trustees. In no event shall the office of the town be beyond the borders of Arapahoe County, Colorado. The minutes of the meeting of the board of trustees and the books and records of the town shall be made available at such office and be open to public inspection. (Ord. 2-2000 §1, 2000: prior code §2-1-5)

Chapter 2.12

TOWN ADMINISTRATOR

Sections:

- 2.12.010 Created--Term.
- 2.12.020 Powers and duties.
- 2.12.030 Orders and reports.
- 2.12.040 Powers and duties in cooperation with other town officials.

2.12.010 Created--Term. A. There is created and established the office of town administrator. The administrator shall be appointed for one year by the mayor by and with the consent of the board of trustees.

B. The town administrator shall be appointed on the basis of his/her qualifications and ability and need not be a resident of the town.

C. The same person may hold the office of town clerk and the office of town administrator. (Ord. 4-1986 §1, 1986)

2.12.020 Powers and duties. Except as otherwise provided by law or the ordinances of the town, the town administrator shall:

- A. Manage, direct, control and supervise all the administrative departments and services of the town;
- B. Recommend to the mayor and board of trustees for hiring all appointive officers and employees;
- C. Supervise, direct, and assign the duties of all appointive officers and employees;

- D. Prepare and administer all contracts of the town;
- E. Be responsible for the preparation and submission of the annual budget to the board of trustees, and keep it fully, completely, and timely advised as to the financial condition of the town;
- F. Exercise general supervision and control over all town purchases and expenditures in accordance with the budget and such policies as may be established by the board of trustees;
- G. Recommend to the board a schedule of salaries for all officers and employees;
- H. Have the care and management of all town owned land, property, buildings, and equipment;
- I. Develop and prepare such research, reports and information as the board shall request, and shall submit same to the board;
- J. Attend all meetings of the board, and such other meetings of commission and other organizations as the board shall designate and shall regularly report on the status of the town and its services to the board of trustees;
- K. Make such recommendations to the board as are deemed to be necessary for effective administration of all town services;
- L. Be responsible for the prompt and efficient discharge of the duties of all town officers and employees;
- M. Perform such duties as the board of trustees may direct. (Ord. 4-1986 §2, 1986)

2.12.030 Orders and reports. It shall be the general practice of the board of trustees to issue all orders and directives to all town officers and departments, and receive reports and communications therefrom through the office of the town administrator. (Ord. 4-1986 §3, 1986)

2.12.040 Powers and duties in cooperation with other town officials. It shall be the general practice of the town administrator to help and assist the members of the board of trustees individually and as a whole in the carrying out of their responsibilities and the accomplishment of their duties. The town administrators shall not be accountable for the responsibilities charged to the trustees, but may assist them as they choose to direct him. Examples of duties might include:

- A. With the approval of the building commissioner, and under his supervision, may:
 - 1. Fill out and issue building permits,
 - 2. Keep the building department files up-dated and in good order,
 - 3. Correspondence by letter and telephone,
 - 4. Prepare and return required reports,
 - 5. Other duties as assigned;

B. With the approval of the treasurer, and under his supervision may:

1. Maintain petty cash fund,
2. Monitor budgets and cash accounts,
3. Interface with bookkeeper on a regular and timely basis to insure the timely payment of bills,
4. Correspondence by letter and telephone,
5. Handle lottery and HUTF reporting and certification,
6. Other duties as assigned;

C. With approval and direction of public works commissioner, may:

1. Send billings and assessments,
2. Perform fiscal planning and budgeting,
3. Coordinate and schedule projects,
4. Correspondence by letter and telephone gathering costs and bids and other information,
5. Attend meetings, fill out reports,
6. Direct and supervise laborers;

D. With the approval of the public safety commissioner, and under his supervision, may:

1. Coordinate and supervise officers,
2. Handle administrative duties of the marshal's office,
3. Assist with the coordination of municipal court operations,
4. Follow-up to officer contact on complaints, etc.,
5. Other duties;

E. With the approval of the commissioner of special affairs, and under his direction may:

1. Handle town insurance,
2. Negotiate trash removal contract,
3. Other projects as directed;

F. With the approval and direction of the commissioner of planning and development:

1. Information gathering,
2. Coordinating communications and correspondence by telephone and by letter,
3. Other projects as assigned;

G. Assistance to mayor:

1. Cause to have prepared the agenda for regular meetings of the board, and such other meetings as may arise,
2. Correspondence, setting up meetings, attending meetings, etc.;

H. Assistance to the town clerk: Would work closely with the town clerk in the day-to-day coordination of town business;

I. Assistance to the court clerk and traffic violations bureau:

1. Corresponding and coordinating with the court clerk,

2. Being at the town office at designated times to receive payment of fines and traffic tickets,

3. Record keeping;

J. Interface with town attorney: Information gathering and coordination;

K. Board of trustees:

1. Projects, research, and correspondence,

2. Resolution and ordinance preparation,

3. Keep town office hours at specified times to enhance orderly flow of town business,

4. Regularly consult with the mayor and trustees on an equitable basis so as to insure continued and open communications on all matters affecting town business,

5. On behalf of the mayor and the board of trustees, to speak before groups and individuals to explain the functions and operation of the town's government,

6. Liaison and communication with the town attorney,

7. Other duties as directed. (Ord. 4-1986 §4, 1986)

Chapter 2.16

TOWN CLERK

Sections:

2.16.010 Appointment.

2.16.020 Oath.

2.16.030 Duties.

2.16.010 Appointment. The board of trustees at its regular meeting after each regular election shall appoint some qualified person as town clerk. In the event a vacancy should occur in the office of the town clerk, the board of trustees shall appoint a clerk for the unexpired term (CRS 31-4-304 and 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-3-1)

2.16.020 Oath. Before entering upon the duties of office, the clerk shall take an oath of office (CRS 31-4-304 and 31-4-401, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-3-2)

2.16.030 Duties. The town clerk shall perform the following duties:

A. He shall be the clerk of the board and shall attend all meetings of the board and shall keep a permanent journal of its proceedings;

B. He shall be the custodian of all of the town's records and such records shall be open at all reasonable times for inspection by electors of the town;

C. He shall certify by his signature all ordinances and resolutions enacted or passed by the board;

D. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose provided by the board;

E. He shall countersign all warrants drawn on the town treasury (CRS 31-20-401, 1973 as amended);

F. He shall be custodian of all bonds of all officers or employees of the town;

G. He shall perform such other duties as may be prescribed for him by law or by the board of trustees. (Ord. 3-1990 §1(part), 1990; prior code §2-3-3)

Chapter 2.20

TOWN TREASURER

Sections:

- 2.20.010 Appointment.
- 2.20.020 Oath and bond.
- 2.20.030 Duties.
- 2.20.040 Annual report.
- 2.20.050 Records.

2.20.010 Appointment. The board of trustees at its first regular meeting after each regular election shall appoint a qualified person as town treasurer. In case a vacancy should occur in the office of treasurer, the board shall appoint a treasurer for the unexpired term. The board may in its discretion appoint the town clerk as treasurer (CRS 31-4-304, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-4-1)

2.20.020 Oath and bond. Before entering upon the duties of the office, the treasurer shall take an oath of office and furnish a surety bond in the amount of one thousand dollars, to be approved by the board of trustees, and conditioned upon the faithful performance of his duties as town treasurer and that, when he shall vacate such office, he will turn over and deliver to his successor all moneys, books, papers, property or things belonging to the town and remaining in his charge as treasurer (CRS 31-4-401(2), 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §2-4-2)

2.20.030 Duties. The trustee designated and the town treasurer shall perform or oversee the performance of the following duties by the town clerk or bookkeeper:

A. Receive all moneys belonging to the town and shall keep books and accounts in such manner as prescribed by the board of trustees and in accordance with the rules and regulations of the Colorado Division of Local Governments. Such books and accounts shall always be subject to inspection of any member of the board of trustees;

B. Keep a separate account of each fund or appropriation and the debits and credits belonging thereto;

C. Give every person paying money into the treasury a receipt therefor specifying the date of payment and upon what account paid, and shall also file statements of such receipts with the town clerk on the date of the treasurer's monthly report;

D. Report to the board of trustees at each regular monthly meeting thereof, on a cash basis, the state of the treasury as of the last day of the month preceding the month in which the meeting is held. The treasurer's report shall be substantially in the form attached to the ordinance codified in this section as Exhibit A, and on file in the office of the town clerk or such other form as may be approved by the board of trustees from time to time;

E. Cause checks to be issued from the treasury to pay such sums of money as may be authorized by the board of trustees. All such checks issued shall require the signature of two members of the board of trustees and the town clerk. In the event a check is issued for more than five thousand dollars, it must be signed by the trustee in charge of the department requesting the check, as well as the trustee designated as the treasurer or the mayor. All checks issued shall state for what purpose the check is appropriated. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(a))

2.20.040 Annual report. Annually, by March 1st or after the close of the fiscal year, he shall make out and file with the town clerk a full and detailed account of all such receipts and expenditures and all his transactions as such treasurer during the preceding fiscal year and shall show in such account the state of the treasury at the close of the fiscal year, which accounts the town clerk shall immediately cause to be published in a newspaper printed in the town, if there is one and, if not, by posting the same in a public place in the town clerk's office. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(b))

2.20.050 Records. The town treasurer shall perform all other duties, keep all records, and make all reports that are required by other provisions of this code or by the

laws of the state. (Ord. 3-1990 §1(part), 1990: prior code §2-4-3(c))

Chapter 2.24

TOWN ATTORNEY

Sections:

2.24.010 Appointment.

2.24.020 Duties.

2.24.010 Appointment. The board of trustees at its first regular meeting after each biennial election shall appoint some qualified attorney at law as the town attorney and shall fix his compensation. In case a vacancy should occur in the office of town attorney, the board shall appoint a town attorney for the unexpired term (CRS 139-6-4, 1963 as amended). (Prior code §2-5-1)

2.24.020 Duties. The town attorney shall perform the following duties:

A. He shall act as legal advisor to, and be attorney and counsel for, the board and shall be responsible solely to the board. He shall advise any officer or department head of the town in matters relating to his official duties when so requested by the board and shall file with the clerk a copy of all written opinions given by him.

B. He shall prosecute ordinance violations and he shall conduct for the town cases in municipal court. He shall file with the clerk copies of such records and files relating thereto.

C. He shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the board and shall promptly give his opinion as to the legal consequences thereof.

D. He shall call to the attention of the board all matters of law, and changes or developments therein, affecting the town.

E. He shall perform such other duties as may be prescribed for him by the board. (Prior code §2-5-2)

Chapter 2.28TRAFFIC ENGINEERSections:

2.28.010 Created--Duties.

2.28.010 Created--Duties. Pursuant to Section 23-8 of the Model Traffic Code for Colorado municipalities, the town marshal for the town shall be vested with the duties of the traffic engineer as enumerated in Section 23-9 of the Model Traffic Code for Colorado municipalities. (Ord. 2-1987 §1, 1987)

Chapter 2.32ELECTIONSSections:

2.32.010 Nominees for election.
 2.32.020 Circulation of petitions.
 2.32.030 Conduct of elections.
 2.32.040 Write-in candidate affidavit.
 2.32.050 Election may be cancelled--When.

2.32.010 Nominees for election. Every qualified elector twenty-one years of age or older on the date of the election may be a candidate and hold office as mayor or member on the board of trustees of the town. (Ord. 73-1976 §1(part), 1976: prior code §4-1-1)

2.32.020 Circulation of petitions. Every circulator of a nomination petition for a candidate for mayor or member of the board of trustees of the town shall have attained the age of eighteen years at the time of circulation of the petition and shall circulate the petition in accordance with the provisions of (CRS 31-10-302, 1973 as amended). (Ord. 73-1976 §1(part), 1976: prior code §4-1-2)

2.32.030 Conduct of elections. Except as provided in sections 2.32.010 and 2.32.020 of this chapter the elections of town officials of the town shall be conducted in all respects in accordance with the provisions of the Colorado Municipal Election Code of 1965 (CRS 31-10-101 et seq., 1973 as amended). (Ord. 73-1976 §1(part), 1976: prior code §4-1-3)

2.32.040 Write-in candidate affidavit. No write-in vote, for any town office shall be counted unless an Affidavit of intent has been filed with the town clerk by the person whose name is written in prior to twenty days before the day of the municipal election, indicating that such person desires the office and is qualified to assume the duties of the office, if elected. (Ord. 6-1996 §1, 1996)

2.32.050 Election may be canceled--When. Whenever the only matter before the voters is the election of persons to town office and if, at the close of business on the nineteenth day before said municipal election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the town clerk, if instructed by resolution of the board of trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected. Upon such declaration, the candidates shall be deemed elected. Notice of such cancellation of the municipal election shall be published, if possible, in order to inform the electors of the town, and notice of such cancellation shall be posted at each polling place in not less than one other public place. (Ord. 6-1996 §2, 1996)

Chapter 2.36

MUNICIPAL COURT

Sections:

2.36.010	Created.
2.36.020	Definitions.
2.36.030	Municipal judge--Appointment.
2.36.040	Municipal judge--Duties.
2.36.050	Municipal judge--Qualifications.
2.36.060	Municipal judge-Oath.
2.36.070	Municipal judge-Bond.
2.36.080	Appropriations.
2.36.090	Municipal judge--Salary.
2.36.100	Presiding judge's powers.
2.36.110	Ex-officio clerk.
2.36.120	Jurisdiction and powers.
2.36.130	Session--Special and regular.
2.36.140	Municipal court--Clerk and interpreter.
2.36.150	Municipal court-Hours.
2.36.160	Hearings on traffic cases.
2.36.170	Rules of procedure.
2.36.180	Commencement of action.
2.36.190	Summons and complaint--Contents.
2.36.200	Witnesses.
2.36.210	Summons or subpoena--Delivery.
2.36.220	Summons--Form--Defects--Objections.
2.36.230	Bond--Amount.
2.36.240	Bond--Forfeiture.
2.36.250	Surety liable.
2.36.260	Failure to appear--Penalty.
2.36.270	Open court sessions--Exceptions.
2.36.280	Defendant's rights.
2.36.290	Continuance.
2.36.300	Execution.
2.36.310	Stay.
2.36.320	Persons in custody.
2.36.330	Suspended sentence.
2.36.340	Fines payable to town treasurer.
2.36.350	Demand for jury.
2.36.360	Qualifications and exemptions of jurors.
2.36.370	Summoning jurors.
2.36.380	Failure to appear--Penalty.
2.36.390	Jury fees.

2.36.400	Waiver of jury fees.
2.36.410	Discharge of jurors.
2.36.420	Challenges for cause--Preemptory charges.
2.36.430	Jury not to be quashed.
2.36.440	Jurors not to be disqualified for opinion.
2.36.450	Trial court.

- 2.36.460 Instructions to jury.
 2.36.470 Jury verdict--Sentence.

2.36.010 Created. A municipal court in and for the town is created and established to hear and try all alleged violations of ordinance provisions. The municipal court shall be a qualified municipal court of record, and a verbatim record of the proceedings and evidence at arraignments and trials therein shall be kept by electronic devices or stenographic means. (Ord. 3-1982 §1, 1982: prior code §5-1-2)

2.36.020 Definitions. As used in this chapter, the following terms shall have the following meanings:

"Municipal court" means the magistrate's court.

"Municipal judge" means the magistrate or judge presiding over the municipal court. (Prior code §5-1-1)

2.36.030 Municipal judge--Appointment. The court shall be presided over by a presiding municipal judge, appointed by the board for not less than a two-year term, or until a successor is appointed and duly qualified. The board may appoint additional judges from time to time as may be needed to transact the business of the court or to preside in the absence due to sickness, disqualification or other inability of the presiding judge to act. The presiding judge shall supervise and direct the court's operations. Any municipal judge may be removed by the board for cause (CRS 13-10-105(2), 1973 as amended). (Ord. 77-1977 §1(part), 1977: prior code §5-1-4)

2.36.040 Municipal judge--Duties. The municipal judge shall receive and examine affidavits and complaints, at all times, for the violation of any town ordinance, and shall issue a summons or warrant in every case where there is probable cause to believe that an offense has been committed. He shall file monthly reports with the town clerk of all moneys collected by him, either in the way of fines or otherwise, and shall on the last day of each month pay to the town treasurer all moneys in his hands; the reports shall state the number of cases filed in his court, how the same were disposed of, and other matters of information concerning his office. (Prior code §5-1-12)

2.36.050 Municipal judge--Qualifications. The municipal judge shall be admitted to and be currently licensed to practice law in the state. (Ord. 3-1982 §2, 1982: prior code §5-1-5)

2.36.060 Municipal judge--Oath. Before entering upon the duties of his office the municipal judge shall take and subscribe, before a judge of a court of record, and file

with the board an oath or affirmation that he will support the Constitution of the United States and the constitution and laws of the state and the ordinances of the town and will faithfully perform the duties of his office. (Ord. 77-1977 §1(part), 1977: prior code §5-1-6(a))

2.36.070 Municipal judge--Bond. If the municipal judge acts as his own clerk, he shall execute to the people of the state and the town a bond in the penal sum of ten thousand dollars, with a corporate surety authorized and licensed to do business in this state as surety, conditioned for the faithful performance of the duties as clerk required of him by law and for the faithful application and payment of all moneys and effects that may come into his hands in the execution of the duties of his office. The premium for such bond shall be paid by the town. (Ord. 77-1977 §1(part), 1977: prior code §5-1-6(b))

2.36.080 Appropriations. The board of trustees shall annually appropriate an amount sufficient to pay the salary of the town attorney's office, the clerical help, office help, office expense and expense of supplies necessary to carry out the provisions of this chapter. (Prior code §5-1-3)

2.36.090 Municipal judge--Salary. The annual salary of the municipal judge shall be set by the board and payable as other salaries to municipal employees. The board shall from time to time budget and appropriate moneys necessary for the compensation of the municipal judge. (Prior code §5-1-7)

2.36.100 Presiding judge's powers. The presiding municipal judge shall have full power and authority to make and adopt local rules and regulations for conducting the business of the municipal court which are not in conflict with the Colorado Municipal Court Rules of Procedure, adopted by the Supreme Court of the state, or with the laws of the state. Such rules and regulations shall be reduced to writing. (Prior code §5-1-8)

2.36.110 Ex-officio clerk. The judge shall also be ex-officio clerk of the court unless a separate clerk of the municipal court shall have been appointed by the judge by and with the consent of the board. (Prior code §5-1-9)

2.36.120 Jurisdiction and powers. The municipal court shall have original jurisdiction of all cases arising under this code and other ordinances of the town, with full power to carry the same into effect and to punish violations thereof by the imposition of such fines and penalties as in such ordinances provided; it shall have power to compel

attendance of witnesses and to punish for contempt of such court by fine, not to exceed one hundred dollars or by jail sentence not to exceed five days, and shall have all powers incident to a court of record in relation to same. (Prior code §5-1-11)

2.36.130 Session--Special and regular. There shall be regular sessions of court for the trial of cases and the municipal judge shall hear and determine complaints for the violation of any town ordinances where there is probable cause to believe that an offense has been committed; provided, however, it shall be lawful for the municipal judge to hold a special session of court at any time, including Sundays, holidays and night court, if in the discretion of the judge a special session is deemed advisable. (Prior code §5-1-13)

2.36.140 Municipal court--Clerk and interpreter. A. The position of clerk of the municipal court of the town is established.

B. The clerk of the municipal court shall be appointed by the presiding judge and shall have such duties as are delegated to him by law, court rule, or the presiding municipal judge.

C. The salary of the clerk of the municipal court shall be determined by the board of trustees and shall be paid as determined by the board of trustees.

D. The clerk of the municipal court shall give a performance bond in the sum of two thousand dollars. The bond shall be approved by the board of trustees and shall be conditioned upon the faithful performance of the duties of the clerk and the faithful accounting for and payment of, all funds deposited with or received by the municipal court.

E. The position of interpreter of the municipal court of the town is established.

F. The interpreter of the municipal court shall be appointed by the presiding judge and shall have such duties as are delegated to him by law, court rule or the presiding municipal judge.

G. The salary of the interpreter of the municipal court shall be determined by the board of trustees and shall be paid as determined by the board of trustees.

H. Before entering upon the duties of his office, the interpreter shall take and subscribe, before the municipal

court judge, and file with the board, an oath or affirmation that he will support the constitution of the United States and the constitution and the laws of the state and the ordinances of the town and will faithfully perform the duties of his office. (Ord. No. 2-2009, §1, 5-19-2009; Ord. 6-2001 §1, 2001; Ord. 77-1977 §3, 1977: prior code §5-1-13)*

* Editor's note: There were two sections numbered §5-1-13 in the town's prior code.

2.36.150 Municipal court--Hours. The court shall be open during such hours as are set by the municipal judge with the consent and approval of the board, including such night sessions as the board shall approve. In case of any conflict between the municipal judge and the board as to the hours, the decision of the board shall govern. The municipal court shall be closed on Sundays and holidays except for special sessions. (Prior code §5-1-14)

2.36.160 Hearings on traffic cases. Insofar as it is practicable, traffic cases shall be heard separately from other cases. Where traffic cases and other cases are set for the same court session, traffic cases shall be heard first. (Prior code §5-1-15)

2.36.170 Rules of procedure. Any rules of procedure contained herein, or promulgated by the municipal judge that conflict with the Rules of Procedure for Municipal Courts as promulgated by the supreme court of the state shall be invalid and of no force and effect. (Prior code §5-2-1)

2.36.180 Commencement of action. Any action or summons brought in the town municipal court to recover any fine or enforce any penalty or forfeiture under any ordinance shall be filed in the corporate name of the town by and on behalf of the people of the state. Process issued from the municipal court runs in the corporate name of the town by and on behalf of the people of the state. Processes of the town shall be executed by the town's authorized law enforcement officer. Prosecution for the violation of any ordinances shall be commenced by the issuance of a summons and complaint; the issuance of a summons following the filing of a complaint; the filing of a complaint following an arrest; or the filing of a summons and complaint following arrest (CRS 13-10-111 et seq., 1973 as amended and CMCR 204). (Ord. 3-1990 §1(part), 1990: prior code §5-2-2)

2.36.190 Summons and complaint--Contents. A. The complaint shall contain the name of the defendant; the date and approximate location of the offense; identification of the offense charged, citing the ordinance section alleged to have been violated; and a brief statement or declaration of the offense charged, which statement or description shall be sufficient if it states the type of offense to which the ordinance relates. The summons and complaint shall contain all the foregoing information and shall also direct the defendant to appear before the town's municipal court at a stated date, time and place, or in the office of the court clerk, as provided in subsection B of this section.

B. The summons and complaint shall direct the defendant to appear before a specified court at a stated date, time and place, or to appear or to respond at the office of the court clerk of the municipal court at a stated time or within a stated period of time after service of the summons and complaint (CMCR 204).

C. The court may permit a complaint or summons and complaint be amended as to form or substance at any time prior to trial; the court may permit it to be amended as to form at any time before the verdict of finding if no additional or different offense is charged and if substantial rights of the defendant are not prejudiced (CMCR 204). (Ord. 3-1990 §1(part), 1990: prior code §5-2-3)

2.36.200 Witnesses. The defendant and the town shall be entitled to compel the attendance of any witness subject to the jurisdiction of the municipal court. The subpoena may be served upon any person within the jurisdiction of the

municipal court in the manner prescribed by the rules of procedure applicable to municipal courts. Any person subpoenaed to appear as a witness in municipal court shall be paid a witness fee in the amount of five dollars (CRS 13-10-111(4), 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §5-2-4)

2.36.210 Summons or subpoena--Delivery. A. Any summons or subpoena issued in accordance with this chapter shall be served in any case by any police officer in the town or in any particular case by any person specifically designated by the court for that purpose.

B. Any person who shall fail to appear in response to any summons or subpoena served on him shall be guilty of a violation of this chapter and upon conviction shall be fined in an amount of not more than three hundred dollars or imprisoned for a period not exceeding ninety days, or by both such fine and imprisonment. (Prior code §5-2-5)

2.36.220 Summons--Form--Defects--Objections. No objection to the form of any summons or complaint shall be considered by the court because of any defect unless such objection was made by the defendant prior to trial of the case on its merits, but trial of the case on its merits shall not waive any objection theretofore made. (Prior code §5-2-6)

2.36.230 Bond--Amount. Every person arrested for a violation of the provisions of this code shall have the right to be taken before a municipal court, or a judge thereof, or the chief of police, or a police officer designated by the chief of police and to be admitted to bail on his executing a cash surety or recognizance bond conditioned that he will appear on a day and hour therein mentioned, before the municipal court and not depart the court, which bond shall be in an amount adjudged sufficient by the judge or officer to insure the appearance of the defendant. Such bond shall be approved by one of the judges of the municipal court and an entry of the filing thereof shall be made in the court docket. (Prior code §5-2-7)

2.36.240 Bond--Forfeiture. In case any defendant in any case before the municipal court of the town shall fail to appear according to the terms, requirement and conditions of his bond for appearance or appearing shall depart the court without leave, the bond shall automatically be forfeited. (Prior code §5-2-8)

2.36.250 Surety liable. Where a surety bond is forfeited, the surety on the bond shall pay the amount of the bond into the municipal court upon the date of forfeiture. Failure of surety to satisfy a bond forfeiture shall result

in proceedings being instituted in a court of competent jurisdiction in the name and on behalf of the town for recovery of the penalty of such bond named. The surety shall have the right to apply to the municipal court, in open court, within thirty days from the date of forfeiture for a return of the whole or a part of the bond amount paid to the municipal court. The application shall be in writing and shall be supported by affidavit setting forth the grounds for the demand. If good cause is shown by the surety for the return of the whole or a part of the bond amount, the municipal judge shall in open court, order the return to the surety of the amount determined by the municipal judge to be due surety. The surety shall have the right to institute a claim against the town in a court of competent jurisdiction for recovery of any bond payment believed to be wrongfully held. (Prior code §5-2-9)

2.36.260 Failure to appear--Penalty. A. The failure of any person to appear in the municipal court of the town pursuant to a summons, traffic citation, or notice attached to a vehicle shall constitute a violation of this code regardless of the disposition of the original charge, provided that a written promise to appear or appearance required by summons or notice may be complied with by an appearance by counsel.

B. In the event any person fails to appear pursuant to a summons, traffic citation or notice directing an appearance before the municipal court the municipal judge may cite the defendant with a separate violation for failure to appear, may issue a warrant for the arrest of the defendant, cite the defendant to appear before the court to answer as to why the defendant should not be cited for contempt of court, or may accept the total amount of any defendant bond in lieu of a fine or jail sentence. Such forfeiture shall amount to and be of the same force and effect as a finding of guilty.

C. Penalty. Any person who shall be convicted of a violation of this section shall, for each offense, be fined in a sum of not more than one thousand dollars or imprisoned in the Arapahoe County jail for a period not to exceed one year, or both such fine and imprisonment. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 75-1976 §1, 1975: prior code §5-2-10)

2.36.270 Open court sessions--Exceptions. All cases in municipal court shall be open to the public; provided, however, that where the type of offense charged and the nature of the case are such that it would be to the best interests of the witnesses and/or defendant to exclude all persons not directly connected with the case the municipal judge may order that the court be cleared of all persons not so directly connected with the case except qualified

representatives of news agencies. This decision shall be
sole-

ly in the discretion of the municipal judge. (Prior code §5-2-11)

2.36.280 Defendant's rights. At the beginning of each court session the municipal judge shall explain to defendants their rights in municipal court, as well as the order of trial; provided, however, that this may be done by pamphlet distributed to each defendant. (Prior code §5-2-12)

2.36.290 Continuance. A person who is duly summoned, who cannot be tried on account of the absence of witnesses or for any other good and sufficient cause, may request in open court a continuance of his case. The municipal judge may continue the matter upon terms set by him. Additional continuances may be granted upon application of the defendant or his attorney. However, in no case shall the total continuances exceed thirty days, unless it appears to the municipal judge that extreme hardship will result. Where a person on appearance is on bond and a continuance is requested, the municipal judge shall have the power to continue the bond for a period of the continuance. Nothing herein shall affect the right of the town attorney to request a continuance. (Prior code §5-2-13)

2.36.300 Execution. Every person against whom any fine or penalty shall be assessed under the laws of the town, who shall refuse or neglect to pay the same when demanded, may be committed in default thereof to the county jail or such other enclosure as may from time to time be designated by the board as a lawful place for the detention of town prisoners, under the direction of the proper officers, until the fine and penalty is fully paid and the satisfaction to be allowed at the rate of three dollars per day of twenty-four hours, or as in accordance with state law. Any such person may be required to do any reasonable work; provided, however, that no single terms of imprisonment shall exceed ninety days. The municipal court shall discharge such person from further imprisonment for such fine when it shall be made satisfactorily to appear to the judge that such person has no estate whatever wherewith to pay such fine. (Ord. 3-1990 §1(part), 1990: prior code §5-2-14)

2.36.310 Stay. In the discretion of the municipal judge a stay of execution may be granted to enable the defendant to pay the fine or penalty at a later date or in installments. In case the defendant shall not have met the terms of the stay of execution, then the execution shall issue and the defendant shall be placed in jail until the judgment is satisfied. (Prior code §5-2-15)

2.36.320 Persons in custody. A person in custody who cannot be tried on account of the absence of witnesses or other cause and who cannot give bail for appearance, may be confined to the town jail not exceeding three days, and in such case the judge shall deliver to the officer committing such person a commitment stating the cause of the detention. (Prior code §5-2-16)

2.36.330 Suspended sentence. The municipal judge is authorized to suspend the payment of any fine, or any part thereof, assessed for a violation of this code or any ordinance, and he may suspend all or any part of any jail sentence imposed for such a violation. He may impose reasonable conditions upon such suspension and revoke such suspension and reinstate the sentence for a violation of such conditions. (Prior code §5-2-17)

2.36.340 Fines payable to town treasurer. All fines or other moneys collected in the municipal court for the violation of this code or any of the ordinances of the town shall be reported by the judge and paid to the town treasurer each month. (Prior code §5-2-18)

2.36.350 Demand for jury. In all trials for a violation of this code or any ordinance of the town, the defendant shall have the right to demand a trial by jury. The demand shall be made in writing within ten days after arraignment or entry or plea along with a tender to the court of a jury fee of twenty-five dollars. The defendant may demand a jury which shall consist of three jurors unless, in the case of a trial for a petty offense, a greater number, not to exceed six, is requested by the defendant. The jury, when empaneled, shall be sworn by the judge to try the case according to the evidence and the laws provided for in criminal trials (CRS 13-10-114, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §5-3-1)

2.36.360 Qualifications and exemptions of jurors. Qualifications and exemptions shall be the same as provided in CRS 13-71-101--13-71-122, 1973 as amended. (Ord. 3-1990 §1(part), 1990: prior code §5-3-2)

2.36.370 Summoning jurors. Upon demand of the defendant for trial by jury, the municipal court of judge thereof shall issue a venire for the jury and shall issue his writ to any police officer or marshal which shall be substantially in the following form:

State of Colorado)	
)	ss:
Town of Columbine Valley)	

THE PEOPLE OF THE TOWN OF COLUMBINE VALLEY, STATE OF
COLORADO, TO _____ GREETING:

We command you to summon _____ persons of your county who are residents of the Town of Columbine Valley to appear before me at _____ on the day of _____, 19____, who are not of kin to _____, defendant, to make a jury between the People of the Town of Columbine Valley, State of Colorado, and the defendant in a plea of not guilty to a charge of violation of one or more ordinances of the town; because the said defendant has demanded trial by jury; and have you then and there the names of the jury, and this writ.

Witness my hand and seal, this ____ day of ____, 19____.

(SEAL)

Judge of the Municipal Court

(Prior code §5-3-3)

2.36.380 Failure to appear--Penalty. If any person summoned as a juror shall fail, neglect, or refuse to appear, without reasonable excuse, he shall be deemed guilty of contempt and fined or imprisoned as the court may direct. The court shall have the power to issue a citation directed to the chief of police commanding him forthwith to bring before such court the body of such juror so failing to attend and for such juror to show cause why he should not be punished for contempt, or on the appearance of such juror on such citation it shall be lawful for the court to punish him for contempt or wholly discharge him if satisfactory excuse be made. (Prior code §5-3-4)

2.36.390 Jury fees. Persons summoned to jury duty pursuant to this chapter shall be entitled to a juror's fee of six dollars per day for actual jury service and three dollars for each day of service on the jury panel alone (CRS 13-10-114, 1973 as amended and CMCR 223(a)). (Ord. 3-1990 §1(part), 1990: prior code §5-3-5)

2.36.400 Waiver of jury fees. Whenever it shall be made satisfactorily to appear to the municipal judge, after all legal means have been exhausted, that any person who is charged with a violation of an ordinance and who requests a jury as herein provided, has no estate whatever wherewith to pay jury fees in advance as required it shall be the duty of the municipal judge to waive the requirement for advance payment, provided if the defendant is found guilty he shall be assessed the jury fees as part of the court costs. (Prior code §5-3-6)

2.36.410 Discharge of jurors. The term of jury service shall be as indicated on the venire facias, and a person who has actually been in attendance as a juror in the municipal court as ordered under the venire facias for the period of time ordered under the venire facias shall be discharged by the court. No juror shall be discharged until the close of the trial in which he may be serving, and if the selection of a jury in any cause has been begun, the court shall have the power to retain the panel until such jury is selected and sworn. A person discharged as prescribed in this section shall be disqualified for jury service in the municipal court for the period of one year thereafter. (Prior code §5-3-7)

2.36.420 Challenges for cause--Preemptory charges. Challenges for cause and preemptory challenges shall be as provided in CRS, 1973, Title 13, Article 70 and 71, and according to the provisions of Rule 224 of the Municipal Court Rules of Procedure. (Ord. 3-1990 §1(part), 1990: prior code §5-3-8)

2.36.430 Jury not to be quashed. No array or panel of any jury shall be quashed, nor shall any verdict be stayed or averted by reason of any informality or irregularity in the summoning or selecting of the jury, which in the opinion of the court is unimportant and insufficient to vitiate the return of the jury. (Prior code §5-3-9)

2.36.440 Jurors not to be disqualified for opinion. No person summoned as a juror shall be disqualified to serve as such by reason of a previously formed or expressed opinion with reference to the guilt or innocence of the accused; provided, however, that the court shall be satisfied, from the examination of the juror or from other evidence, that he will render an impartial verdict, according to the law and the evidence submitted to the jury in the trial of such cause. (Prior code §5-3-10)

2.36.450 Trial court. If any defendant pleads guilty or waives his right to a jury trial or fails to demand a jury trial, the municipal judge shall hear the evidence and render a judgment thereon. (Prior code §5-3-11)

2.36.460 Instructions to jury. At the conclusion of all of the evidence, and before arguments of counsel, the judge shall read to the jury the ordinance or code section alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may submit written instructions to the judge, and if he believes

such instructions to be proper, he may read the same to the jury. (Prior code §5-3-12)

2.36.470 Jury verdict--Sentence. The submission and finding of a jury verdict and the sentence and judgment of any defendant before the court shall be conducted according to the provisions of Rules 231 and 232 of the Municipal Court Rules of Procedure and any amendments thereto. (Prior code §5-3-13)

Chapter 2.40

POLICE DEPARTMENT

Sections:

- 2.40.010 Created--Composition.
- 2.40.020 Departmental rules and regulations.
- 2.40.030 Town marshal--Powers and duties.
- 2.40.040 Police officers--Duties.
- 2.40.050 Police officers--Oath.
- 2.40.060 Police officers--Subsistence allowance.
- 2.40.070 Police officers--Uniforms.
- 2.40.080 Duty of citizens to aid.
- 2.40.090 Extraterritorial duty.
- 2.40.100 Reserve police--Appointment--Powers.
- 2.40.110 Private police.
- 2.40.120 Private police--Shield.

2.40.010 Created--Composition. There is created a police department of the town which shall consist of one town marshal and as many deputy marshals as may from time to time be deemed necessary for the safety and good order of the town. (Prior code §2-7-1)

2.40.020 Departmental rules and regulations. The police department shall be operated and managed in accordance with such departmental rules and regulations as may from time to time be adopted by the board. (Prior code §2-7-2)

2.40.030 Town marshal--Powers and duties. At its first regular meeting following each biennial election the board of trustees shall appoint a town marshal who shall be the head of the law enforcement department. It shall be the duty of the town marshal to:

A. See that the ordinances of the town are duly enforced and the rules and regulations of the law enforcement department obeyed, and to perform such duties as may be required by the board;

B. Direct the operations of the law enforcement department, subject to the rules and regulations thereof;

C. Arrest any person violating any of the town ordinances and take such violator before the municipal court for trial;

D. Render such accounts of the law enforcement department, duties and receipts as may be required by the board, and keep the records of his office open to inspection by the board at any time;

E. Before entering upon the duties of such office, the town marshal shall take and subscribe to an oath that he will support the constitution and laws of the state, Constitution of the United States and ordinances of the town, and that he will faithfully perform the duties of the office upon which he is about to enter. If required by the board, he shall furnish a surety bond, in the amount of two thousand dollars, conditioned upon the faithful discharge of the duties of his office. (Ord. 3-1990 §1(part), 1990: prior code §2-7-3)

2.40.040 Police officers--Duties. All members of the law enforcement department shall have power and duties as follows:

A. They shall perform all duties required of town marshals;

B. They shall suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the town, and shall pursue and arrest any person fleeing from justice in any part of the state;

C. They shall be the law enforcement officers of the town and shall see that the provisions of this code and the laws of the state are complied with. They shall arrest without process all persons engaged in the violation in their presence of any provision of this code or the law of the state. Upon such arrest they shall forthwith convey such offenders before the proper officer to be dealt with according to law; provided, that they may incarcerate any person whom they shall arrest at a late and unusual hour of the night until the following morning, and provided further that in the special cases relating to traffic offenses they may release an arrested person upon his written promise to appear in court;

D. They shall report such offenses as may come to their knowledge to the proper town official or they shall report the same to the municipal judge, securing a warrant for the arrest of the offenders when desirable;

E. They shall execute and return all writs and process to them directed by the municipal judge in any case arising under a town ordinance, and they may serve the same in any part of the country in which such town is situated;

F. They shall observe the condition of the streets, sidewalks and alleys of the town, and of any obstruction,

nuisance, or impediments therein, and shall take necessary measures to remove or abate the same. (Ord. 3-1990 \$1(part), 1990: prior code §2-7-4)

2.40.050 Police officers--Oath. Before entering upon the duties of his office, each marshal, deputy marshal or police officer shall take and subscribe an oath that he will support the constitution and laws of the state, the Constitution of the United States, and ordinances of the town, and that he will faithfully perform the duties of the office upon which he is about to enter. (Ord. 3-1990 \$1(part), 1990: prior code §2-7-5)

2.40.060 Police officers--Subsistence allowance. Of the amounts appropriated for police officers, the sum of five dollars per day for each work day shall be designated as and shall constitute a statutory subsistence allowance. The purpose of this section is to give to the police officers the tax benefits provided by section 120 of the 1954 Internal Revenue Code. (Prior code §2-7-6)

2.40.070 Police officers--Uniforms. Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the board. (Prior code §2-7-7)

2.40.080 Duty of citizens to aid. It shall be the duty of all persons, when called upon by any police officer, to promptly aid and assist such officer in the discharge of his duties. (Prior code §2-7-8)

2.40.090 Extraterritorial duty. The town marshal may in his discretion, upon request of the town marshal or person exercising the functions thereof in any other jurisdiction, assign deputy marshals or police officers under his control together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction. (Ord. 3-1990 \$1(part), 1990: prior code §2-7-9)

2.40.100 Reserve police--Appointment--Powers. The mayor upon any emergency, riot, pestilence, invasion or at any time he shall deem it necessary for the peace, good order or health of the town, order the town marshal to appoint reserve policemen for a specified time, not exceeding two days without the approval of the board. He may also, with the approval of a majority of the board of trustees, order the town marshal to appoint such number of reserve policemen as may be agreed upon by the board, to serve upon days of election, public celebration and holidays, and the reserve policemen shall have and possess all the powers and privileges of regular marshals during the time for which they may be appointed. (Prior code §2-7-10)

2.40.110 Private police. Any person desiring the services of a special policeman in or about his property or place of business, may upon application to the board, have any suitable person named for such special policeman duty appointed as such. Such special policeman shall take the usual oath of office and shall have the powers of a regular police officer in and upon the premises for which he may have been appointed, but not elsewhere; provided, however, special police officers so appointed shall be under the control of the town marshal. The person at whose instance such officer was appointed shall be responsible for the pay of such officer, and the town shall in no case incur any liability whatever by reason of the appointment of such special policeman. No person appointed as a special policeman under the terms of this section shall be considered a member of the police department. (Prior code §2-7-11)

2.40.120 Private police--Shield. All special or reserve police officers shall wear a shield having inscribed thereon, "special policeman," while on duty. It is unlawful for any special police officer to wear his badge or shield when he is not performing the duties for which he was employed. (Prior code §2-7-12)

Chapter 2.44

PLANNING AND ZONING COMMISSION

Sections:

- 2.44.010 Created.
- 2.44.020 Members.
- 2.44.030 Qualifications of members.
- 2.44.040 Removal and vacancies.
- 2.44.050 Organization and rules.
- 2.44.060 Staff and finances.
- 2.44.070 Powers and duties.
- 2.44.080 Planning--Purpose in view.
- 2.44.090 Zoning--Purpose in view.

2.44.010 Created. Pursuant to the authority conferred by CRS Article 23, Chapter 31, 1973, as amended, there is created a planning and zoning commission for the town. (Ord. 9-1987 §1(part), 1987: prior code §7-1-1)

2.44.020 Members. The town planning and zoning commission shall consist of eight members as follows:

A. The mayor, who shall be an ex-officio member of the commission with no vote, and shall serve during his office tenure;

B. The commissioner of planning and zoning, who shall

be an ex officio member of the commission with no vote, and shall serve during his office tenure;

C. The other six members shall be appointed from the town at large by the board of trustees. The members of the commission shall be appointed for four years with staggered terms of four years;

D. The board of trustees may appoint not more than five alternate members of the commission to serve in the absence of any regular member of the commission. The alternate members shall be appointed for terms of four years with staggered terms of four years. If a regular member is absent, the chairman of the commission shall designate which alternate shall serve until the regular members are in attendance at the commission meetings. (Ord. 6-1994 §1, 1994; Ord. 1-1991 §1, 1991; Ord. 2-1989 §1, 1989; Ord. 9-1987 §1(part), 1987; prior code §7-1-2)

2.44.030 Qualifications of members. All members of the planning and zoning commission shall be bona fide residents of the town and, if any member ceases to reside in the town, his membership shall immediately terminate. All members of the commission shall serve as such without compensation and the appointed members shall hold no other municipal office, except that one such appointed member may be a member of the town board of adjustment ex officio with no vote. (Ord. 9-1987 §1(part), 1987; prior code §7-1-3)

2.44.040 Removal and vacancies. Members may be removed, after public hearings, by the board of trustees for inefficiency, neglect of duty, or malfeasance in office. The board of trustees shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the remainder of the unexpired term by the board of trustees. (Ord. 9-1987 §1(part), 1987; prior code §7-1-4)

2.44.050 Organization and rules. The commission shall elect a chairman from among the non-ex officio members and create and fill such other of its offices as it may determine. The commission shall also choose one of its members as vice chairman, who in the absence of the chairman from any meeting of the commission or during the chairman's absence from the town or his inability to act, shall perform the duties of the chairman. The term of the chairman shall be for one year, with eligibility for reelection. The term of the vice chairman shall be for one year, with eligibility for reelection. Election is to be held in January of each year. The commission shall hold at least one regular meeting every other month, and such meetings may be held consecutively on the same date. The commission shall adopt rules for transaction of business, and

shall keep a record of its resolutions, transactions, findings and determination, which record shall be public record. Four members of the commission, one of which must include the chairman of the commission or the vice-chairman of the commission, shall constitute a quorum for the transaction of business. (Ord. 6-1994 §2, 1994; Ord. 2-1989 §2, 1989; Ord. 9-1987 §1(part), 1987: prior code §7-1-5)

2.44.060 Staff and finances. The commission, jointly or severally, may, with the consent of the board of trustees, appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the town. Each commission may also, with the consent of the board of trustees, contract with town planners, engineers and architects and other consultants for such services as it may require. The expenditures of the commission shall be within the amounts appropriated for the purpose by the board of trustees which shall provide the funds, equipment and accommodations necessary for the work. The chairman of the planning and zoning commission shall submit an annual budget to the board of trustees by September 1st each year covering revenues and expenditures for the following calendar fiscal year. (Ord. 9-1987 §1(part), 1987: prior code §7-1-6)

2.44.070 Powers and duties. The commission shall have all of the powers and perform each and all of the duties specified by CRS Chapter 31, Article 23, 1973 as amended together with any other duties or authority which may hereafter be conferred upon them by the laws of the state. The performance of such duties and the exercise of such authority is to be subject to each and all of the limitations expressed in such legislative enactment(s). (Ord. 9-1987 §1(part), 1987: prior code §7-1-7)

2.44.080 Planning--Purpose in view. In the preparation of a master plan, the planning and zoning commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality with due regard to its relations to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted and harmonious development of the municipality and its environs, which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of healthful and convenient

distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds,

and the adequate provision of public utilities and other public requirements. (Ord. 9-1987 §1(part), 1987: prior code §7-1-8)

2.44.090 Zoning--Purpose in view. The planning and zoning commission shall recommend to the town board of trustees for enactment the boundaries of the various districts and appropriate regulations to be enforced therein; shall prepare its regulations in accordance with a comprehensive plan, designed to lessen congestion in the streets, to secure safety from fire, panic and other danger, to promote health and general welfare, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewage, schools, parks and other public requirements. Such regulation shall be made with reasonable consideration, among other things, as to the character of the district and its particular suitability for particular use, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. (Ord. 9-1987 §1(part), 1987: prior code §7-1-9)

Chapter 2.48

RULES OF PROCEDURE

Sections:

- 2.48.010 Purpose and applicability.
- 2.48.020 Quasi-judicial hearings.
- 2.48.030 Participants' rights.
- 2.48.040 Order of procedure.
- 2.48.050 Rules of evidence.
- 2.48.060 Deliberation and notice of decision.
- 2.48.070 Judicial enforcement and review.
- 2.48.080 Administrative hearings.
- 2.48.090 Commencement of proceedings.
- 2.48.100 Referral to hearing body.
- 2.48.110 Public notice.
- 2.48.120 Preserving order.
- 2.48.130 Adjournments.

2.48.010 Purpose and applicability. The purpose of the rules of procedure contained in this chapter is to provide a uniform, consistent and expeditious method of procedure for the conduct of all hearings held before the board of trustees, or any board, commission, or official of the town. The provisions of this chapter shall be applied uniformly in all such hearings; provided, however, that any

board, commission, or official may supplement the provisions of this chapter by the adoption of further rules of procedure not inconsistent herewith. All rules adopted to supplement the provision of this chapter by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public. (Prior code §2-6-1)

2.48.020 Quasi-judicial hearings. The provisions of Sections 2.48.020 through 2.48.070 shall be applicable only to those hearings where the board of trustees, board, commission or official is called upon to exercise a power of a judicial or quasi-judicial nature, which, for purposes of this chapter, shall be deemed to consist of the following:

A. Hearings before the board of trustees upon application for the issuance or hearings for the suspension or revocation of liquor or fermented malt beverage license, upon ordinances which zone or rezone realty; and upon all appeals from the decisions of any city official, board or commission, where such an appeal is otherwise authorized, and which requires an evidentiary hearing to determine such appeal;

B. Hearings before the board of zoning adjustment upon appeals from any decision of the building inspector or upon request for a variance or exception from the terms of any ordinance;

C. Hearings before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the town. (Prior code §2-6-2)

2.48.030 Participants' rights. All quasi-judicial hearings shall be conducted under procedures designed to insure all interested parties due process of law and shall, in all cases, provide for the following:

A. The administration of oaths to all parties or witnesses who appear for the purpose of testifying upon factual matters;

B. The cross-examination, upon request, of all witnesses by the interested parties;

C. The stenographic, or other verbatim, reproduction of all testimony presented in the hearing, or an adequate summary of such testimony;

D. A clear decision by the hearing body which shall set forth the factual bases and reasons for the decision rendered. (Prior code §2-6-3)

2.48.040 Order of procedure. In all quasi-judicial hearings, the following order of procedure shall be followed:

A. Presentation of those documents showing the regularity of the commencement of the proceedings and the form of the public notice given;

B. Presentation of evidence by the applicant, petitioner, appealing party or complainant;

C. Presentation of evidence in support of the applicant, petitioner, appealing party or complainant by any other person;

D. Presentation of evidence from any person opposing the application, petition, appeal or complaint;

E. Presentation of evidence in opposition or rebuttal to the matters presented by the opposition;

F. All documents or other items of physical evidence shall be marked as exhibits with such identifying symbols as may be necessary to determine the exhibit referred to by any witness or other person. (Prior code §2-6-4)

2.48.050 Rules of evidence. The hearing body shall not be required to observe any formal rules of evidence, but may consider any matter which a majority thereof concludes is reasonably reliable and calculated to aid the hearing body in reaching an accurate determination of the issues involved. (Prior code §2-6-5)

2.48.060 Deliberation and notice of decision. Each hearing body is authorized to deliberate upon the issues presented at the hearing in private, nonpublic sessions; provided that no decision shall be effective, except upon a vote of the members of the hearing body, conducted in an open session thereof, which shall be duly recorded in the minutes of the public body. Written copies of all decisions shall be delivered to the applicant, petitioner, appellant, complainant and other interested party requesting same. (Prior code §2-6-6)

2.48.070 Judicial enforcement and review. Any party aggrieved by any decision rendered by the hearing body in any quasi-judicial hearing, as well as department heads or authorized officials of the town, or the town itself, may apply to have the decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure. (Prior code §2-6-7)

2.48.080 Administrative hearings. All other hearings before the board of trustees or any board or commission or official shall be deemed to be administrative hearings, the purpose of which is to obtain information to enable the board to determine legislative policy or to enable any board, commission or official to make recommendations to the board on pending legislation. Such hearings shall be conducted in compliance with the provisions of Sections 2.48.090 through 2.48.130 and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his views. (Prior code §2-6-8)

2.48.090 Commencement of proceedings. All proceedings conducted pursuant to the provisions of this chapter shall be commenced in the manner provided by the ordinance or statute governing the matter. (Prior code §2-6-9)

2.48.100 Referral to hearing body. Upon receipt by the town clerk or the secretary of any board, commission or other appropriate officer of the town of any application, petition, notice of appeal, complaint, or other instrument initiating a hearing, the same shall be referred to the board of trustees, board, commission or official having jurisdiction over the matter, and a date, time and place for hearing thereon shall be set by the board of trustees, board, commission or official, who shall direct public notice thereof, to be given; provided, however, that the board of trustees or any board or commission may authorize its clerk or secretary to set a date, time and place for hearing upon receipt of such instrument without the necessity for action by the board of trustees, board, commission or official. (Prior code §2-6-10)

2.48.110 Public notice. Public notice of the date, time and place of the public hearing shall be given in the manner provided by the ordinance or statute. In the absence of provisions specifically delineating the manner in which public notice is to be given, notice of the date, time, place and purpose of the hearing to be held shall be published once in that newspaper designated by the board, not less than fifteen days prior to the date of the hearing. (Prior code §2-6-11)

2.48.120 Preserving order. Each hearing body shall have the right to preserve order during the hearing and to take such steps, including the ejection of any disorderly or obstreperous person interfering with the proceedings as may be necessary, and the hearing body may, prior to any presentations and as a condition to the taking of testimony or information from any person, require the registration of all persons desiring to be heard during the hearings. It may restrict the testimony of any person to the material issues pending before it and, to prevent duplicative or cumulative presentations, it may impose reasonable time restrictions on any person. (Prior code §2-6-12)

2.48.130 Adjournments. After commencement of any hearing, the hearing body may, if it is deemed necessary to obtain a full presentation, adjourn the hearing from time to time by publicly announcing the fact of such adjournment and the date, time and place when and where the adjourned hearing shall recommence, without the necessity of any further published notice thereof. (Prior code §2-6-13)

Chapter 2.52EMERGENCY PROTECTIONSections:

- 2.52.010 Purpose.
- 2.52.020 Emergency police powers.
- 2.52.030 Powers of mayor.
- 2.52.040 Penalties.

2.52.010 Purpose. The town will from time to time in the future, in all probability, have within its corporate limits fire, flood, civil disturbances and riots; and, therefore, it is deemed in the best interest of town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of town. (Prior code §2-11-1)

2.52.020 Emergency police powers. Emergency police powers shall be placed in the hands of the mayor and that these powers should be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such period of time as the actual emergency exists and further that the powers shall only be invoked after a declaration and proclamation of an emergency. (Prior code §2-11-2)

2.52.030 Powers of mayor. In addition to any and all powers enumerated in the town code, the mayor shall have further emergency powers necessary to preserve the peace and order of the town as follows:

A. The mayor shall have the power to declare an emergency to exist when, in his opinion, one or more of the following conditions exists:

1. That there is extreme likelihood of danger of destruction of life or property due to unusual conditions;
2. Unusual or extreme weather conditions, making use of town streets or areas difficult or impossible;
3. Civil unrest, commotion or uprising is imminent or exists;
4. There is a stoppage or loss of electrical power affecting a major portion of the town.

B. The emergency shall be declared in a proclamation of the mayor, which proclamation shall be delivered to the chief of police, who shall then see that the proclamation is delivered to all news media within the town and who shall also use public address systems throughout the town and immediately notify the public of the proclamation and that violators will be arrested and subject to penalty.

C. After declaration of such emergency, the mayor shall have the authority to exercise any or all of the following powers:

1. To call upon regular and auxiliary enforcement agencies and organizations within or without the town to assist in preserving and keeping the peace and the preservation of life and property of the citizenry of the town;

2. The power to close streets and sidewalks and to delineate areas within the town wherein an emergency exists;

3. To impose a curfew upon all or any portion of the town requiring all persons in such designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and town authorized or requested enforcement officers and personnel may be exempted from such curfew;

4. To order the closing of any business establishments anywhere within the town for the period of the emergency, such businesses to include, but not be limited to, those selling intoxicating liquors, malt beverages, gasoline or firearms;

5. The power to do any and all acts necessary and incidental to the preservation of life, limb and property within the town.

D. The proclamation of specifying with exactness the area in which the emergency is declared to exist shall become effective upon its issuance and dissemination to the public by the appropriate news media.

E. 1. Any emergency proclaimed in accordance with the provisions of this chapter shall terminate after forty-eight hours from the issuance thereof, or upon the issuance of a proclamation determining an emergency no longer exists, whichever occurs first; provided, however, upon declaration of a second or further emergencies to exist the emergency powers set forth herein may be exercised during such further emergency period or periods, but never for more than fortyeight hours in one declared emergency period.

2. No emergency period shall extend beyond the next regular, special or called meeting of the board of trustees unless at such meeting the declaration of emergency is specifically approved by resolution of the board. (Prior code §2-11-3)

2.52.040 Violation--Penalties. Any person who shall wilfully fail or refuse to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized herein shall be deemed guilty of a

misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars or by imprisonment for a period not to exceed one year or by both such fine and imprisonment. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: prior code §2-11-4)

Chapter 2.56

LOST OR ABANDONED PROPERTY

Sections:

- 2.56.010 Disposition of lost or abandoned property.
- 2.56.020 Property custodian.
- 2.56.030 Storage and safekeeping.
- 2.56.040 Property used as evidence.
- 2.56.050 Sale procedures.
- 2.56.060 Report of sale.
- 2.56.070 Sale of perishable or bulky property.
- 2.56.080 Disposal of toys and childrens' property.
- 2.56.090 Disposition of unsold property.
- 2.56.100 Disposition of contraband.

2.56.010 Disposition of lost or abandoned property. It shall be the duty of every police officer to take into his possession and to deliver to the town marshal or to his designee every item of personal property lost or abandoned within the town, which item shall be held by the town marshal for disposition in accordance with the provisions of this chapter. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-1)

2.56.020 Property custodian. The town marshal or his designee shall act as the custodian of all lost, abandoned, stolen, or confiscated property seized by or coming into the possession of the police department and shall keep a record thereof. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-2)

2.56.030 Storage and safekeeping. The town shall maintain a suitable place for the storage and safekeeping of all property so seized or taken possession of and this place shall be under the control of the town marshal. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-3)

2.56.040 Property used as evidence. It shall be the duty of the town marshal to hold, pending final disposition of any charges against the owner or possessor thereof, all articles of personal property seized as evidence for use in the trial of such charges. After final disposition of the

charges, except in the case of dangerous or deadly weapons,
and except as the court may otherwise direct, upon demand
by the rightful owner thereof and the presentation of

satisfactory proof of ownership, the articles shall be returned to such owner. In all other cases, the articles shall be disposed of in accordance with the provisions of this chapter. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-4)

2.56.050 Sale procedures. Any lost or abandoned property left unclaimed for a period of thirty days or more or after final disposition of any charges relating thereto, may be sold and disposed of, from time to time, by the town marshal, in accordance with the following procedures:

A. Not less than ten days prior to the contemplated sale of such articles there shall be published in a newspaper of general circulation within the town and duly qualified for publishing legal notices and advertisements within the meaning of a notice setting forth a description of each article to be sold, the time, date and place of the sale and that any person who claims to be the owner of any article so described may contact the police department prior to the time and date set for sale thereof to reclaim the same upon presentation of satisfactory proof of his ownership thereof.

B. All articles described in the notice and left unclaimed at the time and date set in the notice for the sale thereof shall be sold at public sale to the highest bidder and the town marshal shall give to each purchaser a bill of sale for the same.

C. Unclaimed property consisting of jewelry, gems, watches, precious metals, electronic equipment or other property having a unique value may, in the judgment of the town marshal, be sold either at auction or to the highest bidder after a solicitation of sealed bids from at least three regular dealers in that particular type of property.

D. Any purchaser submitting the highest bid must tender the amount of his bid in cash at the time of sale. Only United States currency shall be accepted. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-5)

2.56.060 Report of sale. When a sale is completed, it shall be the duty of the town marshal to make a report to the police commissioner giving a description of the article sold and the amount received therefor; the proceeds of all sales are to be placed in the general fund of the town. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-6)

2.56.070 Sale of perishable or bulky property. Notwithstanding the provisions of this chapter, any property seized or taken possession of by the police department which is of a perishable nature or so bulky or of such a nature as to make it dangerous or inadvisable to retain possession thereof, may be disposed of as follows:

A. In the case of perishable property, the town marshal shall present a report to the police commissioner set-

ting forth his reasons for believing the property specified cannot be retained as provided for in this chapter and recommending immediate disposition by the most practical method he deems appropriate under the circumstances. If the police commissioner concurs with the recommendation, he shall direct the town marshal to dispose of the property forthwith.

B. In the case of bulky property or property of such a nature as to make it dangerous or inadvisable to retain possession thereof, the town marshal shall present a report to the police commissioner setting his reasons for believing the property specified cannot be retained as provided for in this chapter and recommending immediate disposition thereof by the most practical method he deems appropriate under the circumstances. If the police commissioner concurs with the recommendations, he shall direct the town marshal to dispose of the property by whatever means he deems advisable, including public auction, any time after three days have elapsed from the seizure or the taking possession thereof. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-7)

2.56.080 Disposal of toys and childrens' property. At the option of the town marshal, and with the approval of the police commissioner, any toys of whatsoever nature, including bicycles and tricycles and other articles made for use by children, which are left unclaimed for thirty days or more, may be sold in accordance with Section 2.56.060 or, in the alternative, may be donated to any organization which represents that such articles will be distributed to needy or deserving persons. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-8)

2.56.090 Disposition of unsold property. The town marshal with the approval of the police commissioner, is authorized to donate any and all property not sold at a sale conducted pursuant to this chapter to any organization which represents that such property will be distributed to needy or deserving persons, or, in the alternative the town marshal, with the approval of the police commissioner, may have the property destroyed or retained for the use of the town at his discretion. (Ord. 2-1980 §1(part), 1980: prior code §10-5.1-9)

2.56.100 Disposition of contraband. No firearm nor any article of gambling equipment nor any contraband or confiscated article of any nature whatsoever coming into the hands of the custodian shall ever be sold at sale as hereinafter provided. All such unclaimed or contraband articles shall be destroyed; provided, however, that the town marshal may use or display such articles for crime prevention or educational purposes, provided the same shall be first rendered unusable for any unlawful purpose, and provided

further such contraband items, if in good condition, may be placed in the police department arsenal and used for crime prevention and control or for police training purposes.
(Ord. 2-1980 §1(part), 1980: prior code §10-5.1-10)

Title 3REVENUE AND FINANCEChapters:

<u>3.04</u>	<u>General Provisions</u>
<u>3.08</u>	<u>Municipal Contracts</u>
<u>3.12</u>	<u>Sales and Use Tax</u>
<u>3.16</u>	<u>Telephone Business and Occupation Tax</u>
<u>3.20</u>	<u>Utilities Occupation Tax</u>
<u>3.24</u>	<u>Emergency Telephone Service Charge</u>

Chapter 3.04GENERAL PROVISIONSSections:

3.04.010	Fiscal year.
3.04.020	Annual budget.
3.04.030	Tax levy--Rate.
3.04.040	Annual appropriation.
3.04.050	Publication of accounts payable.
3.04.060	Deposits--Investments.
3.04.070	Annual audit.

3.04.010 Fiscal year. The fiscal year of the town shall commence on the first day of January and end on the last day of December of each year (CRS 29-1-103, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §3-1-1)

3.04.020 Annual budget. Not later than the first regular meeting of the board of trustees in September of each year, the treasurer or other duly authorized persons designated by the board, shall submit to the board the proposed itemized annual budget for the ensuing fiscal year. The budget as approved by the board shall be adopted and administered in accordance with the provisions of the Local Government Budget Law of Colorado. (Ord. 3-1990 §1(part), 1990: prior code §3-1-2)

3.04.030 Tax levy--Rate. The board of trustees shall by resolution fix the rate of tax to be levied upon all the taxable property within the town for municipal purposes and, through the town clerk, shall officially certify the levy to the county commissioners of Arapahoe County prior to December 15th of each year (CRS 39-5-128(1), 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §3-1-3)

3.04.040 Annual appropriation. The board of trustees shall pass an ordinance within the last quarter of each fiscal year, to be termed the annual appropriation ordinance for the next fiscal year. In such ordinance the board shall appropriate such sums of money as are necessary to cover the items in its budget and to defray all necessary expenses and liabilities of the town, specifying the objects and purposes for which such appropriations are made and the amount appropriated for each object or purpose. The amount appropriated shall not exceed the probable amount of revenue that will be collected during the fiscal year (CRS 29-1-110, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §3-1-4)

3.04.050 Publication of accounts payable. The board of trustees shall, within twenty days after the adjournment of each regular or special meeting, publish such of its proceedings as relate to the payment of bills, stating for what the same are allowed, the name of the person to whom allowed and to whom paid. It shall also publish a statement concerning all contracts awarded and rebates allowed. (Ord. 3-1990 §1(part), 1990: prior code §3-1-5)

3.04.060 Deposits-Investments. The town treasurer shall cause to be deposited all of the funds and moneys which come into his possession by virtue of his office as town treasurer in one or more responsible banks located in the state which have been designated by written resolution of the town board. The town board may also authorize the town treasurer, by written resolution, to invest all or any part of such funds in securities which are authorized for such investment by state law (CRS 31-20-303, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §3-1-6)

3.04.070 Annual audit. The board of trustees shall select a qualified person as auditor and cause to be made an annual audit of the financial affairs and transactions of the town in accordance with the requirements of state law (CRS 29-1-601 et seq., 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §3-1-7)

Chapter 3.08

MUNICIPAL CONTRACTS*

Sections:

- 3.08.010 Applicability.
- 3.08.020 Purchase authorizations.
- 3.08.030 Standards.
- 3.08.040 Competitive bidding.
- 3.08.050 Bidding procedure--Formal.
- 3.08.060 Financial interest.
- 3.08.070 Contractor's bonds.

3.08.010 Applicability. This chapter shall apply to the purchase or lease/purchase of supplies, materials and equipment and the procurement by contract or retainer of all types of construction and services. Whenever reference is made to purchase, it shall also refer to a lease/purchase arrangement.

(Ord. No. 4-2011, §1, 8-16-2011)

3.08.020 Purchase authorizations. Procurement of goods and services, contracts and intergovernmental agreements shall require written approval in accordance with the following schedule:

Amount	Approval
Less than \$5,000	Town administrator for purchase of goods or procurement of services approved in the budget
\$5,000--\$25,000	Responsible department trustee or designee for purchase of goods or procurement of services in the budget
\$25,000 +	Board of trustees or designee

(Ord. No. 4-2011, §1, 8-16-2011)

3.08.030 Standards. The provisions of this chapter are intended to enable the board of trustees to conduct purchasing

***Editor's note**—Ord. No. 4-2011, §1, adopted Aug. 16, 2011, repealed ch. 3.08 and enacted a new chapter as set out herein. The former ch. 3.08, §§3.08.010--3.08.100, pertained to similar subject matter and derived from §§3-3-1--3-3-9 of the prior code, and Ord. No. 3-1990, §1(part), 1990.

in the most efficient manner possible. In connection with any particular contract for or in connection with the use of supplies commonly required by the town, the board of trustees may compile a set of standards and specifications which will reasonably meet the needs of the town in respect to economy, strength, safety, sanitation and health.
(Ord. No. 4-2011, §1, 8-16-2011)

3.08.040 Competitive bidding. A. The following bid requirements apply to the purchase of goods or procurement of services which are not exempted from competitive bidding under subsection C. below. These bid requirements also apply to lease/purchase. Lease/purchase shall be valued at the capitalized cost of the item, or if none, at the total of the lease payments. The competitive bid process can be exempted by the board of trustees.

1. Purchases of five thousand dollars or less do not require bids but the town administrator is encouraged to obtain two verbal bids whenever possible.

2. Purchases over five thousand dollars and up to ten thousand dollars require three verbal bids.

3. Purchases over ten thousand dollars and up to twenty-five thousand dollars require three informal written bids.

4. Purchases over twenty-five thousand dollars require three formal written bids.

B. The town administrator may require formal written bids on any purchase costing less than twenty-five thousand dollars when such requirement is considered in the best interests of the town.

C. Notwithstanding the provisions of subsection A., above, goods or services may be purchased, without competitive bidding in such instances as will, in the opinion of the board of trustees, serve the best interests of the town, if the purchases are within one or more of the following categories:

1. Of limited availability, that is, are indispensable to the town which are obtainable, for practical purposes, from only a single source;

2. Are urgently required, that is, are indispensable to the town which of necessity must be purchased to contend with emergency situations;

3. Are perishable, that is, which cannot be purchased by ordinary procedures by reason of imminent spoilage or decay;

4. Required by reason of practicality, that is, required in respect to uniformity of equipment presently in operation, uniformity of decorative and semi-decorative fixtures and supplies, and in respect to preferences based on particular individual usage or professional advice. All purchases made pursuant to this section shall be made in the most economical manner possible.

D. Bids shall be awarded to the lowest, best and responsive, responsible bidder as determined by the town. All bids may be rejected.

(Ord. No. 4-2011, §1, 8-16-2011)

3.08.050 Bidding procedure--Formal. In the discretion of the board of trustees, formal advertisement by publication may precede the letting of any contract for supplies. Such advertisement or notice shall give the specifications of the supplies to be purchased or refer to the standards and specifications, theretofore established pursuant to this section and shall state the amount of bond, if any, required. All bids in response to such advertisements or notices shall be submitted in duplicate in sealed form and shall be publicly opened at the time specified in the advertisement or notice. After examination and tabulation the results shall be subject to inspection by competing bidders.

(Ord. No. 4-2011, §1, 8-16-2011)

3.08.060 Financial interest. Neither the board of trustees nor any employee of the town shall have any personal beneficial interest either directly or indirectly in any purchase made by the town nor in any firm, corporation, or association furnishing or bidding on any such purchase, except upon full disclosure of the interest to the board.

(Ord. No. 4-2011, §1, 8-16-2011)

3.08.070 Contractor's bonds. Any person or persons, company or companies, firm or firms, corporation or corporations entering into a contract with the town for the construction of any public building or the prosecution or completion of any public work, or for repairs upon any public building or public work, shall be required before commencing work, to execute, in addition to all bonds that may now or hereafter be required of

them, a penal bond, with good and sufficient surety or sureties, to be approved by the board of trustees, conditioned that such contractor or contractors shall promptly make payments of all amounts lawfully due to all persons supplying or furnishing him or them, or his or their contractor or subcontractors with labor or materials, used or performed in the prosecution of the work provided for in such contract, and will indemnify the town to the extent of any and all payments in connection with carrying out of such contracts which the town may be required to make under the law.

(Ord. No. 4-2011, §1, 8-16-2011)

Chapter 3.12

SALES AND USE TAX

Sections:

- 3.12.010 Purpose.
- 3.12.020 Definitions.
- 3.12.030 Licenses-Fees-Revocation.
- 3.12.040 Sales tax-Property and services taxed.
- 3.12.050 Sales tax-Exemptions.
- 3.12.060 Sales tax-Imposed-Amount.
- 3.12.070 Sales tax-Place of consummation of sale.
- 3.12.080 Sales tax-Vendor liable.
- 3.12.090 Sales tax-Collection, administration and enforcement.
- 3.12.100 License and tax additional.
- 3.12.110 Receipts-Disposition.
- 3.12.120 Limitations.

- 3.12.130 Certification.
- 3.12.140 Use tax--Imposed--Amount.
- 3.12.150 Use tax--Exemptions.
- 3.12.160 Use tax--Motor vehicles.
- 3.12.170 Use tax--Construction and building materials.
- 3.12.180 Violation--Penalty.

3.12.010 Purpose. The purpose of this chapter is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the town pursuant to the authority granted to incorporated towns of the state by CRS Article 2 of Title 29, 1973 as amended. This chapter shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the state, levied by CRS Article 26 of Title 39, 1973 as amended. (Ord. 9-1981 §1, 1981: prior code §13-1-1)

3.12.020 Definitions. The terminology used in this chapter, unless the context otherwise requires, shall be interpreted according to the definitions set forth in CRS Section 39-26-102, 1973 as amended. This chapter shall be interpreted to be consistent with and complementary to and is intended to conform with the provisions of the Emergency Retail Sales Tax Act of 1935 (CRS Article 26 of Title 39, 1973) and CRS Article 2 of Title 29, 1973 as amended. (Ord. 9-1981 §1(part), 1981: prior code §13-1-2)

3.12.030 Licenses--Fees--Revocation. It is unlawful for any person to engage in the business of selling at retail without first having obtained a license therefor, which license shall be granted and issued by the town treasurer and shall be in force and effect until December 31st of the year in which it is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and address of the person desiring such a license, the name of such business and the location, including the street number of such business, and such other facts as the town treasurer may require.

A. It is the duty of each such licensee on or before January 1st of each year during which this law remains in effect, to obtain a renewal thereof if the licensee remains in retail business or liable to account for the tax provided in this chapter, but nothing contained in this section shall be construed to empower the town treasurer to refuse such renewal except for revocation for cause of the licensee's prior license.

B. For each license issued, a fee of twenty-five dollars shall be paid, which fee shall accompany the application. A further fee of ten dollars shall be paid for each year or fraction thereof for which the license is renewed,

except that only one-half of the ten-dollar fee shall be charged on licenses issued after July 1st of any year.

C. In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

D. Each license shall be numbered and shall show the name, residence and place and character of business of the licensee, and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

E. The board of trustees after reasonable notice and a full hearing, may revoke the license of any person found to have violated any provision of this chapter.

F. Any finding and order of the board of trustees revoking the license of any person shall be subject to review by the district court of the district where the business of the licensee is conducted, upon application of the aggrieved party. The procedure for review shall be, as nearly as possible, the same as provided for the review of findings as provided by proceedings in the nature of certiorari.

G. No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this chapter. (Ord. 9-1981 \$1(part), 1981: prior code \$13-1-3)

3.12.040 Sales tax--Property and services taxed.

There is levied and there shall be collected and paid a tax in the amount stated in Section 3.12.060 as follows:

A. On the purchase price paid or charged upon all sales and purchases of tangible personal property at retail;

B. In the case of retail sales involving the exchange of property, on the purchase price paid or charged, less the fair market value of property exchanged at the time and place of the exchange;

C. Upon telephone and telegraph services, whether furnished by public or private corporations or enterprises for all intrastate telephone and telegraph services;

D. Upon the amount paid for all meals and cover charges, if any, furnished in any restaurant, eating house, hotel, drug store, club, resort, or other such place at which meals or food are regularly sold to the public;

E. On the entire amount charged to any person for rooms or accommodations as designated in CRS Section 39-26-102(11), 1973;

F. It is the intent of this chapter that the tangible personal property and services taxable pursuant to this chapter shall be the same as the tangible personal property and services taxable pursuant to CRS Section 39-26-104, 1973. (Ord. 9-1981 \$1(part), 1981: prior code \$13-1-4)

3.12.050 Sales tax--Exemptions. A. The tangible personal property and services taxable pursuant to this chapter shall be subject to the same exemptions as those specified in CRS Section 39-26-114, 1973 as amended.

B. In addition to the exemptions set forth in subsection A of this section, the following exemptions shall apply:

1. The amount subject to tax shall not include the amount of any sales or use tax imposed by CRS Article 26 of Title 39, 1973;

2. All sales of personal property on which a specific ownership tax has been paid or is payable shall be exempt from this municipal sales tax when such sales meet both of the following conditions:

a. The purchaser is a nonresident of or has his principal place of business outside of the town,

b. Such personal property is registered or required to be registered outside the limits of the town, under the laws of the state;

C. There shall also be exempt from taxation under provisions of this chapter the following items:

1. The exemption allowed by CRS Section 39-26-114(11), 1973 as amended, for purchase of machinery and machine tools;

2. The sales and purchases of electricity, coal, gas, fuel, oil, coke and wood as provided in CRS Section 39-26-114(1)(1)(XXI), 1973 as amended; and

3. Sales of food specified in CRS Section 39-26-114(1)(1)(XX), 1973 as amended. (Ord. 9-1981 §1(part), 1981: prior code §13-1-5)

3.12.060 Sales tax--Imposed--Amount. There is imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in Section 3.12.040, a three percent sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided in this chapter. (Ord. 9-1981 §1(part), 1981: prior code §13-1-6)

3.12.070 Sales tax--Place of consummation of sale. For the purpose of this sales tax chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to a destination outside the limits of the town. The gross receipts from such sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by CRS Article 26 of Title 39, 1973, regardless of the place to which delivery is made. If a retailer has no permanent place of business in the town, or has more than one place of business, the place at which the retail sales are consummated for the purpose of the sales tax imposed by this chapter shall be determined by

the provisions of CRS Article 26 of Title 39, 1973, and by the rules and regulations promulgated by the Department of Revenue. (Ord. 9-1981 §1(part), 1981: prior code §13-1-7)

3.12.080 Sales tax--Vendor liable. Every retailer, also called "vendor," shall be liable and responsible for the payment of an amount equivalent to three percent of all sales made by him of commodities or services as specified in Section 3.12.060 and shall before the twentieth day of each month make a return to the executive director of the department of revenue for the preceding calendar month and remit an amount equivalent to the three percent on such sales to the executive director. Such returns of the taxpayer or his duly authorized agent shall contain such information and be made in such manner and upon such forms as the executive director may prescribe and shall be subject to the following:

A. If the executive director extends the time for making a return and paying the taxes due under CRS Section 39-26-109, 1973, or under such reasonable rules and regulations as he may prescribe for the collection of the state sales tax such extensions shall also apply to the return and payment of the municipal sales tax due.

B. The burden of proving that any retailer is exempt from collecting the tax on any goods sold and paying the same to the executive director, or from making such returns, shall be on the retailer or vendor.

C. Every retailer or vendor conducting a business in which the transaction between the vendor and the consumer consists of the supplying of tangible personal property and services in connection with the maintenance or servicing of same, shall be required to pay the taxes levied under this chapter upon the full contract price, unless application is made to the executive director for permission to use a percentage basis of reporting and paying the state sales tax. In such event the municipal sales tax due shall be based upon the same ratio as is determined by the executive director for payment of the state sales tax. This section shall not be construed to include items upon which the sales tax is imposed on the full purchase price as designated in CRS Section 39-26-104, 1973 as amended.

D. Except as provided in subsection B of this section, retailers shall add the tax imposed, or the average equivalent thereof, to the sale price or charge, showing such tax as a separate and distinct item, and when added such tax shall constitute a part of such price or charge and shall be a debt from the consumer or user to the retailer until paid and shall be recoverable at law in the same manner as other debts. The retailer shall be entitled, as collecting agent of the town, to apply and credit the amount of his collections against the three percent rate to be paid by him under the provisions of Section 3.12.060 remitting any

excess of collections over the three percent to the executive director of the Department of Revenue in the retailer's next month sales tax return.

E. Any retailer selling malt, vinous, or spirituous liquors by the drink may include in his sales price the tax levied under this chapter, except that no such retailer shall advertise or hold out to the public in any manner, directly or indirectly, that such tax is not included as part of the sales price to the consumer. The tax as set forth in Section 3.12.060 shall be used by such retailer in determining amounts to be included in such sales price.

F. In the event the seven percent limitation provided in CRS Section 29-2-108, 1973 as amended, is to be exceeded in the town by a county sales or use tax, such limitation shall be exceeded by not more than one percent. (Ord. 3-1990 §1(part), 1990; Ord. 9-1981 §1(part), 1981: prior code §13-1-8)

3.12.090 Sales tax--Collection, administration and enforcement. A. The collection, administration and enforcement of the sales tax imposed by this chapter shall be performed by the executive director of the Department of Revenue of the state in the same manner as the collection, administration and enforcement of the state sales tax. Accordingly, the provisions of CRS Articles 26 and 31 of Title 39 and Article 2 of Title 29, 1973 as amended, and all rules and regulations promulgated by the executive director of the Department of Revenue pertaining to such collection, administration and enforcement, are incorporated in this chapter by this reference.

B. At the time of making his return of the tax, as required, by this chapter, every retailer shall be entitled to subtract from the tax so remitted a sum equal to three and one-third percent of the tax as his fee, the fee to be known as the "vendor's fee."

C. If the retailer shall be delinquent in remitting the tax he shall forfeit the vendor's fee, unless good cause can be shown for such delinquent remittance.

D. The administration of this chapter is vested in and shall also be exercised by the town treasurer in conjunction and cooperation with the executive director of the Department of Revenue. (Ord. 9-1981 §1(part), 1981: prior code §13-1-9)

3.12.100 License and tax additional. The license and tax imposed by this chapter shall be in addition to all other licenses and taxes imposed by law, except as otherwise provided in this chapter. (Ord. 9-1981 §1(part), 1981: prior code §13-1-10)

3.12.110 Receipts--Disposition. One hundred percent of all receipts collected under the provisions of this

chapter shall be credited to the general fund, and the board of trustees shall make appropriations therefrom for the expenses of the administration of this chapter and for other town expenditures. (Ord. 9-1981 §1(part), 1981: prior code §13-1-11)

3.12.120 Limitations. The taxes for any period, together with the interest thereon and penalties with respect thereto, imposed by this chapter shall not be assessed, or suit for collection be instituted, nor any other action to collect the same be commenced, more than three years after the date on which the tax was or is payable. In the case of failure to file a return or in the case of a false or fraudulent return with intent to evade tax, the tax, together with interest and penalties thereon, may be assessed or proceedings for the collection of such taxes may be begun at any time. Before the expiration of such period of limitation, the taxpayer and the town treasurer may agree in writing to an extension thereof, and the period so agreed on may be extended by subsequent agreements in writing. (Ord. 9-1981 §1(part), 1981: prior code §13-1-12)

3.12.130 Certification. It is the duty of the town clerk to certify to the Department of Revenue and to the county clerk of the county of Arapahoe a true copy of this sales and use tax chapter and likewise certify any subsequent changes herein. (Ord. 9-1981 §1(part), 1981: prior code §13-1-13)

3.12.140 Use tax--Imposed--Amount. There is imposed a use tax of three percent thereof, for the privilege of storing, using, or consuming in the town any construction and building materials, and motor and other vehicles on which registration is required, purchased at retail. (Ord. 9-1981 §1(part), 1981: prior code §13-2-1)

3.12.150 Use tax--Exemptions. In no event shall the use tax imposed by this chapter extend or apply:

A. To the storage, use or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the town;

B. To the storage, use or consumption of any tangible personal property purchased for resale in the town either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of a business;

C. To the storage, use, or consumption of tangible personal property brought into the town by a nonresident thereof for his own storage, use, or consumption while temporarily within the town, however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state;

D. To the storage, use, or consumption of tangible personal property by the United States government or the state, or its institutions or political subdivisions, in their governmental capacities only, or by charitable organizations in the conduct of their regular charitable functions;

E. To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any article, substance or commodity, which tangible personal property enters into the process of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof;

F. To the storage, use, or consumption of any article of tangible personal property the sale or use of which has already been subjected to a sales or use tax of another town, city, or county equal to or in excess of that imposed by this chapter. A credit shall be granted against the use tax imposed by this chapter with respect to a person's storage, use, or consumption in the town, city or county of tangible personal property purchased by him elsewhere. The amount of the credit shall be equal to the tax paid by him by reason of the imposition of a sales or use tax of another town, city or county on his purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this chapter;

G. To the storage, use, or consumption of tangible personal property and household effects acquired outside of the town and brought into it by a nonresident acquiring residency;

H. To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the town and he purchased the vehicle outside of the town for use outside the town and actually so used it for a substantial and primary purpose of which it was acquired and he registered, titled, and licensed the motor vehicle outside the town;

I. To the storage, use, or consumption of any motor and other vehicles on which registration is required if a written contract for the purpose thereof was entered into prior to the effective date of such use tax.

J. To the storage, use, or consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of such use tax ordinance, resolution or proposal. (Ord. 3-1990 §1(part), 1990; Ord. 9-1981 §1(part), 1981: prior code §13-2-2)

3.12.160 Use tax--Motor vehicles. A. The three percent use tax provided for in this chapter shall be

applicable to every motor vehicle for which registration is required by the laws of the state, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the Department of Revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this chapter has been paid.

B. The use tax imposed by this chapter shall be collected by the authorized agent of the Department of Revenue in this county.

C. The proceeds of the use tax shall be paid to the town periodically in accordance with an agreement entered into by and between the town and the Department of Revenue. (Ord. 9-1981 §1(part), 1981: prior code §13-2-3)

3.12.170 Use tax--Construction and building materials. A. The collector of the use tax for construction and building materials, shall be administered by the board of trustees of the town.

B. The tax may be paid by estimate through the payment of the tax at the time permits are issued for building and construction.

C. As an alternative to the estimate procedure in subsection B of this section, payment of the use tax may be made by the filing by the applicant for a building permit or an affidavit stating that the applicant intends to purchase all building or construction materials necessary for the project described in the building application from a licensed retailer located within the town.

D. Every applicant for a building permit who utilized the alternative procedure provided in subsection C of this section shall maintain and preserve detailed purchase and receipt records which shall be subject to inspection and audit by the board of trustees of the town, and any unpaid taxes due shall be subject to collection.

E. The collection and administration of the use tax imposed by this chapter shall be performed by the board of trustees of the town in substantially the same manner as the collection, administration and enforcement of the Colorado sales and use tax.

F. Prior to final inspection of the project or issuance of a certificate of occupancy, the town administrator shall hold audits, investigations and may examine any relevant books, papers, records and invoice when:

1. It is determined that the scope of the project was expanded and therefore the amount of use tax deposit paid is not sufficient to provide full payment; or

2. In order to determine if the estimated use tax deposit paid at the time the building permit was issued is

sufficient to provide full payment for the materials used in building construction.

Any excess amount of the deposit paid will be returned to the person making the deposit by mail within thirty days of the assessment of the use tax. (Ord. 1-2001 §1, 2001; Ord. 9-1981 §1(part), 1981: prior code §13-2-4)

3.12.180 Violation--Penalty. Unless otherwise provided in this chapter, any person guilty of a violation of this chapter, upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or by imprisonment in the county jail for not more than one year or by both such fine and imprisonment. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 9-1981 §1(part), 1981: prior code §13-2-5)

Chapter 3.16TELEPHONE BUSINESS AND OCCUPATION TAXSections:

- 3.16.010 Imposed.
- 3.16.020 Payment.
- 3.16.030 Filing statement.
- 3.16.040 Failure to pay.
- 3.16.050 Inspection of records.
- 3.16.060 Local purpose.
- 3.16.070 Tax in lieu of.
- 3.16.080 Prior offenses and liabilities.
- 3.16.090 Violation--Penalty.

3.16.010 Imposed. There is levied on and against each telephone utility company operating within the town a tax on the occupation and business of maintaining a telephone exchange and lines connected therewith in the town and of supplying local exchange telephone service to the inhabitants of the town. The amount of the tax levied shall be:

A. For the portion of 1979 remaining after the date on which the tax begins to accrue as provided in Section 3.16.020, three dollars per telephone account for which local exchange telephone service is provided within the corporate limits of the town on the date; and

B. For each subsequent calendar year, three dollars per telephone account for which local exchange telephone service is provided within the corporate limits of the town on the anniversary of the date on which the tax begins to accrue as provided in Section 3.16.020. (Ord. 2-1979 §1, 1979)

3.16.020 Payment. The tax levied by this chapter shall begin to accrue on June 1, 1979, for 1979 only and accrue from January 1st in all subsequent years and shall be due and payable in one annual payment for the remaining portion of 1979, and in annual installments for years subsequent to 1979, the installments to be paid on the last business day of December of each year. (Ord. 2-1979 §2, 1979)

3.16.030 Filing statement. Within thirty days after the date on which the tax begins to accrue as provided in Section 3.16.020, each telephone utility company subject to this chapter shall file with the town clerk, in such form as the clerk may require, a statement showing a total of telephone accounts for which local exchange telephone service was provided within the corporate limits of the town on said date. Such statement shall be filed within thirty days after each anniversary of the date on which the tax begins to

accrue, showing such accounts on the anniversary date.
(Ord. 2-1979 §3, 1979)

3.16.040 Failure to pay. If any telephone company subject to the provisions of this chapter shall fail to pay the taxes as provided in this chapter, the full amount thereof shall be due and collected from such company, and the same together with an additional ten percent of the amount of taxes due shall be and hereby is declared to be a debt due and owing from such company to the town. The town attorney, upon direction of the board of trustees, shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the debt. (Ord. 2-1979 §4, 1979)

3.16.050 Inspection of records. The town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records of the telephone utility companies which are subject to the provisions of this chapter and to make copies of the entries or contents thereof. (Ord. 2-1979 §6, 1979)

3.16.060 Local purpose. The tax provided in this chapter is upon occupations and business in the performance of local functions and is not a tax upon those functions relating to interstate commerce. It is expressly understood that none of the terms of this chapter be construed to mean that any telephone utility company is issued a franchise by the town. (Ord. 2-1979 §7, 1979)

3.16.070 Tax in lieu of. The tax provided in this chapter shall be in lieu of all other occupation taxes or taxes on the privilege of doing business in the town on any telephone utility company subject to the provisions of this chapter, and in addition shall be in lieu of any free service furnished the town by any telephone utility. (Ord. 2-1979 §8, 1979)

3.16.080 Prior offenses and liabilities. All offenses committed and all liabilities incurred prior to the effective date of the ordinance codified in this chapter shall be treated as though the prior applicable agreement were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. All taxes, the liability for which has been accrued under the terms and provisions of the agreement on or before the effective date of the ordinance codified in this chapter, shall be and remain unconditionally due and payable, and shall constitute a debt to the town, payable in conformity with the terms and provisions of the ordinance agreement prior to the adoption of the ordinance codified in this chapter; and all of the terms and

provisions of the agreement shall be and remain in full force and effect for the purpose of the collection and payment of any and all such taxes due and payable thereunder, notwithstanding the provisions of this chapter. (Ord. 2-1979 §8, 1979)

3.16.090 Violation--Penalty. If any officer, agent or manager of a telephone utility company which is subject to the provisions of this chapter shall fail, neglect, or refuse to make or file an annual state of accounts provided in Section 3.16.030, the officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars nor more than one thousand dollars; provided, that each day after the statement shall become delinquent during which the officer, agent, manager or person shall so fail, neglect, or refuse to make and file such statement shall be considered a separate and distinct offense. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 2-1979 §5, 1979)

Chapter 3.20

UTILITIES OCCUPATION TAX

Sections:

- 3.20.010 Policy and purpose.
- 3.20.020 Utilities defined.
- 3.20.030 Tax levy.
- 3.20.040 Filing statement and payment of tax.
- 3.20.050 Failure to pay.
- 3.20.060 Inspection of records.
- 3.20.070 Exclusions.
- 3.20.080 Violation--Penalty.

3.20.010 Policy and purpose. The board of trustees finds, determines and declares that considering the nature of the utility businesses and occupations, as defined in this chapter, and the relations thereof to the municipal welfare, as well as the relation thereof to the expenditures required of the town, and all other matters proper to be considered thereto, the classification of the businesses and occupations as separate businesses and occupations is reasonable, proper, uniform, and nondiscriminatory. The amount of tax imposed by this chapter is reasonable, proper and nondiscriminatory, and necessary for the just and proper distribution of expenditures required to be made by the town with respect to such businesses and occupations. (Prior code §3-2-1)

3.20.020 Utilities defined. The utility businesses and occupations subject to this chapter shall be those utilities defined as "public utilities" by the laws of the state, except for the utilities specifically excluded by this chapter. (Prior code §3-2-2)

3.20.030 Tax levy. There is imposed upon all utility companies except as excluded by this chapter which maintain facilities and carry on functions and operations within the town a tax on the business and occupation of installing, maintaining and operating such utility within the town and of supplying services to the inhabitants of the town. The amount of tax levied shall be equal to three percent of the gross revenues received by such utility arising from the supplying, furnishing, distributing and selling of local exchange telephone service, artificial or natural gas, electricity or electrical energy, and any other utility services defined as such under Section 3.20.020 of this chapter, within the corporate limits of the town. (Prior code §3-2-3)

3.20.040 Filing statement and payment of tax. For the purpose or ascertaining the amount of the tax to be paid as required by this chapter, it shall be the duty of such utility companies, and the president, secretary, treasurer, manager, officer or agent having general control of the business of each such utility company in the town, to transmit within forty-five days after the end of each calendar quarter, a statement under oath to the town treasurer showing the gross receipts received, as prescribed in Section 3.20.030 of this chapter, during the quarter, and the statement shall be accompanied by a payment to the town treasurer of the amount of the tax for the quarter, and the statement and payment shall become delinquent sixty days after the end of the quarter. (Prior code §3-2-4)

3.20.050 Failure to pay. If any utility company, subject to the provisions of this chapter shall fail to pay the taxes as provided in this chapter, the full amount thereof shall be due and collected from such company and the same together with an addition of ten percent of the amount of taxes due shall be and is declared to be a debt due and owing from such company to the town. The town attorney of the town upon the direction of the board of trustees shall commence and prosecute to final judgment and determination in any court of competent jurisdiction an action at law to collect the debt in the name of the people of the town. (Prior code §3-2-5)

3.20.060 Inspection of records. The town, its officers, agents or representatives shall have the right at all reasonable hours and times to examine the books and records

of the utility companies which are subject to the provisions of this chapter and to make copies of the entries or contents thereof. (Prior code §3-2-7)

3.20.070 Exclusions. The provisions of this chapter shall not apply to any utility business and occupation operating within the town pursuant to any ordinance of the town in effect at the time of the adoption of the ordinance codified in this chapter, and shall not apply to any common carriers and to any utility owned and operated by the town. The board of trustees of the town recognizes the existence of a present franchise, set forth in Appendix A of this code, to the Public Service Company of Colorado, its successors and assigns, to construct, maintain, operate and extend into and through the town, systems and facilities for the production, purchase, storage, transmission and distribution of electrical energy, gaseous fuels or mixtures thereof and to sell, furnish and distribute the products to the town and the inhabitants thereof; and fixing the terms and conditions thereof. (Prior code §3-2-8)

3.20.080 Violation--Penalty. If any officer, agent or manager of a utility company which is subject to the provisions of this chapter shall fail, neglect or refuse to make or file any quarterly statement or payment in the manner prescribed in this chapter, the officer, agent, manager, or person shall, on conviction thereof, be punished by a fine of not less than twenty-five dollars nor more than one thousand dollars; provided, that each day after the quarterly statement or payment shall become delinquent during which the officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement or payment shall be considered a separate and distinct offense. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §1(part), 1991: prior code §3-2-6)

Chapter 3.24

EMERGENCY TELEPHONE SERVICE CHARGE

Sections:

3.24.010 Imposed--Rate.

3.24.010 Imposed--Rate. An emergency telephone charge of forty-five cents per month per exchange access facility is imposed on all persons provided exchange telephone service within the town in accordance with CRS Section 29-11-101, et seq. The charge shall be imposed on each exchange

access facility, independent of type; provided, however, that no such charge shall be imposed upon more than one hundred exchange access facilities per customer. The charge shall be collected along with the charges for the tariff rate in accordance with the regular billing practice of the service supplier. For purposes of this chapter, all terms shall have the same definition as the definitions provided in CRS Section 29-11-102. This authorization shall not be effective until such time as similar ordinances and all eight cooperating jurisdictions are effective and approved by the authority. (Ord. 5-1989, 1989)

Title 4

(RESERVED)

Title 5BUSINESS LICENSES AND REGULATIONSChapters:

- 5.04 Community Antenna Television Systems
- 5.05 Wireless Communication Facilities
- 5.08 Solicitors, Peddlers and Itinerant Merchants

Chapter 5.04COMMUNITY ANTENNA TELEVISION SYSTEMSSections:

- 5.04.010 Defined.
- 5.04.020 Permit--Required.
- 5.04.030 Permit--Application.
- 5.04.040 Permit approval--Conditions.
- 5.04.050 Construction regulations.
- 5.04.060 Violation--Penalty.

5.04.010 Defined. "Community antenna television system" as used in this chapter means any facility which receives directly over the air and amplifies or otherwise modifies the signals transmitting programs broadcast by one or more television stations and distributes such signals by wire or cable to subscribing members of the public who pay for such service; but such term shall not include any facility which services only the residents of one or more apartment dwellings or office buildings under common ownership, control or management. (Ord. 8-1981 §1(part), 1981: prior code §3-4-1(part))

5.04.020 Permit--Required. No person, firm, corporation or organization shall install, operate and maintain a community antenna television system within all or any portion of the town without first obtaining a permit therefor from the board of trustees. (Ord. 8-1981 §1(part), 1981: prior code §3-4-1(part))

5.04.030 Permit--Application. Application to install, operate and maintain a community antenna television system shall be made by the person, firm, corporation or organization, or their duly designated agent to the board of trustees. Such application shall contain the following information:

A. The name and address of the applicant, and should the applicant be a corporation, the names and addresses of all officers and directors of such corporation;

B. An outline of the general installment construction and operation plans of the applicant;

C. A schedule of rates and charges for all services;

D. A proposed schedule for the construction of the system and the commencement of service;

E. A list of communities presently being served by the applicant in the state and a list of any community where an application is pending;

F. Such other information and provisions as may be prescribed by a request for proposal issued by the town for approval by the board of trustees. (Ord. 8-1981 §1(part), 1981: prior code §3-4-2)

5.04.040 Permit approval--Conditions. The board of trustees upon finding that the application is consistent with public interest, safety and welfare, may grant by ordinance a permit for such application in whole or in part, subject to such agreements, conditions, charges, assessments and taxes as the board of trustees may impose upon the applicant. (Ord. 8-1981 §1(part), 1981: prior code §3-4-3)

5.04.050 Construction regulations. All construction of lines, cables, or other apparatus in the streets, alleys or public places of the town pursuant to the grant of a permit shall be under the supervision and in accordance with the specifications and regulations provided for such work by the town engineers. (Ord. 8-1981 §1(part), 1981: prior code §3-4-4)

5.04.060 Violation--Penalty. A. It is unlawful for any person to construct, install or maintain within any public property of the town, or within any privately owned area within the town which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the town, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a permit authorizing such use of such street or property or area has first been obtained, and unless such permit is in full force and effect.

B. It is unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of the cable television system under any permit within this town for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the operator of the system.

C. Penalty for Violation. The installation, operation or maintenance of a community antenna television system without a permit therefor as provided in this chapter is declared to be a nuisance and a trespass upon the public property. Additionally, any person, firm, corporation or organization who shall be convicted of a violation of any provisions of this chapter shall, for each offense, be fined in a sum not more than one thousand dollars or imprisoned not to exceed one year, or both so fined and imprisoned. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991; Ord. 4-1982 §1, 1982: prior code §3-4-5)

Chapter 5.05

WIRELESS COMMUNICATION FACILITIES

Sections:

- 5.05.010 Definitions.
- 5.05.020 Location and design criteria.
- 5.05.030 Approval by the building commissioner.
- 5.05.040 Approval by board of adjustment.
- 5.05.050 Removal of communication facilities.

5.05.010 Definitions. The following listed specific words and terms are defined as follows:

"Communication network" means the grid system used in wireless technology to locate communication sites which contain interconnecting equipment used to interface the radio signals sent and received by wireless equipment.

"Communication site" means the site or lot utilized for an unmanned wireless transmission facility that uses radio signals to transmit conversation, visual imagery or data to a user.

"Television antenna" means antenna used for private television reception for a single-family home. Antenna may only be located in the attic portion of a single-family home. In no event may antenna be located on the roof of any home.

"Wireless communication facilities" means structures, buildings and antennas used for the reception, switching, and transmission of wireless communications, including radio, television, cellular telephone and similar technology, except satellite dishes which are less than two feet in diameter. (Ord. 1-2000 §1(part), 2000)

5.05.020 Location and design criteria. All wireless communication facilities and sites shall be designed and located using the following criteria:

A. Wireless facilities should be co-located in a multi-use building with other wireless facilities or public utilities whenever possible, and to the extent the total facility remains consistent with the scale of the surrounding structures.

B. The applicant should demonstrate how the proposed communication site fits into the overall communication network for the community, to confirm the necessity for the site.

C. The location and development of communication facilities shall preserve the existing character of the topography and vegetation. Existing vegetation should be preserved or improved.

D. Communication facilities should be designed and located to avoid dominant silhouettes and to preserve view corridors of surrounding areas.

E. The visual impact of the communication facilities shall be mitigated through the use of compatible architectural elements such as colors, textures, surfaces, scale and character. The facilities shall be screened with vegetation, structures or topographical features. The facility should be integrated, through its location and design, into the natural setting and the structural environment of the area.

F. Where possible, communication facilities should be concealed in accessory structures consistent with the architectural scale and character of the area.

G. Fencing should not be used exclusively (it must be supplemented with vegetation and other things) to screen a cellular facility. Security fencing should be of a design which blends into the character of the existing environment.

H. The communication facilities will be designed, maintained and operated, as required by applicable Federal Communication Commission licenses, so as not to interfere with electronic reception of neighbors. (Ord. 1-2000 §1(part), 2000)

5.05.030 Approval by the building commissioner.

Wireless facilities are permitted in the following zone districts: R-A, POR, and T zone districts. Whip-type antenna or panel antenna, not to exceed eight square feet, are allowed in the public ROW on existing traffic signal poles or light standards. Antenna may not exceed thirty feet in height, as measured from the historic grade. Facilities will maintain the setback as required within the zone district or a setback equal to the height of the facility, whichever is greater, except within public right of way. Television antenna are permitted in the attic portion of single-family residences. A fee of seventy-five dollars shall be charged for any application filed for permission

to install a wireless communication facility. (Ord. 1-2000 §1(part), 2000)

5.05.040 Approval by board of adjustment. Wireless facilities may be allowed as accessory structures within residential districts, if specifically authorized by the board of adjustment and appeals as a special exception, after a public hearing. A wireless facility will maintain the setbacks as required within the zone district for accessory structures or a setback equal to the height of the facility, whichever is greater, unless physical characteristics of the property allow for placement of the facility as stated in Section 5.05.020. The maximum height of the antenna is thirty feet as measured from the historic grade. The board of adjustment and appeals may withhold approval of the facility if it does not meet the general criteria set forth in Section 5.05.020. (Ord. 1-2000 §1(part), 2000)

5.05.050 Removal of communication facilities. Communication facilities which are not in regular use or are in violation of Section 5.05.020 for six months, shall be removed by the facility owner. The removal shall occur a minimum of ninety days after the six month nonuse or violation period has expired. Upon removal, the site shall be refurbished to a physical condition similar to the site conditions prior to the installation of the communication facility. If the communication provider fails to remove the facility after receipt of written notice or within the nine month period, the facility may be removed by the town at the communication provider's expense. (Ord. 1-2000 §1(part), 2000)

Chapter 5.08

SOLICITORS, PEDDLERS AND ITINERANT MERCHANTS

Sections:

- 5.08.010 Definitions.
- 5.08.020 Registration required for hawkers, peddlers and solicitors, available for canvassers.
- 5.08.030 Fees.

Sections: (Continued)

- 5.08.040 Contents of registration.
- 5.08.050 No visit list.
- 5.08.060 Distribution of handbills and commercial flyers.
- 5.08.070 General prohibitions.
- 5.08.080 Exceptions.
- 5.08.090 Violation.

5.08.010 Definitions. As used in this chapter, the following words have the meaning indicated:

"Canvasser" means a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to enlist support for or against a particular religion, philosophy, ideology, political party, issue or candidate, even if incidental to such purpose the canvasser accepts the donation of money for or against such cause, or (2) distributing a handbill or flyer advertising a noncommercial event or service.

"Hawker or peddler" means a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of attempting to sell a good or service. A "peddler" does not include a person who distributes handbills or flyers for a commercial purpose, advertising and event activity, goods or services that are offered to the resident for purchase at a location away from the residence or at a time different from the time of visit. Such a person is a "solicitor."

"Solicitor" means a person who attempts to make personal contact with a resident at his/her residence without prior specific invitation or appointment from the resident, for the primary purpose of: (1) attempting to obtain a donation to a particular patriotic, philanthropic, social service, welfare, benevolent, educational, civic, fraternal, charitable, political or religious purpose, even if incidental to such purpose there is the sale of some good or service, or (2) distributing a handbill or flyer advertising a commercial event or service. (Ord. 1-2005 §2(part), 2005)

5.08.020 Registration required for hawkers, peddlers and solicitors, available for canvassers. No person shall act as a hawker, peddler or as a solicitor within the town without first registering with the town administrator in accordance with this chapter. A canvasser is not required to register but any canvasser may do so for the purpose of reassuring town residents of the canvasser's good faith. (Ord. 1-2005 §2(part), 2005)

5.08.030 Fees. A. For a peddler acting on behalf of a merchant otherwise licensed to do business within the town--No fee.

B. For a peddler acting on behalf of a merchant not otherwise licensed to do business within the town--A fee for one day two dollars; for one month twelve dollars and fifty cents; for one year thirty-five dollars.

C. For a solicitor (including a commercial solicitor advertising an event, activity, good or service for purchase at a location away from the residence)--A fee for one day two dollars; for one month twelve dollars and fifty cents; for one year thirty-five dollars.

D. For a canvasser--No fee.
(Ord. 1-2005 §2(part), 2005)

5.08.040 Contents of registration. Any person or organization required to register under this chapter shall provide the following information:

A. The name, physical description and photograph of each person required to register. In lieu of this information, a driver's license, state identification card, passport, or other government-issued identification card (issued by a government within the United States) containing this information may be provided, and a photocopy taken. If a photograph is not supplied, the town will take an instant photograph of each person for which a card is requested at the application site.

B. The permanent and (if any) local address of the organization or business to be represented by a hawker, peddler, solicitor or canvasser.

C. The permanent and (if any) local address of each person acting as a hawker, peddler, solicitor or canvasser.

D. A brief description of the proposed activity related to this registration. (Copies of literature to be

distributed may be substituted for this description at the option of the applicant).

E. The motor vehicle make, model, year, color, vehicle identification number and state license plate number of any vehicle which will be used by each person.

F. If registering as a hawker or peddler:

1. The name and permanent address of the business offering the event, activity, good or service (i.e., the peddler's principal).

2. A copy of the principal's sales tax license as issued by the state of Colorado and/or the town of Columbine Valley.

G. The web address for this organization, person, or group (or other address) where residents having subsequent questions can go for more information. (Ord. 1-2005 §2(part), 2005)

5.08.050 No visit list. The town clerk shall maintain a list of persons within the town who restrict visits to their residential property (including their leasehold, in the case of a tenant) by hawkers, peddlers, solicitors, and canvassers, which shall be known as the no visit list. All residents in the town shall be listed in the no visit list, unless a resident requests in writing that his or her name be removed from the no visit list. A copy of the no visit list shall be provided to each hawker, peddler, solicitor, or canvasser. It shall be the responsibility of all canvassers to obtain a copy of the current no visit list. (Ord. 1-2005 §2(part), 2005)

5.08.060 Distribution of handbills and commercial flyers. In addition to the other regulations contained herein, a solicitor or canvasser leaving handbills or commercial flyers about the community shall observe the following regulations:

A. No hand bill or flyer shall be left at, or attached to any sign utility pole, transit shelter or other structure within the public right-of-way.

B. No hand bill or flyer shall be left at, or attached to any privately owned property in a manner that causes damage to such privately owned property.

C. No hand bill or flyer shall be left at, or attached to any of the property listed on the town "no visit" list.

D. Any person observed distributing hand bills or flyers shall be required to identify himself/herself to the police. This is for the purpose of knowing the likely identity of the perpetrator if the town receives a complaint of damage caused to private property during the distribution of hand bills or flyers. (Ord. 1-2005 §2(part), 2005)

5.08.070 General prohibitions. No peddler, solicitor or canvasser shall:

A. Enter or remain upon any private property where the current occupant has posted the property on the town's "no visit" list (except where the posting form indicates the occupant has given permission for this type of visit).

B. Use or attempt to use any entrance other than the front or main entrance to the dwelling, or step from the roadway, curb, gutter pan or indicated walkway (where one exists) leading from the right-of-way to the front or main entrance, except by express invitation of the resident or occupant of the property.

It shall be an affirmative defense to any violation of this section that the peddler, solicitor, or canvasser has an express invitation from the resident or occupant of a dwelling allowing him/her to enter upon any posted property. (Ord. 1-2005 §2(part), 2005)

5.08.080 Exceptions. This chapter shall not apply to a federal, state or local government employee or a public utility employee in the performance of his/her duty for his/her employer. This chapter shall not apply to residents of the town of Columbine Valley. (Ord. 1-2005 §2(part), 2005)

5.08.090 Violation. It is unlawful for any person to violate any provision of this chapter. Any person violating the provisions of this chapter shall, upon conviction thereof be fined not more than one thousand dollars or imprisoned not more than thirty days or both, in the discretion of the court. (Ord. 1-2005 §2(part), 2005)

Title 6

ANIMALS

Chapters:

- 6.04 Animals Generally
- 6.08 Dogs and Cats

Chapter 6.04

ANIMALS GENERALLY

Sections:

- 6.04.010 Definitions.
- 6.04.020 Animal fights.
- 6.04.030 Odors.
- 6.04.040 Abandonment of animals.
- 6.04.050 Animals at large.
- 6.04.060 Cruelty to animals.
- 6.04.070 Feeding impounded animals.
- 6.04.080 Bird restrictions.
- 6.04.090 Possession of certain animals unlawful.
- 6.04.100 Dead animals.
- 6.04.110 Trapping and hunting.
- 6.04.120 Animal control officer--Duties.
- 6.04.130 Violation--Penalty.

6.04.010 Definitions. As used in this chapter, the following words and phrases shall have the following meanings unless the context otherwise indicates:

"At large" means an animal that is off the premises of the owner, as owner is defined in this section, and is not under the actual physical control of such owner.

"Humane traps" means box-type live traps which do not cause bodily harm to the animal intended to be captured or any other animal or person coming in contact with such trap.

"Owner" means any person owning, keeping, harboring, or having the full or temporary care of an animal at the time any violation of this chapter is committed.

"Person" means any person regardless of age and specifically including minors under the age of eighteen years. (Ord. 1-1985 §1(part), 1985: prior code §11-1-10)

6.04.020 Animal fights. No person shall keep or cause to be kept any place where any fowl or any animals are suffered to fight upon exhibition or for sport upon any wager. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(a))

6.04.030 Odors. The maintenance on any premises in the town of a dog or other animal in such living quarters so as to cause annoying and offensive odors to permeate the neighborhood, or to seriously annoy persons passing to and from upon the streets or sidewalks, is declared to be a nuisance and shall not be permitted within the town. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(b))

6.04.040 Abandonment of animals. It is unlawful for any person to abandon any animal or to cause any animal to be abandoned. (Ord. 1-1985 §1(part), 1985: prior code §11-1-1(c))

6.04.050 Animals at large. A. It is unlawful for any person owning or having in his possession or custody any chickens or feathered fowl to have the same running at large in the town and upon the property of others or upon the streets, alleys or other public places within the town.

B. It is unlawful for any person owning or having in his possession or custody any livestock to have the livestock be running at large and unattended within the town. For the purpose of this section, livestock shall be defined as any bovine animal, horse, mule or ass. Unattended animals in violation of this section shall be ordered impounded by the town marshal in a pound, stable or other location designated by the marshal, and the reasonable cost of transporting, feeding and keeping such animal shall be paid by the owner before the animal is released from the pound.

C. It shall not be a defense to this section that the owner did not permit the animals to be running at large. (Ord. 1-1985 §1(part), 1985: prior code §11-1-2)

6.04.060 Cruelty to animals. A. It is unlawful for any person to commit or cause to be committed any act of cruelty, abandonment, harassment or torture to any animal or cause any animal to be wounded, mutilated, strangled or inhumanely killed. Ownership of the animal shall not be a defense for such acts or for a violation of this section.

B. It is unlawful for the owner, possessor or keeper of any animal to negligently or intentionally deprive such animal of adequate and wholesome food and water, protection from the elements, opportunity for exercise, or adequate veterinary care, or otherwise neglect such animal in such a manner as to endanger its health or cause it to suffer. (Ord. 1-1985 §1(part), 1985: prior code §11-1-3)

6.04.070 Feeding impounded animals. In case any animal shall be at any time impounded and shall continue to be without necessary food or water more than twelve consecutive hours, it shall be lawful for any person from time to time and as often as shall be necessary, to enter into or upon

any pound or corral in which any such animal shall be confined, and supply it with necessary food and water so long as it shall remain so confined. Such person shall not be liable to any action for such entry, and the reasonable cost of such feed and water may be collected by him from the owner of such animal. (Ord. 1-1985 §1(part), 1985: prior code §11-1-4)

6.04.080 Bird restrictions. It is unlawful for any person at any time within the corporate limits of the town to frighten, shoot at, wound, kill, take, capture, ensnare, net, trap or in any other manner molest or injure any song bird or insectivorous bird; or in any manner molest or injure the nest eggs or young of any such bird; or have in possession the nest eggs, young or body of such bird except as prescribed by the Colorado State Fish and Game Commission. (Ord. 1-1985 §1(part), 1985: prior code §§11-1-5, 10-7-11)

6.04.090 Possession of certain animals unlawful. A. It shall be unlawful for any person to possess, display, sell, or give away dyed, colored or in any way artificially treated baby chicks, ducklings, fowl, rabbits or any animals as pets, playthings, novelties or gifts.

B. This section shall not be construed to prohibit the display by hatcheries, stores, owners, dealers or persons engaged in the business of selling the same to be raised for food; but no such hatcheries, stores, owners, dealers or persons shall sell or give away baby chicks, ducks, fowls, rabbits or any animals as pets, playthings, or novelties. (Ord. 1-1985 §1(part), 1985: prior code §11-1-6)

6.04.100 Dead animals. All animals which die shall be disposed of by the owners or keepers within twenty-four hours of their death by burial, incineration in a facility approved by the animal control officer, or by rendering. No dead animal shall be dumped or abandoned on any public or private property. (Ord. 1-1985 §1(part), 1985: prior code §11-1-7)

6.04.110 Trapping and hunting. A. When deemed necessary by a marshal or the animal control officer for the health, safety and welfare of the residents of the town, such marshal or officer and/or his agents may place a humane trap on the property of the resident of the town when the resident requests such trap for the purpose of capturing any wild pet animal creating a nuisance in the town.

B. Animal control officers are authorized to use and may designate others in writing to use any tranquilizer guns, firearms, humane traps or other suitable devices to subdue, transport or destroy any animal that is deemed by the animal control officer to be of a danger to itself, other animals, persons or property.

C. It is unlawful for any person to hunt, set or cause to be set within the town any trap or snare for the purpose of sport, capturing, killing or injuring any animal, whether wild or domestic, without having received written authorization by the animal control officer as provided in subsection B of this section. (Ord. 1-1985 §1(part), 1985: prior code §11-1-8)

6.04.120 Animal control officer--Duties. A. The animal control officer shall have the duty and the power to enforce this chapter and Chapter 6.08 of this title.

B. It shall be the duty of the animal control officer to keep, or cause to be kept, records of the impoundment and disposition of all impounded animals and of all reports of animal bites reported to the animal control officer.

C. It shall be lawful for the animal control officer or any police officer to go upon private property to capture any animal to be impounded for violation of this chapter or Chapter 6.08 of this title, if:

1. The officer has obtained a search warrant or exigent circumstances exist; or
2. The officer has obtained the consent of the person in possession of the property; or
3. The officer is in pursuit of an animal which is or has been running at large. This section shall not be deemed to authorize entry into any enclosed building on private property. (Ord. 1-1985 §1(part), 1985: prior code §11-1-9)

6.04.130 Violation--Penalty. Any person found guilty of violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 1-1985 §1(part), 1985: prior code §11-1-11)

Chapter 6.08

DOGS AND CATS

Sections:

- 6.08.010 Definitions.
- 6.08.020 Vaccination--Required.
- 6.08.030 Vaccination--Exemption.
- 6.08.040 Vaccination certificate or letter.
- 6.08.050 Tags required.
- 6.08.060 Running at large prohibited.
- 6.08.070 Animals injured while at large.
- 6.08.080 Dead animals.
- 6.08.090 Restraints.
- 6.08.100 Vicious cats or dogs.

- 6.08.110 Noisy cats or dogs.
- 6.08.120 Poisoning cats or dogs prohibited.
- 6.08.130 Instigating cat or dog fights.
- 6.08.140 Illegal kennels prohibited.
- 6.08.150 Limit on number of pets.
- 6.08.160 Permit.
- 6.08.170 Enforcement.
- 6.08.180 Impoundment--Generally.
- 6.08.190 Impoundment--Registry.
- 6.08.200 Impoundment--Notice.
- 6.08.210 Impoundment--Reclaiming.
- 6.08.220 Impoundment--Disposition.
- 6.08.230 Impoundment--Biting of dogs or cats.
- 6.08.240 Violation--Penalty.

6.08.010 Definitions. As used in this chapter, the following words and phrases shall have the following meanings unless the context otherwise indicates:

"Cat" means male, female, and neutered members of the family felis catus.

"Dog" means male, female and neutered members of the family canis familiaris.

"Female cat" means any cat of female gender upon whom no alternative surgery of the genital organs has been performed.

"Female dog" means any dog of female gender upon whom no alternative surgery of the genital organs has been performed.

"Fierce or vicious cat or dog" means any cat or dog that, without provocation, bites or attacks human beings or other animals on private or public property within the town; a cat or dog that, without provocation, approaches in apparent attitude of attack upon a human being or other animal on private or public property within the town; or a cat or dog that runs after, leaps at, or pounces upon, or bites, barks, growls, or snaps at horses, bicycles, or any other means of transportation being ridden, driven, or operated at any place within the town.

"Kennel" means any place where dogs or cats are born, bred, raised, boarded, fed, or sold for any valuable consideration but shall not include a household which sells only the offspring of a female dog or female cat maintained solely as a family pet.

"Male dog" means any dog of male gender upon whom no alternative surgery of the genital organs has been performed.

"Neutered cat" means any male or female cat upon which alternative surgery of the genital organs has been performed.

"Neutered dog" means any male or female dog upon which alternative surgery of the genital organs has been performed.

"Owner" means any person owning, keeping, harboring, or having the full or temporary care of a dog or cat at the time any violation of this chapter is committed.

"Permit" means to allow, acquiesce in, or fail to take reasonable steps to prevent.

"Person" means any person regardless of age and specifically minors under the age of eighteen years.

"Provocation" means such conduct towards a dog or cat as could reasonably be expected to cause such dog or cat to take some retaliatory or self-protective action. Provocation shall include a person's unlicensed, uninvited, or illegal presence upon or within private property inhabited by or belonging to the cat or dog's owner, as defined herein, or private property inhabited by or belonging to members of such owner's household.

"Rabies" means that communicable disease of wild and domestic animals transmittable to human beings and defined as follows in Borland's Medical Dictionary: "Specific infectious disease of certain animals, especially dogs and wolves, contracted by man by direct inoculation as by bite by an infected animal and due to a filterable virus."

"Running at large" means a dog that is off the premises of the owner, as "owner" is defined in this section, and is not under the actual physical control of such owner by adequate leash, cord or chain.

"Town clerk" means the town clerk or his or her designee.

"Transient" means any dog or cat whose entire period of residency within the town is and will be less than forty-five days. (Ord. 1-1985 §2(part), 1985: prior code §11-2-1)

6.08.020 Vaccination--Required. It is unlawful for the owner of any cat or dog to fail to have such cat or dog vaccinated each year against rabies by a veterinarian licensed to practice veterinary medicine within the state. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(a))

6.08.030 Vaccination--Exemption. Section 6.08.020 shall not apply to those owners who have in their possession a letter from a licensed veterinarian stating that such vaccination would to a reasonable degree of medical probability result in the death of such cat or dog. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(b))

6.08.040 Vaccination certificate or letter. It is unlawful for the owner of any cat or dog to fail to produce, upon request of a police officer or other person duly appointed and employed as an animal control officer, either a valid and current certificate of rabies vaccination for such cat or dog or a letter from a licensed veterinarian stating that such vaccination would to a reasonable degree of med-

ical probability result in the death of such cat or dog.
(Ord. 1-1985 §2(part), 1985: prior code §11-2-2(c))

6.08.050 Tags required. The owner of any dog shall cause to be placed upon the neck of such dog so owned, kept or harbored, a collar made of durable material, having attached thereto a metal tag showing that the dog has a current rabies vaccination, together with an identifying number thereon corresponding to the number on a certificate of vaccination. The collar with the tag attached thereto shall be kept on such dog at all times. (Ord. 1-1985 §2(part), 1985: prior code §11-2-2(d))

6.08.060 Running at large prohibited. It is unlawful for any owner to have a dog running at large within the town. It shall not be a defense to this section that the owner did not permit the dog to be running at large. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(a))

6.08.070 Animals injured while at large. Dogs or cats injured on public property while running at large shall be removed by the animal control officer and given adequate veterinary medical treatment if deemed necessary by the officer, pending notification of the owner. The owner of such animals shall be liable for all veterinary expenses and impoundment fees. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(b))

6.08.080 Dead animals. If any dog or cat dies while running at large in the town, the owner shall be liable for disposal fees established by the designated animal shelter facility in addition to penalties for violation of this chapter. (Ord. 1-1985 §2(part), 1985: prior code §11-2-3(c))

6.08.090 Restraints. It is unlawful for the owner of any dog to permit such dog to be off the premises of such owner unless such dog is on a leash no longer than six feet and strong enough to control such animal and held by a person competent to restrain such animal. (Ord. 1-1985 §2(part), 1985: prior code §11-2-4)

6.08.100 Vicious cats or dogs. A. It is unlawful for any person to keep or harbor a fierce or vicious cat or dog within the town. Fierce or vicious cats or dogs are declared to be a public nuisance.

B. In addition to any penalties which are provided in this code for a violation of this chapter, the municipal judge shall have the authority, upon a conviction for a violation of this chapter, and upon making a finding that such dog or cat constitutes a clear and present danger to the citizens of the town, to order that such dog or cat be de-

stroyed in a humane manner by the animal control officer or by persons so authorized by the town administrator. In the event a vicious dog or cat cannot be taken up and caught by the animal control officer or any marshal exposing himself to danger of personal injury from such dog or cat, it shall be lawful for the animal control officer or any marshal to forthwith destroy such dog without notice to the owner, keeper or possessor thereof. (Ord. 1-1985 §2(part), 1985: prior code §11-2-5)

6.08.110 Noisy cats or dogs. It is unlawful for any person to keep or harbor any cat or dog which, by loud frequent or habitual barking, yelping, yowling or howling causes a serious annoyance. Any violation of this section is deemed to be a public nuisance. (Ord. 1-1985 §2(part), 1985: prior code §11-2-6)

6.08.120 Poisoning cats or dogs prohibited. It is unlawful for any person to poison any cat or dog or to distribute poison in any manner whatsoever with the intent of or for the purpose of poisoning any cat or dog. (Ord. 1-1985 §2(part), 1985: prior code §11-2-7)

6.08.130 Instigating cat or dog fights. It is unlawful for any person to cause, instigate or encourage any dog or cat fight within the town. (Ord. 1-1985 §2(part), 1985: prior code §11-2-8)

6.08.140 Illegal kennels prohibited. It is unlawful for any person to keep, operate, or maintain a dog or cat kennel in any zone restricting such use within the town, and such keeping, operating or maintaining is declared to be a public nuisance. (Ord. 1-1985 §2(part), 1985: prior code §11-2-9)

6.08.150 Limit on number of pets. A. On and after May 3, 1985, it is unlawful for any person to maintain on one property in any town residential zone the combined total of more than three dogs or cats over the age of six months or more than one litter of dogs or cats.

B. Any person who, prior to May 3, 1985, has provided the town with the name, age, sex, color photograph, and rabies tag number of each dog and/or cat then owned by such person and who, prior to May 3, 1985 has paid to the town clerk the full fee required in subsection C of this section may maintain all such cats or dogs after May 3, 1985 but may not replace any such cat or dog who dies or is otherwise permanently removed from such person's household if such replacement would cause the total number of dogs and cats to exceed the limitations of subsection A of this section.

C. The fee required in subsection B of this section shall be five dollars for each neutered cat and each

neutered dog and ten dollars for each female cat, female dog, male dog and male cat. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(a--c))

6.08.160 Permit. Upon receipt of the information and documents required by Section 6.08.150(B) and upon payment of the fee provided for in Section 6.08.150(B) and specified in Section 6.08.150(C), the town clerk shall issue to such person a permit authorizing such person to continue to maintain those animals. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(d))

6.08.170 Enforcement. The town marshal or other person duly employed and appointed as an animal control officer may serve a summons and complaint upon any person for violation of any provision of Sections 6.08.150 and 6.08.160 upon their own initiative when they have personally observed the violation. Otherwise, such summons and complaint shall not be served unless a complaint has first been signed, verified and filed with the municipal court by two persons over the age of eighteen who do not live in the same household. (Ord. 1-1985 §2(part), 1985: prior code §11-2-10(e))

6.08.180 Impoundment--Generally. Dogs running at large and fierce or vicious dogs or cats may be impounded by the town police or other persons duly appointed and employed for that purpose either on their own initiative or after the signing of a complaint by a private party. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(a))

6.08.190 Impoundment--Registry. Any person impounding a dog or cat under this chapter shall maintain a complete registry of such impoundment, entering therein the breed, color, sex, and rabies tag number, if any, of such cat or dog, and the date, time, and location of such impoundment. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(b))

6.08.200 Impoundment--Notice. As soon as practicable, the animal control officer shall attempt to give notice via telephone to the owner of any impounded dog or cat. If such telephone contact is unsuccessful, not later than three days after the impoundment the animal control officer or any person designated by the town administrator shall give written notice of such impoundment to the owner by ordinary mail. If the owner of the impounded dog or cat is unknown to the town's humane officers, such owner is notified by this provision that he may contact the designated municipal pound facility for purposes of inquiring as to whether or not his dog or cat has been impounded. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(c))

6.08.210 Impoundment--Reclaiming. Except as otherwise expressly provided in this chapter, the owner of any dog or cat impounded under this chapter may reclaim such dog or cat upon payment of all costs and charges for such impounding and maintenance and upon presentation of proof that such cat or dog has been vaccinated as required by this chapter. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(d))

6.08.220 Impoundment--Disposition. Except as otherwise expressly provided in this chapter, any dog or cat that has not been reclaimed by its owner within six days of its impoundment may be destroyed, sold, or otherwise disposed of. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(e))

6.08.230 Impoundment--Biting of dogs or cats. Any dog or cat that has bitten a human being or other animal may be impounded by the animal control officer or other persons duly appointed and employed for that purpose. Such dog or cat may be kept in impoundment for observation for up to ten consecutive days. Such dog or cat may be reclaimed by its owner at the expiration of such ten-day period upon presentation of proof that such cat or dog has been vaccinated as required by this chapter and upon payment of all costs and charges for impounding and maintenance. Any such dog or cat that is not reclaimed by its owner within twelve days of its impoundment may be destroyed, sold or otherwise disposed of. (Ord. 1-1985 §2(part), 1985: prior code §11-2-11(f))

6.08.240 Violation--Penalty. A. Except as otherwise expressly provided in this chapter, any person found guilty of violating any provision of this chapter shall be punished by a fine of not more than one thousand dollars.

B. Any person found guilty of violating any provision of Section 6.08.100 shall be punished by a fine not less than twenty-five dollars nor more than one thousand dollars for the first offense; by a fine not less than fifty dollars nor more than one thousand dollars for the second offense; and by a fine of not less than one hundred dollars nor more than three hundred dollars for the third offense. A charge of violation of any provision of Section 6.08.100 shall require a mandatory court appearance. Additionally, the punishment imposed for a finding of guilty of a third or later violation of any provision of Section 6.08.100 shall in no case be less than a fine of one hundred dollars.

C. 1. Any person found guilty of violating any provision of Sections 6.08.060 through 6.08.090 shall be punished by a fine of not less than fifteen dollars nor more than one thousand dollars for the first offense; by a fine of not less than twenty-five dollars nor more than one thousand dollars for the second offense; and by a fine of

not less than fifty dollars nor more than one thousand dollars for the third offense.

2. A third charge of violation of any provision of Sections 6.08.060 through 6.08.090 and all charges of violation of any provisions of the sections after the third charge shall require a mandatory court appearance.

D. In those cases resulting in conviction of violation of any provision of Sections 6.08.060 through 6.08.100, the fine imposed shall be no less than double the minimum fine required by this chapter if the animal involved is a male dog, male cat, female dog, or female cat, as the same are defined in Section 6.08.010 of this chapter. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 1-1985 §2(part), 1985: prior code §11-2-12)

Title 7

(RESERVED)

Title 8

HEALTH AND SAFETY

Chapters:

- 8.04 Nuisance Abatement
- 8.08 Nuisance Offenses
- 8.12 Refuse-Generally
- 8.16 Refuse-Collection
- 8.20 Noise

Chapter 8.04

NUISANCE ABATEMENT*

Sections:

- 8.04.010 Policy.
- 8.04.020 Nuisance defined.
- 8.04.030 Right of entry.
- 8.04.040 Notice of abatement.
- 8.04.050 Abatement without notice.
- 8.04.060 Abatement by court order.
- 8.04.070 Abatement by town.
- 8.04.080 Unlawful acts.
- 8.04.090 Cumulative remedies.
- 8.04.100 Separate offenses.
- 8.04.110 Protest.
- 8.04.120 Immunity.
- 8.04.130 Violation--Penalty.

8.04.010 Policy. It shall be the policy of the town that every public nuisance is unlawful, and shall be restrained, prevented, abated and enjoined.
(Ord. No. 2-2007, §2, 6-19-2007)

***Editor's note**—Ord. No. 2-2007, §§1, 2, adopted June 19, 2007, repealed ch. 8.04 and enacted a new chapter as set out herein. The former ch. 8.04, §§8.04.010--8.04.100, pertained to similar subject matter and derived from §§10-1-1--10-1-9 of the prior code; Ord. No. 5-1987, §3, 1987; Ord. No. 11-1990, §9(part), 1991; Ord. No. 3-1992, §1(part), 1992; and Ord. No. 7-1993, §§1--4, 1993.

8.04.020 Nuisance defined. The following shall be deemed to be a nuisance in the town:

A. The conducting or maintaining of any business, occupation, operation, activity, building, land or premises prohibited by statute or ordinance;

B. Any building, structure or land open to or used by the general public, the condition of which presents a substantial danger of hazard to public health or safety;

C. Any unlawful pollution or contamination of any surface or subsurface waters in this town or of the air, or of any water, substance or material intended for human consumption;

D. Any activity, operation or conditions which, after being ordered abated, corrected or discontinued by a lawful order of an agency or officer of the town, the Tri-County Health Department, Arapahoe County or the State of Colorado, continues to exist or be conducted in violation of any statute, ordinance or regulation;

E. Any activity, or operation, condition, building, structure, place, premises or thing which is injurious to the health, safety, or welfare of the citizens of Columbine Valley or which is indecent or offensive to the senses of the ordinary person, so as to interfere with the comfortable enjoyment of life or property. For purposes of this subsection, an accumulation of activities, operations, conditions or things that might individually not arise to the level of a nuisance may be deemed a nuisance if, taken together, they would be indecent or offensive to the senses of the ordinary person;

F. Any nuisance defined or declared as such by statute or ordinance;
(Ord. No. 2-2007, §2, 6-19-2007)

8.04.030 Right of entry. A. Generally.

1. When an authorized inspector (which is hereinafter defined in Chapter 8 of the Municipal Code of the town of Columbine Valley, as the town administrator or town administrator's designee or police officer) has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance under this title, or finds it necessary to make an inspection to enforce any provision of this title, the inspector may enter such building or premises at all reasonable times to perform any duty imposed on him or her; provided that, if

such building or premises is unoccupied, the inspector shall first make a reasonable effort to locate the owner or occupant, and, upon locating the owner or occupant, shall present proper credentials and request entry. If entry is refused, the inspector shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, shall leave at the building or premises a written notice of intention to inspect at least twenty-four hours prior to the scheduled inspection. The notice shall state that the property owner has the right to refuse entry and that, if entry is refused, inspection may be made only upon issuance of a search warrant by a court of competent jurisdiction.

2. After the expiration of the twenty-four-hour period, the inspector may appear before the municipal court and, upon showing of probable cause, the municipal court may issue a search warrant authorizing the inspector to enter the building or premises. For purposes of this section, a determination of probable cause shall be based upon reasonableness, and if a valid public interest justifies the intrusion contemplated, then there is probable cause to issue a search warrant. The inspector shall not be required to demonstrate personal knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant.

3. Upon presentation of the search warrant and proper credentials, or possession of same in the case of an unoccupied building or premises, the inspector may enter into the building or the premises using such reasonable force as may be necessary to gain entry therein. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by an inspector acting pursuant to this section.

B. Emergencies.

1. When an emergency exists in relation to the enforcement of this title, an authorized inspector, upon presentation of proper credentials or identification in the case of an occupied building or premises, may enter into the building or any premises. In such an emergency, the inspector may use such reasonable force as may be necessary to gain entry into the building or the premises.

2. For purposes of this section, an emergency includes any situation where there is imminent danger of loss of life, limb, property or health or of pollution to

the environment. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by an inspector acting pursuant to the section.

3. When an emergency exists that includes an illicit discharge, as defined in Chapter 8.08, the town shall contact the local fire district and request that the district contain the illicit discharge. The fire district shall thereafter be an authorized inspector pursuant to this title.
(Ord. No. 2-2007, §2, 6-19-2007)

8.04.040 Notice of abatement. A. Upon discovery of any nuisance, the authorized inspector shall issue a written notice of abatement to the owner or occupant of the property. The notice shall describe the nuisance and order that the nuisance be abated in a specific period of time.

B. Any notice that refers to an illicit discharge may also include a statement requiring the owner, agent or occupant of the property to provide a copy of a certificate of disposal from the federal environmental protection agency or an approved hazardous materials disposal company, a manifest or other proof of proper disposal.

C. The time for abatement of nuisance posing an imminent danger of loss of life, limb, property or health or pollution to the environment shall not exceed one day. For other nuisances, the reasonable time for abatement shall not exceed seven days unless it appears from the facts and circumstances that compliance could not reasonably be made within seven days or that a good faith attempt at compliance is being made.

D. The written notice of abatement shall be served by delivering a copy thereof to an owner or occupant of the property over the age of eighteen years, or, if the property is unoccupied and the owner is a nonresident, then by mailing a notice to his last known address as reflected in the Arapahoe County records. If the owner or occupant fails to comply with the notice, the town administrator or designee may have the nuisance removed or abated without delay.

E. In the event that any such nuisance, within or upon any private premises or grounds, is not abated forthwith, after the notice herein provided shall be given, the board of trustees may declare the same to be a nuisance and

order the town marshal to abate the same, which order shall be executed without delay; and the town marshal shall have the authority to call for necessary assistance therefore.

F. In no event shall a notice of abatement be required prior to the issuance of a summons and complaint for violation of this code.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.050 Abatement without notice. Any nuisance found in or upon any street, avenue, alley, sidewalk, highway, public right-of-way, public grounds, park, recreation facility, public property in the town may be abated by the town administrator or designee without notice. The author of any such nuisance shall be responsible for the actual costs of abatement, plus a five percent surcharge for inspection. The minimum charge for abatement shall be twenty-five dollars.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.060 Abatement by court order. The town may bring an action in any court of record, including the municipal court, for the prevention, restraining, abatement or enjoining of any nuisance. When judgment is rendered against any person for creating, keeping or maintaining any nuisance, it shall be the duty of the court before whom such judgment is had to order, as part of the judgment, that the defendant forthwith abate the nuisance.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.070 Abatement by town. A. Upon the expiration of the period of notice provided in Section 8.04.040 or at any time thereafter, if the nuisance has not been abated on the property described in such notice, the town may enter upon such property and abate the nuisance pursuant to the provisions of this chapter, and actual costs thereof, including five percent for inspection, a minimum fee assessment of twenty-five dollars and other incidental costs in connection wherewith, shall be assessed upon the lot or lots or tracts of land in the town upon which such nuisance is abated.

B. Every such assessment shall be a lien in the several amounts assessed against such lot or tract of land until paid, and shall have priority over all other liens, except general taxes and prior special assessments. In case any assessment is not paid within thirty days after the

same have been certified to the town clerk by the board of trustees, the town clerk may certify to the Arapahoe County treasurer the list of all delinquent assessments, giving the name of the owner as it appears of record, the number of lot, block and subdivision, or other legal descriptions sufficient to identify such property upon the records of the Arapahoe County treasurer and the amount of the assessment. The Arapahoe County treasurer, upon the receipt of such certified list, is authorized to place the same upon the tax list for the current year and to collect the assessment in the same manner as other taxes are collected with a ten percent penalty thereon; and all the laws of the state for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.080 Unlawful acts. It is unlawful for any person:

A. To create, operate, maintain, cause, permit or conduct any nuisance as so defined in this code;

B. To interfere with or prevent, or attempt to interfere with or prevent, the abatement of any nuisance by an officer of the town pursuant to the provisions of this code.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.090 Cumulative remedies. All remedies set forth herein are cumulative, and the exercise of one shall not be deemed to prevent the exercise of another, nor to bar, not abate, any prosecution or petition for injunction hereunder.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.100 Separate offenses. Each and every day during which any nuisance continues shall be deemed a separate offense and shall be punishable as such.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.110 Protest. The owner or occupant of any property subject to a notice of abatement, within the period of time set forth in the notice, may protest any matter in the notice by filing a written protest with the town clerk. The town clerk

shall schedule a hearing on the protest at the next regularly scheduled session of the municipal court. During the pendency of the protest, the order to abate shall not be stayed.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.120 Immunity. The town, its agents and employees shall be immune from liability for any actions taken pursuant to this chapter.

(Ord. No. 2-2007, §2, 6-19-2007)

8.04.130 Violation--Penalty. Whenever in any section of this chapter or rule or regulation, promulgated hereunder, the doing of any act is required, prohibited or declared to be unlawful and no definite fine, or penalty is provided for a violation thereof, any person, firm or corporation shall, for each offense, be fined in a sum of not more than one thousand dollars or imprisoned not more than one year, or both, so fined and imprisoned, in the discretion of the court.

(Ord. No. 2-2007, §2, 6-19-2007)

Chapter 8.08

NUISANCE OFFENSES

Sections:

- 8.08.010 Junkyards and dumping grounds.
- 8.08.020 Discharge of nauseous liquids.
- 8.08.030 Sewer inlet.
- 8.08.040 Dead animals--Removal.
- 8.08.050 Noise makers for attracting children.
- 8.08.060 Handbills, posters and placards.
- 8.08.065 Undesirable plants--Designation--Removal regulations.
- 8.08.070 Weed removal and landscape maintenance.
- 8.08.080 Trees limbs and shrubs in public right-of-way.
- 8.08.083 Control of trees and shrubs.
- 8.08.085 Removal and maintenance costs.
- 8.08.090 Maintenance of buildings and pavement.
- 8.08.100 Storage of flammable liquids.
- 8.08.110 Broken glass, nails, dangerous substances in streets and sidewalks.
- 8.08.120 Abandoned containers, wells or cisterns.
- 8.08.130 Explosives.

- 8.08.140 Exterior storage of nonoperating vehicles prohibited.
- 8.08.150 Parking.
- 8.08.160 Building, zoning, and subdivision approvals.
- 8.08.170 Additional provisions.

8.08.010 Junkyards and dumping grounds. All places used or maintained as junkyards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, tractors, or machinery of any kind, or for the storing or leaving of worn out, wrecked or abandoned automobiles, trucks, tractors, trailers, boats and housetrailers, or machinery of any kind, or of any of the parts thereof, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which places are kept in such manner as to essentially interfere with the comfortable enjoyment of life or property by others, are declared to be a nuisance. (Prior code § 10-2-1)

8.08.020 Discharge of nauseous liquids. It is unlawful to discharge out of or from, or permit to flow from any house or place, foul or nauseous liquid or substance of any kind whatsoever, into or upon any adjacent ground or lot, or into any street, alley or public place in the town. (Prior code § 10-2-2)

8.08.030 Sewer inlet. It is unlawful to deposit in or throw into any sewer, sewer inlet, or privy vault that shall have a sewer connection, any article whatsoever that might cause such sewer, sewer inlet, or privy vault, to become nauseous or offensive to others or injurious to public health. (Prior code § 10-2-3)

8.08.040 Dead animals--Removal. When any animal shall die in this town, it shall be the duty of the owner or keeper thereof to remove the body of such animal forthwith beyond the limits of the town. If such body shall not forthwith be removed, the same shall be deemed a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such dead animal shall be in any street, highway, or public grounds in this town, it shall be the duty of the chief of police to cause such body to be removed forthwith beyond the limits of the town. (Prior code § 10-2-4)

8.08.050 Noise makers for attracting children. The use of bells, whistles, sirens, music horns or any other noise making devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-ways, alleys or public ways of the town for the purpose of selling, distributing or giving away any product whatsoever, to such minors, is declared to be a public nuisance and hazard and is expressly prohibited and shall be unlawful, excepting such activities carried on as part of duly authorized public parades or processions. (Prior code § 10-2-5)

8.08.060 Handbills, posters and placards. Any handbill, poster, placard, or painted or printed matter which shall be stuck, posted or pasted upon any public or private house, store or other building, or upon any fence, power pole, telephone pole, or other structure without the permission of the owner, agent, or occupant of the house, shall be deemed a nuisance. (Prior code § 10-2-6)

8.08.065 Undesirable plants--Designation--Removal regulations. A. Undesirable Plants. Russian, spotted and diffuse knapweed and leafy spurge are declared to be undesirable plants to be controlled in accordance with the ordinance codified in this section.

B. Declaration of Nuisance. Leafy spurge, russian knapweed, spotted knapweed and diffuse knapweed, and all other plants designated undesirable plants by the town, are declared to be a public nuisance. Such action may be taken as is available for nuisance abatement under the laws of this state and the town, and as the board of trustees, in their sole discretion, deem necessary.

C. Removal of Undesirable Plants Required by Property Owners. Property owners within the town shall be responsible for the elimination of undesirable plants from their property within thirty days of the effective date of the ordinance codified in this section. Such removal shall be accomplished in an ecologically feasible and environmentally safe manner in accordance with all applicable laws, ordinances, rules and regulations.

D. Enforcement. The town shall have the right to enter upon any premises, lands or places, whether public or private, during reasonable business hours or upon proper notice, for the purpose of inspecting for the existence of undesirable plants, and shall have the right to propose,

implement or enforce the management of undesirable plants upon such lands in accordance with the provisions of Colorado Revised Statutes Section 35-5.5-109.

E. Penalty. Violation of this section shall be subject to a penalty of up to ninety days in jail or a fine up to three hundred dollars, or both such fine and imprisonment, in addition to any other remedies provided herein or allowed by ordinance, law, rule or regulation. (Ord. 5-1992 § 1)

8.08.070 Weed removal. A. It is the duty of every person owning vacant or improved property, including easements and drainageways within the town, to keep cut within ten inches of the ground all weeds and to keep said property free from brush and rubbish of all kinds. However, this section shall not apply to vegetable gardens, flower gardens and shrubbery plots. Wheat, barley, oats, rye and similar agricultural commodities also shall be so exempted.

B. For all improved property within the town, the owner, agent or lessee thereof shall maintain existing landscaping as if the property were occupied and within the general standards of neighboring similarly improved and occupied real estate. Landscaping is defined as a collection of plants, natural materials, and manmade materials placed on improved property to create an eye-pleasing setting, produce environmental benefit and enhance property values. The owner, agent or lessee shall maintain landscaping such that:

1. Lawns are mowed and trimmed periodically so as to maintain blade heights similar to those of neighbors;
 2. Bushes, shrubs and trees are seasonally trimmed to eliminate suckers, overgrowth and dead trees and branches;
 3. Insect pests are reasonably controlled;
 4. Existing irrigation systems are operable;
- and
5. Nonvegetative ground cover materials are kept uniformly distributed.

Should an owner, agent or lessee fail to maintain landscaping as set forth above, then the town shall order the maintenance of said landscaping by the town or by any agency selected or contracted with the town to accomplish that purpose and the procedures outlined in Section

8.08.080 for the collection of the cost thereof shall apply. (Ord. No. 2-2007, §6, 6-19-2007; Ord. 5-2001 § 1, 2001; Ord. 8-1992 § 1, 1992; Ord. 7-1990 § 1, 1990: Ord. 1-1980 § 1, 1980: prior code § 10-2-7)

8.08.080 Trees limbs and shrubs in public right-of-way. It shall be duty of the owner of any property adjacent to the public right-of-way to remove any trees, limbs or shrubs located in or above the public right-of-way when such trees limbs or shrubs constitute a danger to public safety. Such trees, limbs and shrubs shall constitute a nuisance. For purposes of this section, a danger to public safety shall include all trees, limbs and shrubs which hinder visibility or which may otherwise affect public health, safety and welfare and trees, limbs and shrubs which present a structural defect which may cause the tree, limb or shrub to fall on a person or on property of value.

(Ord. No. 2-2007, §7, 6-19-2007)

Editor's note—Ord. No. 2-2007, §7, adopted June 19, 2007, repealed the former §8.08.080 and enacted a new section as set out herein. The former §8.08.080 pertained to removal and maintenance costs and derived from §10-2-8 of the prior code; Ord. No. 8-1983, §1, 1983; and Ord. No. 5-2001, §§2--4, 2001.

8.08.083 Control of trees and shrubs. A. Trees, shrubs and other vegetation which are dead, broken, diseased, or infested by insects so as to endanger the well-being of other trees, shrubs or vegetation or constitute a potential threat or hazard to people or property within the town are hereby declared a nuisance.

B. The town shall give written notice to the owner or occupant of any property abutting town rights-of-way or other public property of any condition deemed unsafe caused by trees and other vegetation hanging or projecting from such abutting property and onto or over the right-of-way or other public property with such unsafe condition. The town shall correct any unsafe condition immediately upon the expiration of the notice period specified in the notice of abatement.

(Ord. No. 2-2007, §8, 6-19-2007)

Editor's note—Ord. No. 2-2007, §8, adopted June 19, 2007, set out provisions intended for use as §8.08.090. Inasmuch as there were already provisions so designated, these provisions have been included herein as §8.08.083 at the discretion of the editor.

8.08.085 Removal and maintenance costs. A. Lien for Costs. In the event the person or persons having responsibility for the removal of weeds, shrubs, trees or limbs, upon any property shall fail, within thirty days, to pay costs and expenses of such removal, or in the event the person or persons having responsibility for the maintenance of landscaping upon any property shall fail, within thirty days, to pay the costs and expenses of such landscape maintenance, a lien may be assessed against such property in the amount of the costs and expenses and interest thereon at the rate of ten percent per annum from the date of billing. Upon the recording in the office of the clerk and recorder of Arapahoe County of a statement of such lien, the same shall be and become a lien against each lot or tract of land until paid and shall have a priority over all other liens except general taxes and prior special assessments. No such lien statement shall be effective as to any charge or billing for weed, shrub, tree or limb removal unless it shall be recorded within three years after the removal of the weeds, shrubs, trees or limbs for which the charges were made.

B. Collection of Delinquent Payment of Assessments. If the owners of any property shall fail to pay to the town clerk the amount assessed against the owner for the cost and expenses of cutting and removal of weeds, shrubs, trees or limbs from the owner's property or for the maintenance of landscaping within sixty days after the lien for the costs, expenses and accrued interest are assessed against such property, the town clerk shall certify the same to the county treasurer, who shall place the same upon the tax list for the current year and collect the same in the same manner as other taxes, with a ten percent penalty thereon to defray the cost of collection.

(Ord. No. 2-2007, §9, 6-19-2007)

Editor's note—Ord. No. 2-2007, §8, adopted June 19, 2007, set out provisions intended for use as §8.08.100. Inasmuch as there were already provisions so designated, these provisions have been included herein as §8.08.085 at the discretion of the editor.

8.08.090 Maintenance of buildings and pavement. The owner, agent or lessee of property within the town shall maintain existing buildings and pavements within the general standards of neighboring similarly improved real estate. No person owning, leasing, occupying or having charge of any premises

shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution in the value of the other property in the neighborhood in which such premises are located. Specifically, the owner shall maintain buildings such that:

- A. Insect pests are reasonably controlled;
 - B. Roofs, flashing and rain gutters and leaders have no missing sections and maintain watertight integrity;
 - C. Masonry and stucco walls are complete and masonry walls have tight mortar joints of uniform finish;
 - D. Blistered, discolored, peeled, or mildewed sections of siding, trim, soffits, shutters or doors are painted or stained as originally intended;
 - E. Torn insect screening and broken glazing is replaced;
 - F. Holes in exterior walls or exterior doors are repaired; and
 - G. Exterior lighting operates as intended.
- (Ord. 7-1993 § 5, 1993; Ord. 8-1990 § 1, 1990)

8.08.100 Storage of flammable liquids. It is unlawful to store or cause to be stored or parked any tank vehicle carrying flammable liquids, or gases upon any streets or ways or avenues of the town, or in any other part of the town except those areas zoned for such uses. (Prior code § 10-5-1)

8.08.110 Broken glass, nails, dangerous substances in streets and sidewalks. It is unlawful for any person to throw or deposit or cause to be thrown or deposited on any street, alley, sidewalk or other public way, any broken glass, broken crockery, nails or any other dangerous substance. (Prior code § 10-5-2)

8.08.120 Abandoned containers, wells or cisterns. It is unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, structure or dwelling under his control, in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator or other container which has a door or lid, snap lock or other locking device which may not be released from the inside without first removing the door or lid, snap lock or other locking device. (Prior code § 10-5-3)

8.08.130 Explosives. It is unlawful for any person to store within the town limits or within one mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite, or other high explosive in excess of one fifty- pound box or in excess of five hundred caps or other devices used for the detonation of such high explosives. (Prior code § 10-5-4)

8.08.140 Exterior storage of nonoperating vehicles prohibited. No person in charge of or in control of premises, whether as owner, lessee, tenant, occupant or otherwise, shall allow any partially dismantled, wrecked, junked, discarded or otherwise nonoperating motor vehicle to remain on such property longer than ten consecutive days; and no person shall leave any such vehicle on any property within the town for a longer time than ten consecutive days; except that this section shall not apply with regard to any vehicle in an enclosed building or so located upon the premises as to not be readily visible from any public place or from any surrounding private property. This section shall further not apply with regard to any vehicle on the premises of a business enterprise operated in a lawful manner, when the keeping or maintenance of such vehicle is necessary to the operation of such business enterprise; or with regard to a vehicle in an appropriate place or depository maintained in a lawful place and manner by the town. (Ord. 7-1993 § 6, 1993: Ord. 11-1990 § 9(part), 1991: Ord. 10-1990 § 1, 1991: Ord. 5-1987 § 2, 1987: prior code § 10-2-10)

8.08.150 Parking. A. It shall be deemed a nuisance to park or load motor vehicles on private property in violation of Section 10.04.020 of this code.

B. It shall be deemed a nuisance for the owner, occupant or resident of a particular residential property to place upon a motor vehicle, parked upon said residential property or upon the roadway adjacent to said residential property a motor vehicle cover or other type of cover for a period in excess of two hours, unless: A) the vehicle is being loaded or unloaded or being used to render services to the property or B) the vehicle is owned by a person who

has obtained or has contracted with a person who has obtained a building permit to perform construction on the site where the vehicle is parked.

(Ord. No. 2-2007, §3, 6-19-2007)

Editor's note—Ord. No. 2-2007, §3, adopted June 19, 2007, repealed the former §8.08.150 and enacted a new section as set out herein. The former §8.08.150 pertained to additional provisions and derived from Ord. No. 7-1993, §7, 1993.

8.08.160 Building, zoning, and subdivision approvals. A. It shall be deemed a nuisance to fail to comply with any condition, requirement or limitation imposed upon any zoning or re-zoning, final development plan, subdivision plan or plat, planned development, special use permit or building permit issued by the town.

B. It shall be deemed a nuisance to fail or neglect to construct any building or other structure in strict compliance with building plans as approved by the town, including but not limited to failure to complete drainage, grading and other construction activities undertaken pursuant to a building permit issued by the town.

C. It shall be deemed a nuisance to timely, fully and properly install, complete, maintain, repair or replace any improvement (including, without limitation, landscaping, traffic and drainage) which are imposed as conditions upon approval of any zoning or re-zoning, final development plan, subdivision plan or plat, planned unit development, special use permit or building permit approved or issued by the town.

(Ord. No. 2-2007, §4, 6-19-2007)

8.08.170 Additional provisions. The provisions in this chapter are in no way deemed to be exclusive and anything declared a nuisance under Section 8.04.020 shall be abated in accordance with the provisions contained therein and in addition, subject to the penalties provided for in Section 8.04.130.

(Ord. No. 2-2007, §5, 6-19-2007)

Chapter 8.12REFUSE--GENERALLYSections:

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- 8.12.080 Burning of garbage and waste material.
- 8.12.090 Town disposal sites.

8.12.010 Definitions. For the purposes of this chapter, the word "refuse" means and includes any grass clippings, leaves, hay, straw, manure, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, garbage, waste and discarded building and construction materials, including but not limited to plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material; all rubbish of any kind or nature whatsoever; and any other materials commonly known as rubbish or refuse of any kind or character or by any means known. (Prior code § 12-1-1)

8.12.020 Accumulation of refuse--Nuisance declared. Any accumulation of refuse on any premises, improved or unimproved, in the town is prohibited and is declared to be a nuisance. (Prior code § 12-1-2)

8.12.030 Abatement. Whenever the board shall direct, the town clerk shall immediately thereafter notify any owner of property, his agent or any person having charge of such property, in writing, that an order has been made by the board requiring the removal of any accumulated refuse from such property or premises within thirty days after service of notice. If such property owner, agent or person having charge of such property shall not remove such refuse in

accordance with the requirement of such order the board may order that such refuse be removed by an agent of the board and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided, that in case of failure to pay such assessment within ten days after the same shall be made, the town clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the town for two successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his property, and shall designate a time and place when the board will hear any objections as to the adjustment and correctness of the amount so assessed. If such assessment is not paid within ten days after the time fixed for hearing such objections, and unless the same are sustained, the town clerk shall certify such assessment to the county treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent penalty to defray the cost of collection, as provided by the laws of the state. (Prior code §12-1-3)

8.12.040 Accumulation of garbage--Prohibited. No person shall deposit or place any garbage, rubbish, waste material or ashes in such a manner that the same is or tends to become a nuisance or in such a manner endangers or tends to endanger the public health. No person having the occupancy, control or management of any premises shall cause or permit any garbage, waste material, rubbish or ashes to be accumulated thereon in such a manner that the same is or tends to become a nuisance or in such a manner as endangers or tends to endanger the public health. No person shall in any manner throw, place, scatter, deposit, or bury any garbage, rubbish, waste materials or ashes in or upon any public street, alley or other public place or upon his own premises or the premises of another. (Prior code §12-1-4)

8.12.050 Depositing refuse in lots, streets. No hay, straw, shavings, excelsior, paper or other combustible material, sod, lawn mowings, leaves, weeds, ashes, glass, bottles, broken glass, nails, tacks, wire, cans, rocks, stones or rubbish of any kind or nature whatsoever or any other refuse or material shall be thrown or swept into any street, sidewalk, gutter, sewer, intake, alley, vacant lot or other property. (Prior code §12-1-5)

8.12.060 Refuse on property--Owner responsible. It shall be the duty of every person, whether owner, lessee or renter of any vacant lot, building or premises, including any place of business, hotel, restaurant, dwelling house, apartment, tenement or any other establishment, at all times to maintain the premises in a clean and orderly condition,

permitting no deposit or accumulation of refuse or materials other than those ordinarily attendant upon the use for which such premises are legally intended. Any such accumulation shall constitute a nuisance, and shall be nonconforming in the use of such premises. (Prior code §12-1-6)

8.12.070 Construction sites. All plaster, broken concrete, bricks, cinder blocks, stones, wood, roofing material, wire or metal binding, sacks or loose discarded or unused material of any kind resulting from the wrecking, constructing, or reconstructing of any room, basement, wall, fence or sidewalk or building shall be promptly removed or discarded in such a manner as not to be scattered about by the wind or otherwise, and as soon as possible be removed by the person responsible for such work. Such person shall be held liable for any scattering of such refuse upon adjacent property. (Prior code §12-1-7)

8.12.080 Burning of garbage and waste material. No person shall set on fire or burn any garbage, rubbish or waste material or any hay, grass clippings or other combustible materials, except waste paper, in any ash pit or other receptacle or upon the ground. Any such act is a nuisance because of smoke and odor. (Prior code §12-1-8)

8.12.090 Town disposal sites. All garbage, rubbish, waste material and ashes disposal sites owned or under the control of the town, if existing, together with all matter whatsoever deposited or existing thereon, shall be the property of the town, and no person shall enter upon such sites, or carry off, dispose of, burn or in any manner disturb or molest any matter of thing deposited or existing upon such sites, except under direction or authority of the board of trustees. (Prior code §12-1-9)

Chapter 8.16

REFUSE--COLLECTION

Sections:

- 8.16.010 Definitions.
- 8.16.020 Collection service.
- 8.16.030 Contract.
- 8.16.040 Town sole agency for refuse collection--
Exceptions.
- 8.16.050 Rates.
- 8.16.060 Tree and hedge trimmings.
- 8.16.070 Unauthorized removal of garbage.
- 8.16.080 Rules and regulations for refuse collection.

8.16.090 Enforcement.

8.16.010 Definitions. For the purpose of this chapter, the following words and phrases shall have the meanings hereinafter defined:

"Garbage" means kitchen and table refuse and offal, swill and every accumulation of animal, vegetable and other matter that attends the preparation, consumption, decay or dealing in or storage of meats, fish, fowls, birds, fruits or vegetables not including dead animals and offal of slaughterhouses.

"Waste matter" means broken crockery, broken bottles, broken bricks, tin cans, pasteboard boxes, paper, straw, grass clippings, sawdust, packing materials, shavings, boxes and all noncombustible waste matter, ashes and all other residue of materials burned, and other refuse and waste material other than garbage. (Prior code §12-2-1)

8.16.020 Collection service. The town or its agents, contractors or town licensed operators shall furnish garbage, rubbish, waste matter and ashes collection service as provided in this chapter to all persons resident within the town. (Prior code §12-2-2)

8.16.030 Contract. The board of trustees may enter into an exclusive contract or agreement with any person for the collection and disposal of ashes, trash and garbage, or any portion thereof, throughout the town, or it may at its discretion make provision for the collection and disposal of ashes, trash and garbage. (Prior code §12-2-3)

8.16.040 Town sole agency for refuse collection--
Exceptions. The town, by and through its duly authorized agents, employees, contractors or town licensed operators, shall be the sole agency for the collection and disposal of garbage and waste matter, and no person except such duly authorized agents, employees, contractors or town licensed operators of the town shall collect or dispose of any garbage or waste matter, whether his own or another's within the town. Nothing in this section shall relieve any contractor of the obligation of cleaning up premises after completion of his contract. Nothing in this section shall prevent an individual from hauling his own waste material; provided, that it is properly disposed of in conformity with all town regulations, and that such individual is subject to all other provisions of the section. (Prior code §12-2-4)

8.16.050 Rates. The board of trustees is authorized to enter into trash and rubbish removal contracts for residents of the town, but not the Columbine Country Club. The cost for such trash and rubbish removal shall be paid for

out of the general operating budget of the town. (Ord. 3-1990 \$1(part), 1990: prior code \$12-2-5)

8.16.060 Tree and hedge trimmings. Any person desiring to place tree trimmings or hedge cuttings for collection shall cause the same to be cut not more than five feet in length and eighteen inches in diameter. He shall place the same for collection in the same manner and times provided for the collection of garbage. (Prior code \$12-2-6)

8.16.070 Unauthorized removal of garbage. No person shall molest, remove, handle or otherwise disturb any garbage or refuse containers or contents for servicing by the collectors; provided, that this section does not apply to the owner, occupant, lessee or tenant of the residence or dwelling so placing the containers and contents. (Prior code \$12-2-7)

8.16.080 Rules and regulations for refuse collection. The board may by resolution, promulgate rules and regulations relating to the manner or preparing and accumulating garbage, rubbish, waste material and ashes for collection; the type and kind of containers to be used for such accumulation; the manner of use of and care for such containers; and such other rules and regulations as, in their discretion, are necessary or desirable in the interest of maintaining efficiency and sanitary conditions in the garbage, rubbish, waste material and ashes collection service within the town; and such resolutions, when adopted, shall be of the same force and effect as if incorporated in this section. (Prior code \$12-2-8)

8.16.090 Enforcement. The special services and beautification commissioner shall have charge and supervision of the garbage, rubbish, waste material and ashes collection system. He is empowered to employ and direct all assistants, laborers, agents, contractors, employees and town licensed operators in the operation of the service. He shall enforce the terms of this section and the various rules and regulation promulgated hereunder from time to time. He shall be accountable to the mayor and board in all matters pertaining to the exercise of his powers and duties. (Prior code \$12-2-9)

Chapter 8.20NOISESections:

- 8.20.010 General prohibitions.
- 8.20.020 Loud speakers.
- 8.20.030 Mufflers.
- 8.20.040 Sirens, whistles, gongs and red lights.
- 8.20.050 Animals.

8.20.010 General prohibitions. The making of unnecessary noises upon, near or adjacent to the streets, highways and other public places in the city is declared to be a public nuisance. The enumeration of the particular offenses hereinafter particularly defined shall not be construed as limiting the generality of this section, or limiting the offenses hereunder to the particular offenses hereinafter enumerated. It is unlawful for any person to make, continue or cause to be made or continued any unnecessary or unusual noise between the hours of seven a.m. and seven p.m. which either annoys, injures, or endangers the comfort, repose health or safety of others, or to make, continue to cause or be made or continued between the hours of seven p.m. and seven a.m., whether in the operation of any machine or the exercise of any trade or calling or otherwise any noise which either annoys, injures, or endangers the comfort, repose, health or safety of others, unless the making and continuing of the same be necessary for the protection or preservation of property or health, safety, life or limb of some person. (Prior code §10-7-1(a))

8.20.020 Loud speakers. It is unlawful to play, operate or use any device known as a sound truck, loud speaker, or sound amplifier, radio or phonograph with loud speaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to any vehicle upon public places unless such person in charge of such vehicle shall have first applied to and received permission from the mayor or chief of police to operate any such vehicle so equipped. (Prior code § 10-7-1(b))

8.20.030 Mufflers. It is unlawful for any person to operate a motor vehicle which shall not at all times be equipped with a muffler upon the exhaust thereof in good working order and in constant operation to prevent excessive or unusual noise and it is unlawful for any person operating any motor vehicle to use a cut-out, bypass or

similar muffler elimination appliance. (Prior code §10-7-1(c))

8.20.040 Sirens, whistles, gongs and red lights. It is unlawful for any person to carry or use upon any vehicle other than police or fire department vehicles or emergency vehicles for public use, any gong, siren, whistle, or red light similar to that used on ambulances or vehicles of the police and fire department except as otherwise provided by law. (Prior code §10-7-1(d))

8.20.050 Animals. It is unlawful for any person to own, keep, have in his possession or harbor any domesticated animals which, by frequent or habitual howling, barking, meowing, squawking or otherwise, shall cause annoyance or disturbance to persons in the neighborhood, provided, the provisions of this subsection shall not apply to hospitals conducted for the treatment of small animals which are approved by the health department or to premises occupied or used by town pound. (Prior code §10-7-1(e))

Title 9PUBLIC PEACE, MORALS AND WELFAREChapters:

- 9.04 Offenses Against Property
- 9.08 Offenses Relating to Public Morals
- 9.12 Offenses Relating to Public Order and Safety
- 9.16 Offenses By or Against Public Officers and Government
- 9.17 Curfew
- 9.20 Violation--Penalty

Chapter 9.04OFFENSES AGAINST PROPERTYSections:

- 9.04.010 Injuring or destroying public property.
- 9.04.020 Injuring or destroying private property.
- 9.04.030 Trespassing.
- 9.04.040 Injury or removal of street signs.
- 9.04.050 Destroying posters.
- 9.04.060 Streets, streams and water supply.
- 9.04.070 Littering of public property.
- 9.04.080 Truck loads causing litter.
- 9.04.090 Lug wheels prohibited.
- 9.04.100 Advertising litter.
- 9.04.110 Shoplifting.
- 9.04.120 Petty theft.
- 9.04.130 Vandalism.
- 9.04.140 Possession of burglary tools.

9.04.010 Injuring or destroying public property. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to the town, where the aggregate damage to the real or personal property is less than fifty dollars but no more than three hundred dollars. (Ord. 3-1990 §1(part), 1990: prior code §10-3-1)

9.04.020 Injuring or destroying private property. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently or in any other manner injure or destroy real property or improvements thereto, or moveable or personal property, belonging to any person, persons, corpo-

ration, partnership, or association, where the aggregate damage to the real or personal property is less than fifty

dollars and no more than three hundred dollars. (Ord. 3-1990 \$1(part), 1990: prior code \$10-3-2)

9.04.030 Trespassing. It is unlawful for any person to enter upon the property, real or personal, of another without the consent of the owner or occupant of the property; and it is unlawful for a person to fail or refuse to remove himself immediately from the property of another when requested to leave by the owner or occupant of the property, or the agent or servant of the owner or occupant. (Ord. 3-1990 \$1(part), 1990: Ord. 2-1986 \$1(part), 1986: prior code \$10-6-4)

9.04.040 Injury or removal of street signs. It is unlawful for any person without proper authorization to remove, deface, injure or destroy any street sign, or sign erected or placed in or adjacent to any street indicating the name of such street. (Prior code \$10-3-4)

9.04.050 Destroying posters. It is unlawful for any person to either wilfully, maliciously, wantonly, negligently, or in any other manner tear down, deface, or cover up any posted advertisement or bill of any person, firm or corporation when the same is posted or put in harmony with the provisions of this ordinance and ordinances of the town. (Prior code \$10-3-5)

9.04.060 Streets, streams and water supply. It is unlawful to throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal vegetable substance, or both, any dead animal, excrement, garbage, or other offensive matter whatever, upon any street, avenue, alley, sidewalk or public grounds. No person shall in the town throw or deposit or cause or permit to be thrown or deposited, anything specified in any foregoing part of this section, or any other substance that would tend to have a polluting effect, into the water of any stream, ditch, pond, well, cistern, trough, or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water. (Ord. 3-1990 \$1(part), 1990: prior code \$10-3-6)

9.04.070 Littering of public property. A. It is unlawful to throw or deposit in any street, alley, sidewalk or public grounds, in the town, any paper, old clothes, cloth of any kind, boots, shoes, hats, leather, hair, grass, junk cars, straw or hay, trash or any other thing, on public streets or alleys, except in public receptacles and authorized private receptacles.

B. It is unlawful for any person, while a driver or passenger in a vehicle, to throw or deposit litter upon any street or other public place within the town, or upon private property. (Prior code \$10-3-7)

9.04.080 Truck loads causing litter. A. No person shall drive or move any truck or other vehicle within the town unless such vehicle is constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley, or other public place. Nor shall any person drive or move any vehicle or truck within the town, the wheels or tires of which carry onto or deposit in any street, or other public place, mud, dirt, sticky substance, litter or foreign matter of any kind.

B. Garbage Transport Vehicles. Every cart or vehicle used to transport manure, garbage, swill, or offal, on any highway in this town, shall be fitted with a substantial tight box thereon, so that no portion of such filth will be scattered or thrown onto such highway. (Prior code §10-3-8)

9.04.090 Lug wheels prohibited. It is unlawful for any vehicles injurious to pavement to be permitted upon public thoroughfares unless the operator of such vehicles shall first plank and protect such streets from damage. (Prior code §10-3-9)

9.04.100 Advertising litter. It is unlawful for any person to throw any posters, dodgers, circulars, bills, letters, envelopes, samples, or devices upon any of the streets, alleys, parks or public grounds of the town. (Prior code §10-3-10)

9.04.110 Shoplifting. It is unlawful for any person to commit shoplifting. A person commits shoplifting if he knowingly or intentionally conceals or carries away with the intent to permanently deprive the owner of its use or benefit, any item or items of merchandise offered for sale or display within a retail store where the aggregate retail of the item or items does not exceed five hundred dollars. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-9)

9.04.120 Petty theft. It is unlawful for any person to commit a petty theft. A person commits petty theft when he knowingly obtains or exercises control over anything of another when the aggregate value is less than five hundred dollars without authorization or by threat or deception, and:

A. Intends to deprive the other person permanently of the use or benefit of the thing of value;

B. Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use and benefit;

C. Uses, conceals, or abandons the thing of value intending that such use, concealment or abandonment will

deprive the other person permanently of its use and benefit; or

D. Demands any consideration to which he is not legally entitled as a condition of restoring the thing of value to the other person. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-2)

9.04.130 Vandalism. It is unlawful for any person to knowingly or recklessly damage the real or personal property, whether public or private, of one or more persons in the course of a single criminal episode where the aggregate damage to the real or personal property is less than five hundred dollars. (Ord. 9-1998 §1(part), 1998; Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-1)

9.04.140 Possession of burglary tools. It is unlawful for any person, firm or corporation to possess any nippers known as burglar's nippers, any pick lock, skeleton key, key to be used with bit or bits, jimmy, or any other burglar's instruments or tools of whatever kind or description, unless it be shown that such possession is innocent or for lawful purposes. (Prior code §10-7-3)

Chapter 9.08

OFFENSES RELATING TO PUBLIC MORALS

Sections:

- 9.08.010 Window peeping.
- 9.08.020 Possession or consumption of cannabis.
- 9.08.030 Possession or consumption of intoxicating beverages.
- 9.08.040 Possession of drug paraphernalia.
- 9.08.050 Possession or consumption of ethyl alcohol by an underaged person.
- 9.08.060 Drug surcharge.
- 9.08.070 Lotteries.
- 9.08.080 Court costs.

9.08.010 Window peeping. It is unlawful for any person to trespass upon the property owned or occupied by another in the town for the purpose of looking or peeping into any window, door, skylight or other opening in a house, room or building, or to loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupants of such house, room or building. (Prior code §10-4-4)

9.08.020 Possession or consumption of cannabis. A.
It is unlawful for any person to possess or to openly and
publicly display or consume one ounce or less of cannabis
or cannabis concentrate.

B. For the purpose of this section, the term "cannabis" shall include all parts of the plant *cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds, or resin, but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt derivative, mixture or preparation of its mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination. The term "cannabis concentrate" means hashish, tetrahydrocannabinols, or any alkaloid, salt derivative, preparation, compound, or mixture, whether natural or synthesized or tetrahydrocannabinol.

C. The provisions of this section shall not apply to any minor who possesses or uses cannabis or cannabis concentrate pursuant to the Dangerous Drugs Therapeutic Research Act (CRS Part 9 of Article 5 of Title 25, 1973). (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-11)

9.08.030 Possession or consumption of intoxicating beverages. It is unlawful for any person:

A. To sell, serve, give away, dispose of, exchange, or deliver or permit the sale, serving, giving, or procuring of any malt, vinuous, or spirituous liquor to or for any person under the age of twenty-one years;

B. To obtain or attempt to obtain malt, vinuous, or spirituous liquor by misrepresentation or age or by any other method in any place where malt, vinuous, or spirituous liquor is sold when such person is under twenty-one years of age;

C. To have in his possession malt, vinuous or spirituous liquor anywhere in the town, when such person is under twenty-one years of age;

D. To consume malt, vinuous, or spirituous liquor anywhere in the town when such person is under twenty-one years of age. (Ord. 4-1990 §1, 1990: prior code §10-6-12)

9.08.040 Possession of drug paraphernalia. A. It is unlawful for any person to possess drug paraphernalia. A person commits possession of drug paraphernalia if he possess drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the law, including but not limited to, municipal, state and federal law.

B. As used in this section, unless the context otherwise requires:

1. "Drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for

use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the laws of this municipality. "Drug paraphernalia" includes, but is not limited to:

a. Testing equipment used, intended for use, or designed for use in identifying or in analyzing the strength, effectiveness, or purity of controlled substances under circumstances in violation of the laws of this state;

b. Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;

c. Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;

d. Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

e. Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

f. Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances;

g. Objects used, intended for use, or designed for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish or hashish oil into the human body, such as:

i. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

ii. Water pipes;

iii. Carburetion tubes and devices;

iv. Smoking and carburetion masks;

v. Roach clips, meaning objects used to hold burning material, such as a marihuana cigarette that has become too small or too short to be held in the hand;

vi. Miniature cocaine spoons and cocaine vials;

vii. Chamber pipes;

viii. Carburetor pipes;

ix. Electric pipes;

x. Air-driven pipes;

xi. Chillurns;

xii. Bongs; or

xiii. Ice pipes or chillers.

C. In determining whether an object is drug paraphernalia, a court, in its discretion, may consider, in addition to all other relevant factors the following:

1. Statements by an owner or by anyone in control of the object concerning its use;
 2. The proximity of the object to controlled substances;
 3. The existence of any residue of controlled substances on the object;
 4. Direct or circumstantial evidence of the knowledge of an owner, or of anyone in control of the object, or evidence that such person reasonably should know, that it will be delivered to persons who he knows or reasonably should know, could use the object to facilitate a violation of this section;
 5. Instructions, oral or written, provided with the object concerning its use;
 6. Descriptive materials accompanying the object which explain or depict its use;
 7. National or local advertising concerning its use;
 8. The manner in which the object is displayed for sale;
 9. Whether the owner, or anyone in control of the object, is a supplier of like or related items to the community for legal purposes, such as an authorized distributor or dealer of tobacco products;
 10. The existence and scope of legal uses for the object in the community;
 11. Expert testimony concerning its use.
- D. In the event a case brought pursuant to this section is tried before a jury, the court shall hold an evidentiary hearing on issues raised pursuant to this section. Such hearing shall be conducted in camera. (Ord. 3-1996 §1, 1996)

9.08.050 Possession or consumption of ethyl alcohol by an underaged person. A. It is unlawful for any person under twenty-one years of age to possess or consume ethyl alcohol anywhere in the town of Columbine Valley.

B. "Ethyl alcohol" means any substance which is or contains ethyl alcohol.

C. "Possession of ethyl alcohol" means that a person has or holds any amount of ethyl alcohol anywhere on his person or that a person owns or has custody of ethyl alcohol, or has ethyl alcohol within his immediate possession and control.

D. "Private property" means any dwelling and its curtilage which is being used by a natural or persons for habitation and which is not open to the public, and privately-owned real property which is not open to the public. Private property shall not include:

1. Any establishment which has or is required to have a license pursuant to Articles 46, 47 or 48 of Title 12 of the Colorado Revised Statutes;

2. Any establishment which sells ethyl alcohol or upon which ethyl alcohol is sold;

3. Any establishment which leases, rents or provides accommodations to members of the public generally.

E. It shall be an affirmative defense to the offense described in subsection A of this section that the ethyl alcohol was possessed or consumed by a person under twenty-one years of age under the following circumstances:

1. While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the ethyl alcohol was possessed or consumed with the consent of his parent or legal guardian who was present during such possession or consumption; or

2. When the existence of the ethyl alcohol in a person's body was due solely to the ingestion of a confectionery which contained ethyl alcohol within the limits prescribed by Section 25-5-410 (1)(i)(II), C.R.S.; or the ingestion of any substance which was manufactured, designed, or intended primarily for a purpose other than oral human ingestion; or the ingestion of any substance which was manufactured, designed, or intended solely for medicinal or hygienic purposes; or solely from the ingestion of a beverage which contained less than one-half of one percent of ethyl alcohol by weight.

F. The possession or consumption of ethyl alcohol shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the first amendment to the United States Constitution.

G. Prima facie evidence of a violation of subsection A of this section shall consist of:

1. Evidence that the defendant was under the age of twenty-one years and possessed or consumed ethyl alcohol anywhere in this municipality; or

2. Evidence that the defendant was under the age of twenty-one years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in this municipality.

H. During any trial for a violation of subsection A of this section, any bottle, can or any other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall be admissible into evidence and shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine,"

"champagne," "whiskey," or "whisky," "gin," "vodka," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container was composed in whole or in part of ethyl alcohol.

I. A parent or legal guardian of a person under twenty-one years of age or any natural person who has the permission of such parent or legal guardian may give or permit the possession and consumption of ethyl alcohol to or by a person under the age of twenty-one years under the conditions described in subsection (E)(1) of this section. This subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Articles 46, 47, 48 of Title 12, C. R. S., or any members, employees or occupants of any such establishment to give, provide, make available, or sell ethyl alcohol to a person under twenty-one years of age.

J. Nothing in this section shall be construed to prohibit any statutory or home rule municipality from enacting any ordinance which prohibits persons under the age of twenty-one years from possessing or consuming ethyl alcohol, which is at least as restrictive or more restrictive than this section.

K. Nothing in this section shall be construed to limit or preclude prosecution for any offense pursuant to Articles 46, 47 or 48 of Title 12, C.R.S., except as provided in such articles.

L. Upon the expiration of one year from the date of a conviction for a violation of subsection A of this section, any person convicted of such violation may petition the court in which the conviction was entered for an order sealing the record of such conviction. The court shall grant such petition if the petitioner has not been arrested for, charged with, or convicted of any felony, misdemeanor, or petty offense during the period of one year following the date of such petitioner's conviction for a violation of subsection A of this section.

M. The qualitative result of an alcohol test or tests shall be admissible at the trial of any person charged with a violation of subsection A of this section upon a showing that the device or devices used to conduct such test or tests have been approved as accurate in detecting alcohol by the executive director of the department of public health and environment.

N. Official records of the department of public health and environment relating to the certification of breath test instruments, certification of operators and operator instructors of breath test instruments, certification of standard solutions, and certification of laboratories shall be official records of the state. Copies of such records, attested by the executive director of the department of public health and environment or his deputy

and accompanied by a certificate bearing the official seal for said department, which state that the executive director of the department has custody of such records, shall be admissible in all courts of record and shall constitute prima facie evidence of the information contained in such records. The official seal of the department described in this subsection may consist of a rubber stamp producing a facsimile of the seal stamped upon the document.

O. In any judicial proceeding in any court of this state concerning a charge under subsection A of this section, the court shall take judicial notice of methods of testing a person's blood, breath, saliva or urine for the presence of alcohol and of the design and operation of devices certified by the department of public health and environment for testing a person's blood, breath, saliva or urine for the presence of alcohol. This subsection shall not prevent the necessity of establishing during a trial that the testing devices were working properly and that such testing devices were properly operated. Nothing in this subsection shall preclude a defendant from offering evidence concerning the accuracy of testing devices.

P. No law enforcement officer shall enter upon any private property to investigate any violation of this section without probable cause. (Ord. 4-1996 §1, 1996)

9.08.060 Drug surcharge. Every person who, regardless of age at the time of commission of the offense, is convicted or, or pleads guilty or no contest, or receives a deferred judgment, to any drug offense or drug paraphernalia offense under the municipal code, shall be assessed a surcharge in the amount of fifty dollars and said surcharge shall not be suspended or waived by the municipal court, unless the court first finds that the drug offender is financially unable to pay any portion of said surcharge. The drug offender shall have the burden of providing clear and convincing evidence that he is financially unable to pay any portion of said surcharge. The court shall waive only that portion of the surcharge which the court has found the drug offender is financially unable to pay. (Ord. 2-2004 §1, 2004)

9.08.070 Lotteries. It is unlawful for any person or persons to set up, maintain, or carry on in any place occupied by him or them, or under his or their control,

any lottery or chance gift distribution except as provided by law. (Ord. 7-1997 §1, 1997: Ord. 2-1996 §1, 1996)

9.08.080 Court costs. Every person who, regardless of age at the time of the commission of the offense, is convicted or pleads guilty or no contest to, or pleads guilty subject to a deferred judgment, to any violation of an ordinance of the town of Columbine Valley shall be assessed court costs in the amount of ten dollars and such court costs shall not be suspended or waived by the municipal court, unless the court finds that the offender is financially unable to pay any portion of such court costs. The offender shall have the burden of providing clear and convincing evidence that he is financially unable to pay any portion of such court costs. The court shall waive only that portion of the court costs when the court has found that the offender is financially unable to pay any portion of such court costs. (Ord. 3-1999 §1, 1999)

Chapter 9.12

OFFENSES RELATING TO PUBLIC ORDER AND SAFETY

Sections:

- | | |
|----------|--|
| 9.12.010 | Assault. |
| 9.12.020 | Vagrancy. |
| 9.12.030 | Loitering. |
| 9.12.040 | Weapons--Forfeiture. |
| 9.12.050 | Concealed
weapons--Confiscation--Disposition. |
| 9.12.060 | Possession of illegal weapons. |
| 9.12.070 | Throwing missiles. |
| 9.12.080 | Harassment. |
| 9.12.090 | Disorderly conduct. |
| 9.12.100 | Disturbing the peace. |

9.12.010 Assault. A. An assault is an unlawful attempt coupled with a present ability to commit a bodily injury on or striking of the person of another.

B. A person commits the crime of assault if he knowingly or recklessly causes bodily injury to another person or with criminal negligence causes bodily injury to another person by means of a deadly weapon. (Ord. 3-1990 §1(part), 1990; prior code §10-5-6)

9.12.020 Vagrancy. It is unlawful for any person to commit the act of vagrancy in the town. The following acts shall constitute vagrancy:

A. Any person found loitering or strolling in, about, or upon any street, lane, avenue, alley or any other public way or public place, or at any public gathering or assembly, or in or around any store, shop, or business or commercial establishment, or on any private property or place without lawful business and conducting himself in a lewd, wanton or lascivious manner in speech or behavior;

B. Any person upon whose person or in whose possession is found any instrument, tool, or other implement for picking locks or pockets, or any implement that is usually employed or that reasonably may be inferred is designed to be employed in the commission of any felony, misdemeanor or in the violation of any ordinance;

C. Any person wandering out and occupying, lodging, or sleeping in any vacant or unoccupied barn, garage, shed, shop or other building or structure, or in any automobile, truck, railroad car, or other vehicle, without owning same or without permission of the owner or person entitled to the possession of the same, or sleeping in any vacant lot during the hours of darkness;

D. Any person wandering out and begging; or any person who goes about from door to door of private homes or commercial and business establishments, or places himself in or upon any public way or public place to beg or receive alms for himself;

E. Any person who asks or receives any compensation, gratuity or reward for practicing fortunetelling, palmistry, or clairvoyance;

F. Any person who knowingly keeps a place where lost or stolen property is concealed;

G. Any person who is the keeper, proprietor, exhibitor or user of any gambling table or device, or who assists or attends at any gambling table or device, or, any person who, for the purposes of gambling or gaming, travels about from place to place or frequents places where alcoholic beverages are sold, railroad cars, trains or depots, or buildings or structures, whether occupied or vacant;

H. Any person who is found trespassing in the night time upon the private premises of others. (Ord. 3-1990 §1(part), 1990; prior code §10-5-10)

9.12.030 Loitering. A. It is unlawful for any person to loiter or prowl upon the private property of another without lawful business with the owner or occupant thereof.

B. Among the circumstances which may be considered in determining whether or not a person who loiters or prowls on the private property of another has lawful business with the owner or occupant thereof is the fact that such person takes flight upon the appearance of a police officer or endeavors to conceal himself or any object.

C. It is unlawful for any person to sleep in the doorway of any otherwise unoccupied building, without the permission of the owner or other person who is entitled to the possession or control thereof. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-6)

9.12.040 Weapons--Forfeiture. A. It shall be unlawful for any person, except a law enforcement officer in the performance of duty, to wear under their clothes, or concealed about their person any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, rifle, shotgun, machine gun, air gun, gas operated gun, spring gun, sling shot, blackjack, nunchaku, brass knuckles or artificial knuckles of any substance whatsoever, or any switchblade knife, gravity knife, or any knife having a blade greater than three and one-half inches in length, or any explosive device, incendiary device or bomb, or other dangerous or deadly weapon.

B. It shall be unlawful for any person, except a law enforcement officer in the performance of duty, to carry, use or wear any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, rifle, shotgun, machine gun, air gun gas operated gun, spring gun, sling shot, blackjack, nunchaku, brass knuckles or artificial knuckles of any substance whatsoever, or switchblade knife, gravity knife, or any knife having a blade greater than three and one-half inches in length, or any explosive device, incendiary device or bomb, or any other dangerous or deadly weapon.

C. It shall be unlawful for any person, except a law enforcement officer in the performance of duty, to display in a threatening manner, or to flourish any dangerous or deadly weapon, including, but not by way of limitation, any pistol, revolver, rifle, shotgun, machine gun, air gun, gas

operated gun, spring gun, sling shot, blackjack, nunchaku, brass knuckles or artificial knuckles of any substance whatsoever, or any switchblade knife, gravity knife, or any knife having a blade greater than three and one-half inches in length, or any explosive device, incendiary device or bomb, or other dangerous or deadly weapon.

D. In addition to any other penalty imposed by lawful authority, every person convicted of any violation of this section may be required to forfeit to the Town such dangerous or deadly weapon so concealed or displayed.

E. Nothing in this section shall be construed to forbid any peace officer as defined by law from carrying, wearing or using such weapons as shall be necessary in the proper discharge of the officer's duties.

F. It shall not be an offense under Section 9.12.040(a) or 9.12.040(b) if the person is carrying the weapon concealed within a private automobile or pick-up truck, or for the lawful protection of such person's or another person's person or property, while traveling into or through the Columbine Valley public streets, and the weapon is not an explosive device, incendiary device, or bomb.

G. It shall not be an offense under Section 9.12.040(a) or 0.12.040(b) if the person is in his or her own dwelling or place of business or on property owned or under his or her control. Nor if a person is protecting such person or another person's person, in his own dwelling or place of business or on property owned or under his control.

H. It shall not be an offense under Section 9.12.040(a) or 9.12.040(b) if the person who, at the time of carrying a concealed weapon, held a valid written permit to carry a concealed weapon issued pursuant to C.R.S. 18-12-105.1, as it existed prior to its repeal, or, if the weapon involved was a handgun, held a valid permit to carry a concealed handgun or a temporary emergency permit issued pursuant to Article 12 of Title 18 of the Colorado Revised Statutes; except that it shall be an offense under this section if the person was carrying a concealed handgun in violation of the provisions of C.R.S. 18-12-214.

I. Any sentence imposed for violation of subsection (a) shall run consecutively and not concurrently with any sentence for any other offense, if the weapon involved was

a pistol, revolver, rifle, shotgun, machine gun, air gun, gas operated gun, spring gun, explosive device, or incendiary device or bomb.

J. Every person convicted of any violation of this section shall forfeit to the Town such weapon or knife as described in Section 9.12.040(a) through (c).

(Ord. No. 4-2008, §1, 11-18-2008)

Editor's note—Ord. No. 4-2008, §1, adopted Nov. 18, 2008, repealed the former §9.12.040 and enacted a new section as set out herein. The former §9.12.040 pertained to forfeiture of concealed weapons and derived from §10-5-12 of the prior code, and Ord. No. 3-1990, §1(part), 1990.

9.12.050 Concealed weapons--Confiscation--Disposition. It shall be the duty of every police officer, upon making any arrest and taking such a concealed weapon from the person of the offender, to deliver the same to the municipal judge, to be held by him until the final determination of the prosecution for the offense; and upon the finding of guilt, it shall then be the duty of the municipal judge to deliver the weapon forthwith to the chief of police who shall make disposition of the weapon. (Prior code §10-5-13)

9.12.060 Possession of illegal weapons. A. It is unlawful to knowingly possess an illegal weapon. An "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, bomb, firearm silencer, machine gun, short rifle, short shotgun, or switchblade knife as defined by CRS 18-12-101.

B. It shall be an affirmative defense of the charge of possession of an illegal weapon that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard acting in the lawful discharge of his duties or that such person has a valid license for possession of such weapon.

C. Every person convicted of any violation of this section shall forfeit to the town such illegal weapon. (Ord. 3-1990 §1(part), 1990: prior code §10-5-14)

9.12.070 Throwing missiles. It is unlawful for any person to throw any stone, snowball or other missile at or upon any person without that person's consent or at or upon any vehicle, building or other property without the consent of the owner of such property. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §2(part), 1986: prior code §10-6-10)

9.12.080 Harassment. A. It is unlawful for any person to commit harassment as defined below. Those provisions, or parts thereof, which declare the mere use of language to be harassment, are limited to those words which should tend to provoke a reasonable person to respond by acts of violence. A person commits harassment if, with the intent to harass, annoy or alarm another person he:

1. Strikes, shoves, kicks or otherwise touches a person or subjects him to physical contact; or

2. In a public place directs obscene language or makes an obscene gesture to or at another person; or

3. Follows a person in or about the public place; or

4. Initiates communication with a person anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily harm or property damage, or makes any comment, request or suggestion or proposal which is obscene; or

5. Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

6. Makes repeated communications at inconvenient hours or in offensively coarse language; or

7. Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

B. As used in this section, unless the context otherwise requires, "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit

ultimate sexual acts, whether or not the ultimate sexual acts are normal or perverted, actual or simulated. Any act prohibited by subsections (A)(4) and (A)(5) of this section may be deemed to have occurred or have been committed at the place at which the telephone call was either made or received. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-3)

9.12.090 Disorderly conduct. A. It is unlawful for any person to commit disorderly conduct. A person commits disorderly conduct if he intentionally, knowingly or recklessly:

1. Makes a coarse and obviously offensive utterance, gesture or display in a public place which tends to incite others to unlawful conduct or provoke retaliatory actions amounting to a breach of the peace; or
2. Abuses or threatens a person in a public place in an obviously offensive manner; or
3. Makes unreasonable noise in a public place or near a private residence that he has no right to occupy; or
4. Fights with another in a public place; or
5. Discharges a firearm in a public place; or
6. Displays a deadly weapon in a public place in a manner calculated to alarm.

B. It is an affirmative defense to prosecution under subsection (A)(2) of this section that the actor had significant provocation for his abusive or threatening conduct. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-8)

9.12.100 Disturbing the peace. It is unlawful for any person to wilfully disturb the peace of another person or persons by:

A. Making, causing or permitting to be made or caused unreasonably loud or offensive noises; or

B. In any manner, encouraging or permitting, by verbal or physical action, another person to engage in a fight or physical combat or by engaging in a fight or physical combat. (Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986: prior code §10-6-5)

Chapter 9.16OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENTSections:

- 9.16.010 False alarms.
- 9.16.020 Resisting the duties of police officials.
- 9.16.030 Resisting an officer--Escape--Rescuing a prisoner.
- 9.16.040 Aiding a police officer.
- 9.16.050 Impersonating a police officer.
- 9.16.060 Impersonating a town officer.

9.16.010 False alarms. Any person who shall, in this town intentionally make or give a false alarm of fire, shall be deemed guilty of a misdemeanor. (Prior code §10-5-5)

9.16.020 Resisting the duties of police officials. It is unlawful for any person to resist any police officer or any person duly empowered with police authority while in the discharge or apparent discharge of his duty. "Resist" means any act or conduct which opposes, obstructs, prevents or attempts to prevent, interferes with, hinders or impedes the actions of another. (Ord. 3-1990 §1(part), 1990: Ord. 2-1986 §1(part), 1986: prior code §10-6-7)

9.16.030 Resisting an officer--Escape--Rescuing a prisoner. A. It is unlawful for any person to resist any police officer, any member of the police department, or any person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way to interfere with or hinder him in the discharge of his duty.

B. It is unlawful for any person to offer or endeavor to assist any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority to escape or to attempt to escape from such authority.

C. It is unlawful for any person to rescue or to attempt to rescue any person in the custody of a police officer, a member of the police department or a person duly empowered with police authority. (Prior code §10-7-4)

9.16.040 Aiding a police officer. It shall be the duty of all persons when called upon by any police officer or any other member of the police department to promptly aid and assist such officer or member in the discharge of his duties. (Prior code §10-7-5)

9.16.050 Impersonating an officer. A. It is unlawful for any person other than an official police officer of the town to wear the uniform, apparel or any other insignia of office like or similar to, or a colorable imitation of that adopted and worn by the official police officers.

B. It is unlawful for any person to counterfeit, imitate, or cause to be counterfeited, imitated or colorably imitated, the uniform, apparel or insignia of office used by the police department of the town. (Prior code §10-7-6)

9.16.060 Impersonating town officers and employees. It is unlawful for any person to wilfully, unlawfully or fraudulently represent himself to be a town officer or an employee of the city and purporting to perform the duties of any such officer or employee when he is not an authorized officer or employee of the city. (Prior code §10-7-7)

Chapter 9.17

CURFEW

Sections:

9.17.010 Violations by minors.

9.17.020 Violation by parents, guardians or other persons.

9.17.030 Penalty.

9.17.010 Violations by minors. It is unlawful for any minor who has not reached his or her eighteenth birthday to be or remain upon any street or alley or to be or remain in any establishment open to the public in the town, after the hour of eleven p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday or after the hour of twelve a.m. on any Friday or Saturday or before the hour of five a.m. on any day except:

A. When accompanied by a parent, guardian or other person having legal care or custody of such minor;

B. For lawful employment;

C. When such minor is in the custody of and accompanied by a person who has reached his or her eighteenth birthday and has in his or her possession the written consent of such parent, guardian or other person having legal care or custody of such minor. (Ord. 10-1994 §1(part), 1994)

9.17.020 Violation by parents, guardians or other persons. It is unlawful for any parent, guardian or other person having legal care or custody of any minor child who has not reached his or her eighteenth birthday to allow or permit any such minor to be or remain upon any street or alley or to remain in any establishment open to the public in the town, after the hour of eleven p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday or after the hour of twelve a.m. on any Friday or Saturday or before the hour of five a.m. on any day except:

A. When accompanied by a parent, guardian or other person having legal care or custody of such minor;

B. For lawful employment;

C. When such minor is in the custody of and accompanied by a person who has reached his or her eighteenth birthday and has in his or her possession the written consent of such parent, guardian or other person having legal care or custody of such minor;

D. An emancipated minor. (Ord. 10-1994 §1(part), 1994)

9.17.030 Penalty. Any violation of the provisions of this chapter by an individual shall be punishable as set forth in Chapter 9.20 of the Municipal Code. (Ord. 10-1994 §1(part), 1994)

Chapter 9.20

VIOLATION--PENALTY

Sections:

9.20.010 Violation--Penalty.

9.20.010 Violation--Penalty. A. Any person eighteen years of age or older who shall be convicted of a violation of any section of this title shall, for each offense, be fined in a sum of not more than one thousand dollars or imprisoned not to exceed one year or both so fined and imprisoned, and/or ordered to pay restitution.

B. Any minor who is ten years of age or older and under the age of eighteen years who violates any section of this chapter shall, for each offense, be fined in a sum not exceeding one thousand dollars or be subject to probation not exceeding one year or both such fine and probation, and/or ordered to pay restitution. (Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991; Ord. 5-1990 §1, 1990; Ord. 3-1990 §1(part), 1990; Ord. 2-1986 §1(part), 1986; prior code §10-6-13)

Title 10VEHICLES AND TRAFFICChapters:

- 10.04 Model Traffic Code Adoption
- 10.08 Golf Carts
- 10.09 Traffic Infractions

Chapter 10.04MODEL TRAFFIC CODE ADOPTIONSections:

- 10.04.010 Adoption.
- 10.04.020 Additions, modifications, deletions.
- 10.04.030 Penalties.
- 10.04.040 Application.

10.04.010 Adoption. Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., there is hereby adopted by reference Articles 1 and 2, inclusive of the 2003 Edition of the "Model Traffic Code for Colorado" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Ave., EP 700, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the town. The purpose of this chapter and the code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three copies of the Model Traffic Code adopted herein are now filed in the office of the clerk of the town of Columbine Valley, Colorado, and may be inspected during regular business hours. (Ord. 2-2003 §1, 2003)

10.04.020 Additions, modifications, deletions. The 2003 Edition of the Model Traffic Code is adopted as if set out at length save and except the following articles

and/or sections of which are declared to be inapplicable to this municipality and are therefore expressly deleted, added to or modified as follows:

A. Sections 2 and 5 are deleted in their entirety and the following are substituted therefore:

1. Speed Laws - Applicable.

i. The Board of Trustees has determined that the prima facie speed limit which shall be applicable on all streets and roadways in the Town of Columbine Valley shall be twenty-five m.p.h., except that the prima facie speed limit which shall be applicable in all streets within the subdivision of the Town known as Burning Tree, shall be twenty m.p.h. The speed limit applicable immediately adjacent to the Columbine County Club shall be fifteen m.p.h. as posted at that location, and speed in excess of such limit should be prima facie evidence that such speed is unlawful and a violation of this chapter.

ii. Unless specifically provided to the contrary, all references to "town limit" shall mean the existing town limit. It is the intention of the Board of Trustees that the provisions of Section 1101 shall apply to the entire area of the Town, including recently annexed territory and territory which may be annexed in the future upon the effective date of any annexation.

iii. Section 1701(3) is expressly deleted in its entirety.

B. Section 1212 is hereby added to Part 12-Parking of the 2003 Edition of the Model Traffic Code for Colorado as follows:

a. Section 1212(a) - Offstreet Parking - When Prohibited. No operator or owner of a vehicle shall stop or park a vehicle or permit a vehicle to be stopped or parked on a public street or on town property, other than at officially designated parking spaces, between the hours of 3:00 am. and 6:00 a.m., on any day.

b. Section 1212(b) - Limitation on Parking - Allowable Vehicles Excluded. No operator or owner of any vehicle, boat, motorhome, camper or trailer, other than an allowable vehicle, or permit a vehicle, boat, motorhome, camper or trailer, other than an allowable vehicle, to be stopped or parked on a public street, public or private driveway or on a public or private property within the town limits except:

i. When stopped or parked in compliance with the direction of a police officer or official signs; or

ii. For the purpose of visiting for a period of time not to exceed forty-eight (48) hours; or

iii. For temporary loading or unloading for a period of time not to exceed twenty-four (24) hours; or

iv. On private property zoned R-A; or

v. When stopped or parked in a closed, covered structure; or

vi. When a permit for stopping or parking has been obtained and affixed as provided for hereinafter.

c. Section 1212(c) - Permits. The Town Marshal may issue a permit to allow the stopping and parking of any vehicle on a public street, public or private driveway, or on public or private property for a specified period of time but not to exceed seven (7) days in any calendar year. Permits may be granted for an additional period of time by the Board of Trustees, or between Board of Trustees meetings, by the Police Commissioner or the Mayor. This permit shall be issued for a vehicle and shall be affixed to the vehicles. The permit shall describe the effective dates thereof and the location in which the vehicle shall be permitted to be parked.

d. Section 1212(d) - Stored Vehicles. No owner or operator of an allowable vehicle shall park any allowable vehicle, nor shall any person permit an allowable vehicle to be parked on public or private property within the Town of Columbine Valley other than within a closed structure when such vehicle is unlicensed or has been placed in such a condition as to be inoperable.

e. Section 1212(e) - Definitions.

i. "Vehicle" means any device which is capable of moving itself or of being moved from place to place upon wheels or endless tracks, or through the air, or over the water, but such terms shall not mean or include any device moved by muscular power.

ii. "Allowable vehicle" means any vehicle, motorcycle, golfcart, or van or pickup truck.

iii. "Van or pickup truck" means a vehicle no portion of which extends more than six (6) inches above the height of the cab or above the driver's compartment of the vehicle, which has no more than (2) axles and which vehicle weighs no more than 6,500 pounds.

iv. "Officially designated parking space" as those words are used herein shall include:

(a) Those parking spaces in Villas Subdivision located on Par Circle, Birdie Lane and Eagle Drive, platted and marked for parking, and

(b) The parking area adjacent to the Columbine Country Club maintenance building.

(c) The parking spaces in the Brookhaven Subdivision, platted and marked for parking.

Section 1210(f) Private Property.

No person shall stop, stand or park a vehicle upon any landscaped area of private property which is

not intended for the parking of vehicles, such as a lawn, garden, berm or private median.

Section 1210(g) Presumption in Reference to Illegal Parking.

"In any prosecution charging a violation of any provision of this ordinance governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred."

Section 1210(h) Commercial Vehicles.

No person shall park or store any vehicle which has a sign or signs of any kind, in the driveway or in the front yard, side yard or back yard of any property in a residential zone district or on any roadway in any residential zone district for a period of time longer than two hours unless:

- A) the vehicle is being loaded or unloaded or is being used to render services to the property,
- B) the vehicle is owned by the town; or
- C) the vehicle is owned by a person who has obtained or has contracted with a person who obtained, a building permit to perform construction on the site where the vehicle is parked.

B1. Misuse of a Wireless Telephone.

1. As used in this section, unless the context otherwise requires:

(A) "Emergency" means a situation in which a person:

(I) Has reason to fear for such person's life or safety or believes that a criminal act may be perpetuated against such person or another person, requiring the use of a wireless telephone while the car is moving; or

(II) Reports a fire, a traffic accident in which one or more injuries are apparent, a serious road hazard, a medical or hazardous materials emergency, or a person who is driving in a reckless, careless, or otherwise unsafe manner.

(B) "Operating a motor vehicle" means driving a motor vehicle on a public highway, but "operating a motor vehicle" shall not mean maintaining the instruments of control while the motor vehicle is at rest in a shoulder lane or lawfully parked.

(C) "Use" means talking on or listening to a wireless telephone or engaging the wireless telephone for text messaging or other similar forms of manual data entry or transmission.

(D) "Wireless telephone" means a telephone that operates without a physical wire line connection to the provider's equipment. The term includes, without limitation, cellular and mobile telephones.

2. A person under eighteen years of age shall not use a wireless telephone while operating a motor vehicle.

3. A person eighteen years of age or older shall not use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission while operating a motor vehicle.

4. Subsection 2. or 3. of this section shall not apply to a person who is using the wireless telephone:

(A) To contact a public safety entity; or

(B) During an emergency.

5. (A) A person who operates a motor vehicle in violation of subsection 2. or 3. of this section commits a traffic infraction and shall be assessed a one point violation by the department of revenue and subject to a fine of fifty dollars.

(B) A second or subsequent violation of subsection 2. or 3. of this section shall constitute a traffic infraction and assessed one point by the department of revenue and subject to a fine of one hundred dollars.

6. (A) An operator of a motor vehicle shall not be cited for a violation of subsection 2. of this section unless the operator was under eighteen years of age and a

law enforcement officer saw the operator use, as defined in paragraph (C) of subsection 1. of this section, a wireless telephone.

(B) An operator of a motor vehicle shall not be cited for a violation of subsection 3. of this section unless the operator was eighteen years of age or older and a law enforcement officer saw the operator use a wireless telephone for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission.

7. The provisions of this section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

8. This section does not restrict operation of an amateur radio station by a person who holds a valid amateur radio operator license issued by the Federal Communications Commission.

C. Penalties. The following penalties, herewith set forth in full, shall apply to this section:

1. It is unlawful for any person to violate any of the provisions stated or adopted in this section.

2. Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished by a fine not exceeding three hundred dollars. (Ord. No. 1-2010, §1, 2-16-2010; Ord. No. 3-2007, §1, 6-19-2007; Ord. 2-2005 §1, 2005; Ord. 2-2003 §2, 2003)

10.04.030 Penalties. The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding one thousand dollars.

C. Any person issued a summons and complaint or an equipment violation, not including a child's restraint violation, described in Part 2 of the Model Traffic Code, constituting a zero or one point violation, shall be punished by a fine of fifty dollars, should such person choose the early payment option provided on the summons and complaint issued by a law officer of the town of Columbine Valley. Any person issued a summons or complaint for a child restraint violation described in Part 2 of the Model Traffic

Code constituting a zero point violation shall be punished by a fine of one hundred dollars, should such person choose the early payment option provided on the summons and complaint issued by a law officer of the town of Columbine Valley.

D. Any person issued a summons and complaint for a moving violation shall be punished by a fine of not less than one hundred dollars. (Ord. No. 1-2009, §1, 4-21-2009; Ord. No. 3-2008, §1, 10-21-2008; Ord. 2-2003 §3, 2003)

10.04.040 Application. This chapter shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or outside the corporate limits of this municipality, the use of which this municipality has jurisdiction and authority to regulate. The provisions of Sections 1401, 1402, 1413 and part of 16 of the adopted Model Traffic Code, respectively concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout this municipality. (Ord. 2-2003 §4, 2003)

Chapter 10.08

GOLF CARTS

Sections:

- 10.08.010 Definitions.
- 10.08.020 Applicability of state and local laws.
- 10.08.030 Golf cart operation on roadway.

10.08.010 Definitions. As used in this chapter, unless the context otherwise requires:

"Golf cart" means a self-propelled vehicle primarily designed for travel on golf courses.

"Operate" means to ride in or on and control the operation of a golf cart.

"Owner" means a person, other than a lien holder, having title to a golf cart and entitled to the use or possession thereof.

"Person" means any individual, association, partnership or public or private corporation, any municipal corpo-

ration, county, city, city and county, or other public political subdivision of the state, or any other public or private organization of any character.

"Possession" means any physical custody of a golf cart by any owner of a golf cart or by any owner of a motor vehicle or trailer on or in which a golf cart is placed for the purpose of transport. (Ord. 11-1994 §1(part), 1994)

10.08.020 Applicability of state and local laws. State law with respect to the regulation of motor vehicles and traffic, as well as the Model Traffic Code, as adopted by the board of trustees of the town from time to time, shall be applicable to the regulation of golf carts within the town. (Ord. 11-1994 §1(part), 1994)

10.08.030 Golf cart operation on roadway. A. Only a licensed driver sixteen years of age or older may operate a golf cart on the roadway of a street in the town except as follows:

1. An unlicensed driver may operate a golf cart upon lands owned or leased by his parent or guardian.

B. While being operated on a roadway of a street in the town, between the hours of sunset and sunrise, such golf cart shall be equipped with at least two front headlights emitting a white light visible from a distance of at least five hundred feet to the front as well as two tail lights visible from a distance of five hundred feet.

C. Any person who violates any of the provisions of this chapter shall be subject to the penalties set forth in Section 10.04.030 of the Municipal Code. (Ord. No. 7-2010, §1, 10-19-2010; Ord. 11-1994 §1(part), 1994)

Chapter 10.09

TRAFFIC INFRACTIONS

Sections:

- 10.09.010 Legislative intent.
- 10.09.020 Definitions.
- 10.09.030 Application.
- 10.09.040 Commencement of action.
- 10.09.050 Payment before appearance date.
- 10.09.060 First hearing.
- 10.09.070 Subpoenas.
- 10.09.080 Dismissal before final hearing.

- 10.09.090 Final hearing.
- 10.09.100 Judgment after final hearing.
- 10.09.110 Posthearing motions.
- 10.09.120 Default.
- 10.09.130 Town attorney.
- 10.09.140 Appeals.
- 10.09.150 Collection of judgments.
- 10.09.160 Violation--Penalty.

10.09.010 Legislative intent. The purpose of this chapter is to decriminalize certain traffic offenses by establishment of a system to treat all violations of the Model Traffic Code, as modified and adopted by the town of Columbine Valley, except violations of Sections 1413, 1409 and 1401, as civil matters in municipal court, wherein no jury trials are permitted. (Ord. 11-1998 §1, 1998: Ord. 3-1998 §1(part), 1998)

10.09.020 Definitions. As used in this chapter, the following definitions shall apply:

"Charging document" means the document commencing or initiating the traffic infraction matter, whether denoted as a complaint, summons and complaint, citation, or other document charging the person with the commission of a traffic infraction or infractions.

"Defendant" means any person charged with the commission of a traffic infraction.

"Judgment" means an admission of guilt or liability for any traffic infraction, the entry of judgment of guilt or liability, or the entry of default judgment as set forth in this chapter against any person for the commission of a traffic offense.

"Noncriminal traffic infraction," also referred to herein as "traffic infraction," means any violation of the Model Traffic Code, as modified and adopted by the town of Columbine Valley, except violations of Sections 5-1 and 21-13, wherein no jury trials are permitted.

"Penalty" means a fine imposed by the municipal court for violation of a traffic infraction. (Ord. 3-1998 §1, (part), 1998)

10.09.030 Application. A. This chapter shall apply to actions in which traffic infractions are charged.

B. In any action in which the commission of a traffic infraction and a criminal offense are alleged in one complaint, all charges shall be treated as a criminal offense, wherein jury trials are permitted. (Ord. 3-1998 §1(part), 1998)

10.09.040 Commencement of action. An action under this chapter charging a traffic infraction is commenced by the tender of or service of a charging document upon a defendant, or in the case of a parking violation, by placing a charging document on the subject vehicle in a conspicuous place, and by filing of the charging document with the municipal court. (Ord. 3-1998 §1(part), 1998)

10.09.050 Payment before appearance date. A. The clerk of the municipal court shall accept payment of a penalty for a traffic infraction by a defendant pursuant to orders entered by the town of Columbine Valley municipal court, from time to time.

B. Payment in full of the fine, costs, and other court fees in accordance with such orders, shall constitute a waiver of rights and acknowledgement of guilt or liability.

C. This procedure shall constitute an entry and satisfaction of judgment. (Ord. 3-1998 §1(part), 1998)

10.09.060 First hearing. A. If the defendant has not previously acknowledged guilt or liability and satisfied the judgement, he shall appear before the court at the time scheduled for first hearing which is noted on the charging document.

B. The defendant may appear in person or by counsel, who shall enter an appearance in the case; provided, however, if an admission of guilt or liability is entered, the court may require the presence of the defendant for assessment of the penalty, costs, and other court fees.

C. If the defendant appears in person, the court shall advise him in court of the following:

1. The nature of the infractions alleged in the charging document;

2. The penalty, costs, and other court fees that may be assessed and the penalty points that may be assessed against his driving privilege;

3. The consequences of a failure to appear at any subsequent hearing including entry of judgment against the defendant, and the reporting of the judgment to the State Department of Revenue, Motor Vehicle Division, which may assess points against the defendant's driving privilege and which may result in the denial of an application for a driver's license;

4. The right to be represented by an attorney at the defendant's expense;

5. The right to deny the allegations and to have a hearing before the court;

6. The right to remain silent, because any statement made by the defendant may be used against him;

7. Guilt or liability must be proven beyond a reasonable doubt;

8. The right to testify, subpoena witnesses, present evidence and cross-examine any witnesses for the town;

9. Any admission of guilt or liability by a defendant must be voluntary and not the result of undue influence or coercion on the part of anyone; and

10. An admission of guilt or liability constitutes a waiver of the foregoing rights and any right to appeal.

D. The defendant personally or by counsel shall answer the allegations in the charging document either by admitting guilt or liability or by denying the allegations.

E. If the defendant admits guilt or liability, the court shall enter judgment and assess the appropriate penalty, costs, and other court fees, after determining that the defendant understood the matters set forth in subsection (C) of this section and has made a voluntary, knowing and intelligent waiver of rights. The clerk of the municipal court shall report the judgment and points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

F. If the defendant denies the allegations, the matter shall be set for a final hearing. (Ord. 3-1998 §1(part), 1998)

10.09.070 Subpoenas. The defendant and the town shall have the right to the issuance of subpoenas by the court clerk as in all other municipal prosecutions to secure the attendance of witnesses at the final hearing. (Ord. 3-1998 §1(part), 1998)

10.09.080 Dismissal before final hearing. The charges shall be dismissed if the final hearing is not held within the time requirements set out in Rule 248(b) of the Colorado Municipal Court Rules of Procedure. (Ord. 3-1998 §1(part), 1998)

10.09.090 Final hearing. The hearing of all traffic infractions shall be conducted pursuant to the Colorado Municipal Court Rules of Procedure. (Ord. 3-1998 §1(part), 1998)

10.09.100 Judgment after final hearing. A. If all the elements of a traffic infraction are proven beyond a reasonable doubt, the court shall find the defendant guilty or liable and enter judgment. The clerk of the municipal court shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

B. If any element of a traffic infraction is not proven beyond a reasonable doubt the court shall dismiss the charge and enter judgment; provided, however, that the court may find the defendant guilty of or liable for a lesser included traffic infraction, if based on the evidence offered, and enter judgment.

C. If the defendant is found guilty or liable, the court shall assess the penalty, costs, and other court fees imposed in criminal municipal offenses.

D. The judgment shall be satisfied upon payment to the clerk of the municipal court of the total amount assessed by the court.

E. If the defendant fails to satisfy the judgment by payment to the clerk of the municipal court of the total amount assessed after the finding of guilt or liability, or within the time of a reasonable extension granted upon a showing of good cause by, and upon application of the defendant, then such nonpayment shall be treated as a default. (Ord. 3-1998 §1(part), 1998)

10.09.110 Posthearing motions. There shall be no posthearing motions except to set aside a default judgment as provided by Section 10.09.120 of this chapter. (Ord. 3-1998 §1(part), 1998)

10.09.120 Default. A. If the defendant fails to appear at the first hearing, the court shall charge the defendant with failure to appear and notice of such charge and of the next hearing date at which time the defendant must appear shall be mailed by the clerk of the municipal court, to the defendant at the last known address of the defendant. If defendant fails to appear at any subsequent hearing, the court shall enter judgment against the defendant and, if appropriate, the clerk of the municipal court shall report the judgment and points to be assessed against the defendant's driving privilege to the State Department of Revenue, Motor Vehicle Division.

B. The amount of the judgment shall be the appropriate penalty which would be assessed after a finding of

guilt or liability, plus costs, and other court fees regularly imposed for municipal violations after a finding of guilt.

C. The defendant may satisfy a default judgment entered under this section by payment in full of the penalty, costs, and other court fees to the clerk of the municipal court.

D. No warrant shall issue for the arrest of a defendant who fails to appear at a hearing or fails to satisfy a judgment.

E. 1. Except as otherwise provided in this subsection, no person against whom a judgment has been entered for a traffic infraction shall move to set aside the default judgment unless such motion is filed within sixty days after the date of entry of judgment.

2. The only exceptions to the time limitations specified in subdivision (1) of this subsection shall be:

a. A case in which the court did not have jurisdiction over the subject matter of the alleged traffic infraction;

b. A case in which the court did not have jurisdiction over the person of the defendant;

c. Where the court, after hearing the motion to set aside the default judgment, finds by a preponderance of the evidence that the failure to seek relief within the applicable time period was caused by an adjudication of incompetence or by commitment of the defendant to an institution for treatment as a mentally ill person; or

d. Where the court, after hearing the motion to set aside the default judgment, finds that the failure to seek relief within the applicable time period was a result of circumstances amounting to justifiable excuse or excusable neglect. (Ord. 1-1999 §1, 1999; Ord. 3-1998 §1(part), 1998)

10.09.130 Town attorney. The town attorney or designee may appear in any traffic infraction to negotiate a plea agreement or to prosecute the traffic infraction before the municipal court. (Ord. 3-1998 §1(part), 1998)

10.09.140 Appeals. An appeal from any finding of guilt or liability for a traffic infraction shall be taken to the district court in accordance with Rule 237(b) of the Colorado Municipal Court Rules of Procedure. (Ord. 3-1998 §1(part), 1998)

10.09.150 Collection of judgments. Upon entry of a judgment under this chapter, and in addition to all legal and administrative enforcement or collection procedures and remedies otherwise available, the town attorney is authorized to file a civil action with any state court having

appropriate jurisdiction, which filing shall include a certified copy of the judgment, praying for judgment based on the total amount assessed by the municipal court, and upon entry of such judgment, the town attorney shall be authorized to proceed with all judgment, execution and collection procedures authorized by law for the amount of the judgment, costs and fees incurred in such proceedings. (Ord. 3-1998 §1(part), 1998)

10.09.160 Violation--Penalty. The following penalties herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions adopted in this chapter.

B. Every person convicted of a violation of any provision adopted in this chapter shall be punished by a fine not exceeding one thousand dollars.

C. No imprisonment shall be imposed. (Ord. 3-1998 §1(part), 1998)

Title 11

(RESERVED)

Title 12

STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

- 12.04 Streets and Sidewalks
- 12.08 Construction and Repair
- 12.12 Parks
- 12.13 Rights-of-way

Chapter 12.04

STREETS AND SIDEWALKS

Sections:

- 12.04.010 Maintenance--Generally.
- 12.04.020 Maintenance--Sidewalks and gutters.
- 12.04.030 Encroachments prohibited.
- 12.04.040 Notice and removal of encroachments.
- 12.04.050 Grade stakes.
- 12.04.060 Sidewalks--Required.
- 12.04.070 Sidewalks--Notice--Installation.
- 12.04.080 Utility mains.
- 12.04.090 Authority and supervision.
- 12.04.100 Streetwork permit required--
Specifications.
- 12.04.110 Excavation permit required--Application.
- 12.04.120 Permit fee.
- 12.04.130 Bond required.
- 12.04.140 Commencement and completion.
- 12.04.150 Barricades and lights.
- 12.04.160 Width specifications--Public
inconvenience.
- 12.04.170 Sidewalks and gutter obstructions.
- 12.04.180 Obstructing traffic.
- 12.04.190 Interfering with use of streets or
sidewalks.
- 12.04.200 Parades.

12.04.010 Maintenance--Generally. All sidewalks, curbs, gutters and curbwalks shall be maintained with an

even surface in good repair and in conformity with the established grade of the streets along which they are constructed. (Prior code §9-1-1)

12.04.020 Maintenance--Sidewalks and gutters. It shall be the duty of all owners or occupants of every premises within the town to keep the sidewalks and grounds occupied by them free and clear of snow, ice, mud, dirt, debris, rubbish and filth. (Prior code §9-1-2)

12.04.030 Encroachments prohibited. No encroachment or obstruction whatever, other than provided by law, authorized by the board, or by ordinance of the town, shall be

made or placed upon any street, alley, sidewalk, curb, gutter, curbwalk or other public place within the town. (Prior code §9-1-3)

12.04.040 Notice and removal of encroachments. Whenever any encroachments or obstruction, including ice, snow, mud, dirt, debris, rubbish and filth, is made, located, permitted or maintained contrary to this chapter, the road commissioner or chief of police shall give notice to the person who made, caused or permitted same, or to the person who owns or controls the premises on which same is located or connected, directing such person to remove such encroachment or obstruction within forty-eight hours after receipt of the notice. In the event such notice shall not be obeyed, the road commissioner or chief of police may order the removal of the encroachment or obstruction and the costs and expenses of such removal shall be assessed against the responsible person. (Prior code §9-1-4)

12.04.050 Grade stakes. It is unlawful for any person to remove or disturb any grade or line stakes or marks set by the town for the purposes specified in this chapter. (Prior code §9-1-5)

12.04.060 Sidewalks--Required. It shall be the duty of every owner of real property within the town to provide, install and maintain a sidewalk, curb and gutter, or curbwalk in front of or upon his property, and in such location as may be designated by the town. The sidewalk, curb and gutter, or curbwalk shall be installed and constructed in strict accordance with plans and specifications adopted by the board of trustees of the town. (Prior code §9-1-6)

12.04.070 Sidewalks--Notice--Installation. Whenever any owner of property within the town shall refuse to install a sidewalk, curb and gutter, or curbwalk in accordance with the provisions of this chapter, the road commissioner or chief of police, pursuant to authority given by the board, shall give notice to such person directing him to install same within ninety days after receipt of the notice. In the event such notice shall not be obeyed, the road commissioner or chief of police may order the installation and construction of such sidewalk, curb and gutter, or curbwalk and the costs and expenses thereof shall be assessed against the responsible person. (Prior code §9-1-7)

12.04.080 Utility mains. It shall be the duty of every person and every utility company to install all mains, conduits, cables, poles and the like which may be deemed necessary for water, gas, sewer, storm drainage, telephone and electricity facilities prior to the installation,

construction or paving of any streets, alleys, sidewalks and curbswalks. (Prior code §9-1-8)

12.04.090 Authority and supervision. All work on any excavation, cut, trench or opening in or under any street, sidewalk, curb, gutter, curbswalk, alley or other public place shall be done only on authority of a permit issued by the road commissioner and such work shall be supervised by the road commission. (Prior code §9-1-9)

12.04.100 Streetwork permit required--Specifications. It is unlawful for any person, other than those under contract with the town, to excavate, cut open or trench in or under any street, sidewalk, curb, gutter, curbswalk, alley or other public place without having first obtained a permit from the road commissioner. A complete set of rules and regulations shall be prepared by the road commissioner and approved by the board describing the procedures, precautions and specifications under which the excavation work and backfilling shall be done and any other provisions deemed necessary to the best interests of the town in connection therewith. (Prior code §9-1-10)

12.04.110 Excavation permit required--Application. Every person desiring to do any of the excavation work shall apply to the road commissioner for a permit therefor on a form provided by the town, stating the applicant's name, the location, length, width and purpose of the proposed excavation, the amount of the permit fee, the dates of commencement and completion of the work and a statement that the work will be performed in strict compliance with the plans, specifications and procedures furnished by the road commissioner. (Prior code §9-1-11)

12.04.120 Permit fee. Before any permit for excavation may be issued, the permittee shall pay to the town an excavation fee of fifty dollars per cut up to twenty feet in length, plus twenty-five dollars for each additional twenty feet or fraction thereof. (Ord. 16-1999 §1, 1999: prior code §9-1-12)

12.04.130 Bond required. Every person applying for an excavation permit and prior to the issuance thereof, shall provide a surety bond for each individual contract running to the town in an amount of four dollars for each linear foot of cut or a total of fifty thousand dollars, whichever is greater. Such surety bond shall be for a period of two years. The bond shall be conditioned upon the requirement that the street cut be thoroughly compacted to ninety percent or better of the original ground compaction and that asphalt or concrete resurfacing will be as good or

better than any present asphalt or concrete paving at that location. All work authorized by the permit shall be subject to spot compaction tests at the discretion of the town and at the expense of the contractor. The bond must be either a cash deposit or be written with a corporate surety company or association authorized by law to execute such bond, to be approved by the town administrator or his/her designee. (Ord. 16-1999 §2, 1999: prior code §9-1-13)

12.04.140 Commencement and completion. All work authorized by a permit issued pursuant to this section shall be commenced within a reasonable time after issuance of the permit and shall be diligently and continuously performed until completion. In the event that weather, process of law, or any other unexpected obstacles shall cause work to be stopped for so long a time that public travel shall be unreasonably obstructed, the road commissioner may order the excavation refilled and repaved as if the work contemplated in the permit were actually completed. (Prior code §9-1-14)

12.04.150 Barricades and lights. Every person making or causing to be made any excavation shall keep the excavation barricaded at all times and, between the hours of sunset and sunrise, he shall keep such excavation properly lighted so as to warn all persons thereof. (Prior code §9-1-15)

12.04.160 Width specifications--Public inconvenience. No opening or excavation shall be undercut or have a greater width at the bottom than at the top. In no case shall more than one-half of the width of any street, alley or other public place be opened or excavated at any one time, and, in all cases, one-half of such street, alley or other public place shall remain untouched for the accommodation of traffic until the other one-half is restored for safe use. All such other work shall be performed in such way as to cause minimum inconvenience and restriction to the public and to both pedestrian and vehicular traffic. (Prior code §9-1-16)

12.04.170 Sidewalks and gutter obstructions. It is unlawful for any person performing any excavation work to place any dirt or other materials upon any sidewalk or in any gutters and such work shall be performed so as to permit the free passage of water along the gutters. (Prior code §9-1-17)

12.04.180 Obstructing traffic. It is unlawful for any person to obstruct in any manner any sidewalk, public highway, street or alley in the town, or, for the purpose

of annoyance or mischief, to place in any doorway or driveway, or on any sidewalk, public highway, street or alley in the town, any box, barrel, cask or other thing. (Prior code §10-7-8)

12.04.190 Interfering with use of streets or sidewalks. It is unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining or congregation on any public highway, street, alley or sidewalk in the city shall obstruct, interfere with or prevent the free and unobstructed and reasonable use of that public highway, street, alley or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley or sidewalk, or to fail or refuse to move on, disperse or cease such obstruction or interference immediately upon being so ordered by any police officer of the town or other authorized peace officer. (Prior code §10-7-9)

12.04.200 Parades. No funeral, procession, or parade, excepting the forces of the United States armed services, the military forces of this state, and the forces of the police and fire departments shall occupy, march or proceed along any street or roadway except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply. (Prior code §10-7-10)

Chapter 12.08

CONSTRUCTION AND REPAIR

Sections:

- 12.08.010 Construction and supervision.
- 12.08.020 Authority of board.
- 12.08.030 Petition for construction.
- 12.08.040 Action of board--Notice to property owners.

- 12.08.050 Filing of cost schedule.
- 12.08.060 Collection of delinquent payments.
- 12.08.070 Private authority.
- 12.08.080 Permit required--Specifications.
- 12.08.090 Permit--Application.
- 12.08.100 Permit--Fee.
- 12.08.110 Bond required.
- 12.08.120 Barricades and lights.

12.08.010 Construction and supervision. All sidewalks, curbs or gutters built within the town shall be constructed according to this section and under the direction and supervision of the road commissioner. (Prior code §9-2-1)

12.08.020 Authority of board. The board is authorized and empowered to construct and maintain sidewalks, curbs and gutters or any one or more of such improvements and provide for the payment of the expense thereof by special assessments upon the adjacent or abutting property in the manner designated and provided in this chapter. (Prior code §9-2-2)

12.08.030 Petition for construction. Whenever a majority of all of the members of the board of trustees shall decide that improvements are necessary with respect to any sidewalk, curb or gutter pan of any street within the town, the board may at any regular meeting, by resolution, order the construction, repair or maintenance of such sidewalk, curb or gutter pan and the cost thereof shall be paid for by the town. The costs and expenses of repair, replacement and maintenance of curbs and gutter pans damaged, as a result of the actions of an abutting property owner, shall be paid by the owner of such property, if the town determines that the owner has caused the damage. Where the repair, replacement or maintenance of a curb or gutter pan to a driveway which provides ingress and egress to the property which is adjacent and abutting the driveway, is required due to the actions of the owner of the property, as determined by the town, then the owner of the property shall pay for the curb or gutter pan repair, replacement or maintenance. In the event the town determines that it is necessary that a gutter pan be constructed and the applicable property owner requests that a ribbed gutter pan shall be constructed, then the difference in the cost of a ribbed gutter pan and that of a flat gutter pan shall be paid for by the property owner. Subject to the provisions of Title 15, the owner of one-half of the frontage upon any sidewalk, curb or gutter pan, may construct improvements on the sidewalk, curb, or gutter pan of any street at the owner's sole cost and expense. (Ord. 4-1995 §1, 1995)

12.08.040 Action of board--Notice to property owners.

Within three days from the time the board orders the construction of any sidewalk, curb or gutter, the town clerk shall mail a notice to or otherwise actually notify the owners of the abutting property or their agents of the action taken by the board concerning such improvements and shall call for sealed bids for the construction of such improvements to be presented to the board at its next regular

meeting. The notice to the property owners shall state the time and place of the opening of bids. (Prior code §9-2-4)

12.08.050 Filing of cost schedule. After the completion of any sidewalk, curb or gutter, as specified in this chapter and to the satisfaction of the road commissioner, the road commissioner shall prepare and file with the town clerk a schedule showing the whole cost of construction, and exclusive of the street and alley crossings, together with a schedule showing the number of feet abutting on such improvements and the names of the owners of each lot fronting or abutting thereon and showing the number of feet each owner has fronting or abutting on such improvements. After the schedule is placed in the hands of the town clerk, he shall assess and proportion the cost of such sidewalk, curb and gutter among the property owners according to the number of feet of property each owner has fronting or abutting upon such improvement. The amount so assessed shall become a valid and subsisting lien against such fronting or abutting property and shall be due and payable at the time of such assessment by the owner or owners of such property. Such assessment must be paid within thirty days from the time it is made. (Prior code §9-2-5)

12.08.060 Collection of delinquent payments. If the owners of any abutting property shall fail to pay to the town clerk the amount assessed against him for the construction of curbs, gutters or sidewalks within thirty days from the time the assessment is made, the town clerk shall certify the same to the county treasurer, who shall place the same upon the tax list for the current year and collect the same in the same manner as other taxes, with ten percent penalty thereon to defray the cost of collection. Such assessment shall be and remain a lien upon such lots or parcels of land until paid by the owner. (Prior code §9-2-6)

12.08.070 Private authority. All streets, alleys, sidewalks, curbs, gutters and curbwalks constructed within the town shall be done only on authority of an ordinance or on authority of a permit issued by the road commissioner. (Prior code §9-2-7)

12.08.080 Permit required--Specifications. It is unlawful for any person, other than those under contract with the town to construct, reconstruct, alter or repair any street, alley, sidewalk, curb, gutter or curbwalk without having first obtained a permit from the road commissioner. A complete set of rules and regulations shall be prepared and approved by the board, describing the procedures, precautions and specifications under which such work shall be done and any other provisions deemed necessary to the best

interests of the town in connection therewith. (Prior code §9-2-8)

12.08.090 Permit--Application. Every person desiring to construct, reconstruct, alter or repair any streets, alleys, sidewalks, curbs, gutters or curbwalks shall apply to the road commissioner for a permit therefor on a form provided by the town stating the applicant's name, the location, length, dates of commencement and completion of the work and a statement that the work will be performed in strict compliance with the plans, specifications, lines and grades approved or furnished by the road commissioner. (Prior code §9-2-9)

12.08.100 Permit--Fee. A fee of five dollars shall be paid to the town prior to the issuance of the permit, provided, however, that the fee may be waived by the road commissioner, in his sole discretion, in the event of small or minor installations or repairs. (Prior code §9-2-10)

12.08.110 Bond required. Every person applying for a permit authorized by this chapter and prior to the issuance thereof shall file a surety bond, good for one year in favor of the town in the penal sum of one thousand dollars and conditioned upon the faithful performance of such work in strict compliance with the plans, specifications, rules, regulations and ordinances of the town; that such person will forthwith repair or replace any defective or unskilled work and that such person will indemnify and save harmless the town against and from any and all damages or claims for damages, loss, costs, charges or expenses that may be brought against it by reason of such work. The bond may be waived by the road commissioner in his sole discretion in the event of small or minor installations or repairs. (Prior code §9-2-11)

12.08.120 Barricades and lights. Every person doing or causing to be done any of the work authorized by this chapter shall keep the work barricaded at all times and, between the hours of sunset and sunrise, he shall keep the same property lighted as to warn all persons thereof. (Prior code §9-2-12)

Chapter 12.12PARKSSections:

- 12.12.010 Authority to establish parks.
- 12.12.020 Definitions.
- 12.12.030 Park hours.
- 12.12.040 Destruction of park property.
- 12.12.050 Erection of tents and buildings.
- 12.12.060 Fires prohibited.
- 12.12.070 Riding animals in parks.
- 12.12.080 Huckstering prohibited.
- 12.12.090 Rules and regulations.

12.12.010 Authority to establish parks. The town, which is incorporated under the laws of this state, shall have authority to acquire, establish and maintain in the manner provided for by state law, public parks or pleasure grounds, boulevards, parkways, avenues and roads (CRS 31-25-201, 1973 as amended). (Ord. 3-1990 §1(part), 1990: prior code §9-3-1)

12.12.020 Definitions. For the purposes of this chapter, the following words, unless the context requires otherwise, shall have the following meanings:

"Park" is a park, reservation, playground, beach, recreation center or any other area in the town, either now existing or which shall be subsequently acquired in accordance with the provisions of Section 12.12.010, owned or used by the town, and devoted to active or passive recreation.

"Person" means any person, firm, partnership, association, corporation, company or organization of any kind. (Prior code §9-3-2)

12.12.030 Park hours. The parks shall be open daily to the public from five a.m. until eleven p.m., and no person not an employee of the parks shall remain in them at any other time; provided, however, that the board of trustees may by permit, first having been obtained, extend or limit the time specified in this chapter. (Prior code §9-3-3)

12.12.040 Destruction of park property. It is unlawful to cut, mark, remove, break or climb upon, or in any way injure, damage or deface the trees, shrubs, plants, turf, or any of the buildings, fences, bridges, or other structures or property within or upon park premises; or in any other way injure or impair the natural beauty or usefulness of any park or recreation area. (Prior code §9-3-4)

12.12.050 Erection of tents and buildings. It is unlawful to build or place any tent, building, booth, stand or other structure in or upon any of the parks, parkways, or other recreational facilities without first having obtained a permit to do so from the board of trustees. (Prior code §9-3-5)

12.12.060 Fires prohibited. It is unlawful to light, make or use any unenclosed picnic or trash fire within the parks, parkways, or other recreation facilities owned or operated by the town; provided, however, that this section shall not apply to authorized park employees. Fires may only be built in fire places or on grills constructed for that purpose in such areas and under such rules and regulations as may be prescribed by the board of trustees. (Prior code §9-3-6)

12.12.070 Riding animals in parks. It is unlawful for any person to ride or lead any horse or other livestock in any public park or recreational area except upon paths or other ways expressly provided and posted for that purpose. (Prior code §9-3-7)

12.12.080 Huckstering prohibited. It is unlawful to offer any goods, services or things for sale within parks, parkways, or recreational facilities, or on the streets and sidewalks within three hundred feet of the boundary of the same without first having obtained a license or permit to do so in the manner and pursuant to the terms and conditions fixed by the town board. (Prior code §9-3-8)

12.12.090 Rules and regulations. The board of trustees is empowered and authorized to adopt rules and regulations for the management, operation, and control of parks, parkways and recreational areas. (Prior code §9-3-9)

Chapter 12.13

RIGHTS-OF-WAY

Sections:

- 12.13.010 Purpose and objectives.
- 12.13.020 Definitions.

Sections: (Continued)

- 12.13.030 Police powers.
- 12.13.040 Permit required.
- 12.13.050 Permit application--Permit contents.
- 12.13.060 Permit fee.
- 12.13.070 Insurance and indemnification.
- 12.13.080 Performance bond/letter of credit.
- 12.13.090 Performance warranty/guarantee.
- 12.13.100 Inspections.
- 12.13.110 Public safety.
- 12.13.120 Time of completion.
- 12.13.130 Traffic control.
- 12.13.140 General rights-of-way use and construction.
- 12.13.150 Joint planning and construction--Coordination of excavations.
- 12.13.160 Minimizing the impacts of work in the rights-of-way.
- 12.13.170 Standards for repairs and restoration.
- 12.13.180 Construction and restoration standards for newly constructed or overlaid streets.
- 12.13.190 Relocation of facilities.
- 12.13.200 Abandonment and removal of facilities.
- 12.13.210 Emergency procedures.
- 12.13.220 Revocation of permits.
- 12.13.230 Appeals procedure.
- 12.13.240 Penalty.

12.13.010 Purpose and objectives. A. Purpose.

This chapter provides principles, procedures and associated funding for the placement of structures and facilities, construction excavation encroachments and work activities within or upon any public right-of-way, and to protect the integrity of the road system. To achieve these purposes, it is necessary to require permits of permanent private users of the public rights-of-way, to establish permit procedures and to fix and collect fees and charges.

B. Objectives. Public and private uses of public rights-of-way for location of facilities employed in the provision of public services should, in the interests of the general welfare, be accommodated; however, the town must insure that the primary purpose of the right-of-way,

passage of pedestrian and vehicular traffic, is maintained to the greatest extent possible. In addition, the value of other public and private installations, roadways, facilities and properties should be protected, competing uses must be reconciled, and the public safety preserved. The use of the right-of-way corridors by permanent private users is secondary to these public objectives, and the movement of traffic. This chapter is intended to strike a balance between the public need for efficient, safe transportation routes and the use of rights-of-way for location of facilities by public and private entities. It thus has several objectives:

1. Insure that the public safety is maintained and that public inconvenience is minimized;
2. To protect the town's infrastructure investment by establishing repair standards for the pavement, facilities, and property in the public rights-of-way, when work is accomplished;
3. To facilitate work within the rights-of-way through the standardization of regulations;
4. To maintain an efficient permit process;
5. To conserve and fairly apportion the limited physical capacity of the public rights-of-way held in public trust by the town;
6. To establish a public policy for enabling the town to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development;
7. To promote cooperation among the permittees (as defined herein) and the town in the occupation of the public rights-of-way, and work therein, in order to: (i) eliminate duplication that is wasteful, unnecessary or unsightly, (ii) lower the permittee's and the town's costs of providing services to the public, and (iii) minimize street cuts;
8. To assure that the town can continue to fairly and responsibly protect the public health, safety, and welfare. (Ord. 1-2003 §1(part), 2003)

12.13.020 Definitions. For the purpose of this chapter, the following words shall have the following meanings:

"Access vault" means any structure containing one or more ducts, conduits, manholes, handhole or other such facilities in permittee's facilities.

"Degradation" means a decrease in the useful life of the right-of-way or damage to any landscaping within the rights-of-way caused by excavation in or disturbance of the right-of-way, resulting in the need to reconstruct the surface and/or subsurface structure of such right-of-way earlier than would be required if the excavation or disturbance did not occur.

"Duct" or "conduit" means a single enclosed raceway for cables, fiber optics or other wires.

"Emergency" means any event which may threaten public health or safety, including, but not limited to, damaged or leaking water or gas conduit systems, damaged, plugged, or leaking sewer or storm drain conduit systems, damaged underground electrical and communications facilities, or downed overhead pole structures.

"Excavate" means to dig into or in any way remove or penetrate any part of a right-of-way.

"Facilities" means, including, without limitation, any pipes, conduits, wires, cables, amplifiers, transformers, fiber optic lines, antennae, poles, ducts, and other like equipment, fixtures and appurtenances used in connection with transmitting, receiving, distributing, offering, and providing utility and other services.

"Fence" means any artificially constructed barrier of wood, masonry, stone, wire, metal, or any other manufactured material or combination of materials erected to enclose partition, beautify, mark, or screen areas of land.

"Infrastructure" means any public facility, system, or improvement including, without limitation, water and sewer mains and appurtenances, storm drains and structures, streets and sidewalks, and public safety equipment.

"Landscaping" means materials, including without limitation, grass, ground cover, shrubs, vines, hedges, or trees and nonliving natural materials commonly used in landscape development, as well as attendant irrigation systems.

"Permit" means any authorization for use of the public rights-of-way granted in accordance with the terms of this chapter, and the laws and policies of the town.

"Permittee" means the holder of a valid permit issued pursuant to this chapter.

"Person" means any person, firm, partnership, special, metropolitan, or general district, association, corporation, company, or organization of any kind.

"Public right-of-way" or "right-of-way" or "public way" means any public street, way, place, alley, sidewalk, easement, park, square, plaza, and town-owned right-of-way dedicated to public use.

"Public works commissioner" means the commissioner of public works of the town or his/her authorized representative.

"Specifications" means engineering regulations, construction specifications, and design standards adopted by the town.

"Structure" means anything constructed or erected with a fixed location below, on, or above grade, including, without limitation, foundations, fences, retaining walls, awnings, balconies, and canopies.

"Surplus ducts or conduits" are conduits or ducts other than those occupied by permittee or any prior permittee, or unoccupied ducts held by permittee as emergency use spares, or other unoccupied ducts that permittee reasonably expects to use within three years from the date of a request for use.

"Town" means the town of Columbine Valley, Colorado.

"Work" means any labor performed on, or any use or storage of equipment or materials, including but not limited to, construction of streets and all related appurtenances, fixtures, improvements, sidewalks, driveway openings, bus shelters, bus loading pads, street lights, and traffic signal devices. It shall also mean construction, maintenance, and repair of all underground structures such as pipes, conduit, ducts, tunnels, manholes, vaults, buried cable, wire, or any other similar structure located below surface, and installation of overhead poles used for any purpose. (Ord. 1-2003 §1(part), 2003)

12.13.030 Police powers. The permittee's rights hereunder are subject to the police powers of the town, which include the power to adopt and enforce ordinances, including amendments to this chapter, necessary to the safety, health, and welfare of the public. The permittee shall comply with all applicable laws and ordinances enacted, or hereafter enacted, by the town or any other legally constituted governmental unit having lawful juris-

diction over the subject matter hereof. The town reserves the right to exercise its police powers, notwithstanding anything in this chapter and the permit to the contrary. Any conflict between the provisions of the ordinance codified in this chapter or the permit and any other present or future lawful exercise of the town's police powers shall be resolved in favor of the latter. (Ord. 1-2003 §1(part), 2003)

12.13.040 Permit required. A. No person except an employee or official of the town or a person exempted by contract with the town shall undertake or permit to be undertaken any construction, excavation, or work in the public rights-of-way without first obtaining a permit from the town as set forth in this chapter, except as provided in Section 12.13.220 of this chapter. Each permit obtained, along with associated documents, shall be maintained on the job site and available for inspection upon request by any officer or employee of the town.

B. Construction, Excavation or Work Area. No permittee shall perform construction, excavation, or work in an area larger or at a location different, or for a longer period of time than that specified in the permit or permit application. If, after construction, excavation, or work is commenced under an approved permit, it becomes necessary to perform construction, excavation, or work in a larger or different area than originally requested under the application or for a longer period of time, the permittee shall notify the public works commissioner immediately and within twenty-four hours shall file a supplementary application for the additional construction, excavation, or work.

C. Permit Transferability or Assignability. The applicant may subcontract the work to be performed under a permit provided that the permittee shall be and remain responsible for the performance of the work under the permit and all insurance and financial security as required. Permits are transferable and assignable if the transferee or assignee posts all required security pursuant to this chapter and agrees to be bound by all requirements of the permit and this chapter.

D. In town, the physical construction of public infrastructure in new developments is the responsibility of the developer of the land. Ownership of that infrastruc-

ture remains with the developer of the land until acceptance by the town. Any person performing work on infrastructure which is within a public way, but prior to acceptance by the town, shall obtain a permit from the town and permission from the owner of the infrastructure in the public way. The permittee shall be financially responsible to the owner of the infrastructure to carry out all remedial work necessary to receive acceptance by the town of that infrastructure. This financial obligation shall apply only to the work in the public way done by the permittee. The town will not accept for dedication public rights-of-way, or other property where work performed is not in accordance with applicable town specifications.

E. Any person or utility found to be conducting any excavation activity within the public right-of-way without having first obtained the required permit(s) shall immediately cease all activity (exclusive of actions required to stabilize the area) and be required to obtain a permit before work may be restarted. A surcharge of two hundred fifty dollars shall be required in addition to all applicable permit fees. (Ord. 1-2003 §1(part), 2003)

12.13.050 Permit application--Permit contents.

A. An applicant for a permit to allow construction, excavation, or work in the public right-of-way under this section shall:

1. File a written application on forms furnished by the town which include the following: the date of application; the name and address of the applicant; the name and address of the developer, contractor or subcontractor licensed to perform work in the public right-of-way; the exact location of the proposed construction, excavation or work activity; the type of existing public infrastructure (street pavement, curb and gutter, sidewalks or utilities) impacted by the construction, excavation or work; the purpose of the proposed construction, excavation or work; the dates for beginning and ending the proposed construction, excavation or work; proposed hours of work; itemization of the total cost of restoration, based upon R.S. means estimating standards; and type of work proposed.

2. Include evidence that the applicant or its contractor is not delinquent in payments due the town on prior work.

3. Attach copies of all permits or licenses (including required insurance, deposits, bonding, and warranties) required to do the proposed work, and to work in the public rights-of-way, if licenses or permits are required under the laws of the United States, the state of Colorado, or the ordinances or regulations of the town.

4. Provide a satisfactory plan of work showing protection of the subject property and adjacent properties.

5. Provide a satisfactory plan for the protection of existing landscaping when the town determines that damage may occur.

6. Include evidence that all orders issued by the town to the applicant, requiring the applicant to correct deficiencies under previous permits issued under this chapter, have been satisfied.

7. Include with the application engineering construction drawings or site plans for the proposed construction, excavation, or work.

8. Include with the application a satisfactory traffic control and erosion protection plan for the proposed construction, excavation, or work.

9. Include a statement indicating any proposed joint use or ownership of the facility; any existing facility or permit of the applicant at this location; any existing facility of others with which the proposed installations might conflict; and the name, address and telephone number of a representative of the applicant available to review proposed locations at the site.

10. Pay the fees prescribed by this chapter.

11. Applicants shall update any new information on permit applications within ten days after any change occurs.

12. Joint Applications. Applicants may apply jointly for permits to work in public rights-of-way at the same time and place. Applicants who apply jointly for permits may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay. (Ord. 1-2003 §1(part), 2003)

12.13.060 Permit fee. A. Before a permit is issued pursuant to this chapter, the applicant shall pay to the town a permit fee, which shall be determined in accordance

with the fee schedule established by the board of trustees from time to time.

B. Any permit for temporary use or occupation of the public rights-of-way, where there is no construction involved, shall not require payment of a degradation fee as part of the permit fee. (Ord. 1-2003 §1(part), 2003)

12.13.070 Insurance and indemnification. A. Prior to the granting of any permit, the permittee shall file with the town an insurance policy or certificate in a form satisfactory to the town with coverage as follows:

1. The permittee shall carry and maintain in full effect at all times a comprehensive general liability policy, including broad form property damage, completed operations and contractual liability for limits not less than four hundred thousand dollars each occurrence for damages of bodily injury or death to one or more persons; and one hundred thousand dollars each occurrence for damage to or destruction of property.

2. Insurance coverage for special hazards: special hazards coverage, such as, but not limited to, property damage as a result of explosion hazard, collapse hazard, underground property damage hazard, commonly known as XCU, shall all be specifically added by endorsement to the hereinabove required liability policies.

3. Workers compensation insurance as required by state law.

4. Town departments shall be relieved of the obligation of submitting a certificate of insurance.

B. Whenever any person has filed with the town evidence of insurance as required, any additional or subsequent permit holder in the employ of said initial person may, at the discretion of the town, be excused from depositing or filing any additional evidence of insurance if such employee is fully covered by the permittee's insurance policy.

C. Each permittee shall construct, maintain, and operate its facilities in a manner which provides protection against injury or damage to persons or property.

1. The permittee, for itself and its related entities, agents, employees, subcontractors, and the agents and employees of said subcontractors, shall save the town harmless, defend, and indemnify the town, its successors, assigns, officers, employees, agents, and ap-

pointed and elected officials from and against all liability or damage and all claims or demands whatsoever in nature, and reimburse the town for all its reasonable expenses, as incurred, arising out of the installation, maintenance, operation or any other work or activity in the public right-of-way or by the permittee related to its use thereof, including, but not limited to, the actions of the permittee, its employees, agents, contractors, related entities, successors and assigns, or the securing of and the exercise by the permittee of the permit rights granted in the permit, including any third party claims, administrative hearings, and litigation; whether or not any act or omission complained of is authorized, allowed, or prohibited by this chapter or other applicable law.

2. The terms of each contract awarded by the permittee for activities pursuant to a permit shall contain indemnity provisions whereby the contractor shall indemnify the town to the same extent as described above.

3. The permittee shall have the right to defend the town with regard to all third party actions, damages and penalties arising in any way out of the exercise of any rights in the permit. If at any time, however, permittee refuses to defend, and the town elects to defend itself with regard to such matters, the permittee shall pay all actual expenses incurred by the town related to its defense.

4. In the event the town institutes litigation against the permittee for a breach of the permit or for an interpretation of this chapter and the town is the prevailing party, the permittee shall reimburse the town for all costs related hereto, including reasonable attorney's fees. The permittee shall not be obligated to hold harmless or indemnify the town for claims or demands to the extent that they are due to the gross negligence, or any intentional and/or willful acts of the town or any of its officers, employees, or agents.

5. In the event the permittee is a public entity, the indemnification requirements of this section shall be subject to the provisions of the Colorado Governmental Immunity Act. (Ord. 1-2003 §1(part), 2003)

12.13.080 Performance bond/letter of credit.

A. Before any permit required by this chapter shall be issued to an applicant, the applicant shall file with the

public works commissioner a bond or letter of credit in favor of the town in an amount equal to the total cost of construction, including labor and materials, or five thousand dollars, whichever is greater. The bond or letter of credit shall be executed by the applicant as principal and by at least one surety upon whom service of process may be had in the state. The bond or letter of credit shall be conditioned upon the applicant fully complying with all provisions of town ordinances, rules and regulations, and upon payment of all judgments and costs rendered against the applicant for any material violation of town ordinances or state statutes that may be recovered against the applicant by any person for damages arising out of any negligent or wrongful acts of the applicant in the performance of work done pursuant to the permit. The town may bring an action on the bond or letter of credit on its own behalf or on behalf of any person so aggrieved as beneficiary. The bond or letter of credit must be approved by the town's finance public works commissioner as to form and as to the responsibility of the surety thereon prior to the issuance of the permit. However, the town may waive the requirements of any such bond or letter of credit or may permit the applicant to post a bond without surety thereon upon finding that the applicant has financial stability and assets located in the state to satisfy any claims intended to be protected against the security required by this section.

B. A letter of responsibility will be accepted in lieu of a performance bond or letter of credit from all public utilities, all franchised entities, and all metropolitan, water and sanitation districts operating within the town.

C. The performance bond, letter of credit or letter of responsibility shall remain in force and effect for a minimum of three years after completion and acceptance of the street cut, excavation or lane closure. (Ord. 1-2003 §1(part), 2003)

12.13.090 Performance warranty/guarantee. A. Any warranty made hereunder shall serve as security for the performance of work necessary to repair the public right-of-way if the permittee fails to make the necessary repairs or to complete the work under the permit.

B. The permittee, by acceptance of the permit, expressly warrants and guarantees complete performance of the work in a manner acceptable to the town and warrants and guarantees all work done for a period of three years after the date of probationary acceptance, and agrees to maintain upon demand and to make all necessary repairs during the three-year period. This warranty shall include all repairs and actions needed as a result of:

1. Defects in workmanship;
2. Settling of fills or excavations;
3. Any unauthorized deviations from the approved plans and specifications;
4. Failure to barricade;
5. Failure to clean up during and after performance of the work;
6. Any other violation of this chapter or the ordinances of the town.

C. The three-year warranty period shall run from the date of the town's probationary acceptance of the work. If repairs are required during the three-year warranty period, those repairs need only be warranted until the end of the initial three-year period starting with the date of probationary acceptance. It is not necessary that a new three-year warranty be provided for subsequent repairs after probationary acceptance.

D. At any time prior to completion of the three-year warranty period, the town may notify the permittee of any needed repairs. Such repairs shall be completed within twenty-four hours if the defects are determined by the town to be an imminent danger to the public health, safety and welfare. Nonemergency repairs shall be completed within thirty calendar days after notice. (Ord. 1-2003 §1(part), 2003)

12.13.100 Inspections. A minimum of three inspections shall take place. First, the permittee shall request that the town conduct a pre-construction inspection, to determine any necessary conditions for the permit. Second, the permittee shall notify the town immediately after completion of work operations. The town shall inspect the completed work within twenty-one days of permittee's notification. Probationary acceptance will be made if all work meets town and permit standards. Third, approximately thirty days prior to the expiration of the

three-year guarantee, the town shall conduct a final inspection of the completed work. If the work is still satisfactory, the bond or letter of credit shall be returned or allowed to expire, with a letter of final acceptance, less any amounts needed to complete work not done by permittee. Upon review of the application for a permit, the public works commissioner shall determine how many additional inspections, if any, may be required. For work which does not involve material disturbance in the right-of-way, the public works commissioner shall waive the final inspection and the performance bond/letter of credit. (Ord. 1-2003 §1(part), 2003)

12.13.110 Public safety. The permittee shall maintain a safe work area, free of safety hazards. The town may make any repair necessary to eliminate any safety hazards not performed as directed. Any such work performed by the town shall be completed and billed to the permittee at overtime rates. The permittee shall pay all such charges within thirty days of the statement date. If the permittee fails to pay such charges within the prescribed time period, the town may, in addition to taking other collection remedies, seek reimbursement through the warranty guarantee. Furthermore, the permittee shall be barred from performing any work in the public right-of-way, and under no circumstances will the town issue any further permits of any kind to said permittee, until all outstanding charges have been paid in full. (Ord. 1-2003 §1(part), 2003)

12.13.120 Time of completion. All work covered by the permit shall be completed by the date stated on the application. Permits shall be void if work has not commenced six months after issuance, unless an extension has been granted by the public works commissioner. Performance bonds, letters of credit or letters of responsibility deposited as a performance warranty/guarantee for individual permits will be returned after voiding of the permit, with administrative and any other town costs deducted. (Ord. 1-2003 §1(part), 2003)

12.13.130 Traffic control. A. When it is necessary to obstruct traffic, a traffic control plan shall be submitted to the town prior to starting construction. No

permit will be issued until the plan is approved by the town. No permittee shall block access to and from private property, block emergency vehicles, block access to fire hydrants, fire stations, fire escapes, water valves, underground vaults, valve housing structures, or any other vital equipment unless the permittee provides the town with written verification of written notice delivered to the owner or occupant of the facility, equipment or property at least forty-eight hours in advance. If a street closing is desired, the applicant will request the assistance and obtain the approval of the public works commissioner. It shall be the responsibility of the permittee to notify and coordinate all work in the public way with police, fire, ambulance, other government entities, and transit organizations.

B. When necessary for public safety, the permittee shall employ flag persons whose duties shall be to control traffic around or through the construction site. The use of flag persons may be required by the public works commissioner.

C. Unless approved by the public works commissioner, the permittee shall not impede rush hour traffic on arterial or collector streets during the morning or evening rush hours. No construction shall be performed nor shall any traffic lane be closed to traffic during the hours of seven a.m. to nine a.m. or three-thirty p.m. to six p.m. without the approval of the public works commissioner.

D. Traffic control devices, as defined in part VI of the manual on uniform traffic control devices, must be used whenever it is necessary to close a traffic lane or sidewalk. Traffic control devices are to be supplied by the permittee. If used at night, they must be reflectorized and must be illuminated or have barricade warning lights.

E. Oil flares or kerosene lanterns are not allowed as means of illumination.

F. Part VI of the manual on uniform traffic control devices or any successor publication thereto shall be used as a guide for all maintenance and construction signing. The permittee shall illustrate on the permit the warning and control devices proposed for use. At the direction of the public works commissioner, such warning and control devices shall be modified. (Ord. 1-2003 §1(part), 2003)

12.13.140 General rights-of-way use and construction. A. Right-of-Way Meetings. Permittee will make reasonable efforts to attend and participate in meetings of the town, of which the permittee is made aware, regarding right-of-way issues that may impact its facilities, including, planning meetings to anticipate joint trenching and boring. Whenever it is possible and reasonably practicable to joint trench or share bores or cuts, permittee shall work with other providers, licensees, permittees, and franchisees so as to reduce so far as possible the number of right-of-way cuts within the town.

B. Minimal Interference. Work in the right-of-way, on other public property, near public property, or on or near private property shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Permittee's facilities shall be constructed and maintained in such manner as not to interfere with sewers, water pipes, or any other property of the town, or with any other pipes, wires, conduits, pedestals, structures, or other facilities that may have been laid in the rights-of-way by, or under, the town's authority. The permittee's facilities shall be located, erected and maintained so as not to endanger or interfere with the lives of persons, or to interfere with new improvements the town may deem proper to make or to unnecessarily hinder or obstruct the free use of the rights-of-way or other public property, and shall not interfere with the travel and use of public places by the public during the construction, repair, operation or removal thereof, and shall not obstruct or impede traffic.

C. Underground Construction and Use of Poles.

1. When required by general ordinances, resolutions, regulations or rules of the town or applicable state or federal law, permittee's facilities shall be placed underground at permittee's expense. Placing facilities underground does not preclude the use of ground-mounted appurtenances.

2. Where all facilities are installed underground at the time of permittee's construction, or when all such facilities are subsequently placed underground, all permittee facilities shall also be placed underground at no expense to the town unless funding is generally available for such relocation to all users of the rights-

of-way. Related equipment, such as pedestals, must be placed in accordance with the town's applicable code requirements and rules. In areas where existing facilities are aerial, the permittee may install aerial facilities.

3. For above ground facilities, the permittee shall utilize existing poles and conduit wherever possible.

4. Should the town desire to place its own facilities in trenches or bores opened by the permittee, the permittee shall cooperate with the town in any construction by the permittee that involves trenching or boring, provided that the town has first notified the permittee in some manner that it is interested in sharing the trenches or bores in the area where the permittee's construction is occurring. The permittee shall allow the town to place its facilities in the permittee's trenches and bores, provided the town incurs any incremental increase in cost of the trenching and boring. The town shall be responsible for maintaining its respective facilities buried in the permittee's trenches and bores under this subsection.

5. Use of Conduits by the Town. The town may install or affix and maintain its own facilities for town purposes in or upon any and all of permittee's ducts, conduits or equipment in the rights-of-way and other public places, at a charge to be negotiated between the parties (but in no event greater than the best price charge by permittee to any other user), to the extent space therein or thereon is reasonably available, and pursuant to all applicable ordinances and codes. For the purposes of this subsection, "town purposes" includes, but is not limited to, the use of the structures and installations for town fire, police, traffic, water, telephone, and/or signal systems.

6. Common Users.

a. The rights-of-way have a finite capacity for containing facilities. Therefore, whenever the town determines it is impracticable to permit construction of an underground conduit system by any other entity which may at the time have authority to construct or maintain conduits or ducts in the rights-of-way, but excluding entities providing services in competition with permittee, and unless otherwise prohibited by federal or state law or regulations, the town may require permittee to afford to such entity the right to use permittee's surplus ducts or

conduits in common with permittee, pursuant to the terms and conditions of an agreement for use of surplus ducts or conduits entered into by permittee and the other entity. Nothing herein shall require permittee to enter into an agreement with such entity if, in permittee's reasonable determination, such an agreement could compromise the integrity of the permittee's facilities.

b. Permittee shall give a common user pursuant to this section a minimum of one hundred twenty days' notice of its need to occupy a conduit and shall propose that the common user take the first feasible action as follows:

i. Pay revised conduit rent designed to recover the cost of retrofitting the conduit with space-saving technology sufficient to meet permittee's space needs;

ii. Pay revised conduit rent based on the cost of new conduit constructed to meet permittee's space needs;

iii. Vacate the needed ducts or conduit; or

iv. Construct and maintain sufficient new conduit to meet permittee's space needs.

c. When two or more common users occupy a section of conduit facility, the last user to occupy the conduit facility shall be the first to vacate or construct new conduit. When conduit rent is revised because of retrofitting, space-saving technology or construction of new conduit, all common users shall bear the increased cost.

d. All facilities shall meet any applicable local, state, and federal clearance and other safety requirements, be adequately grounded and anchored, and meet the provisions of contracts executed between permittee and the other common user. Permittee may, at its option, correct any attachment deficiencies and charge the common user for its costs. Each common user shall pay permittee for any fines, fees, damages or other costs the common user's attachments cause permittee to incur. (Ord. 1-2003 §1(part), 2003)

12.13.150 Joint planning and construction--
Coordination of excavations. A. Excavations in town rights-of-way disrupt and interfere with the public use of town streets and damage the pavement and landscaping. The

purpose of this section is to reduce this disruption, interference and damage by promoting better coordination among permittees making excavations in town rights-of-way and between these permittees and the town. Better coordination will assist in minimizing the number of excavations being made wherever feasible, and will ensure the excavations in town rights-of-way are, to the maximum extent possible, performed before, rather than after, the resurfacing of the streets by the town.

B. Any permittee owning, operating or installing facilities in town rights-of-way, providing water, sewer, gas, electric, communication, video or other utility services, shall meet annually with the public works commissioner, at the public works commissioner's request to discuss permittee's excavation master plan. At such meeting, to the extent not already in possession of the town, permittee shall submit documentation, in a form required by the public works commissioner, showing a location of the permittee's existing facilities in the town rights-of-way. Permittee shall discuss with the public works commissioner, its excavation master plan, and identify planned major excavation work in the town. The public works commissioner may make his own record on a map, drawing or other documentation, of each permittee's planned major excavation work in the town; provided, however, that no such document prepared by the public works commissioner shall identify a particular entity, or the planned major excavation work of that particular entity. Permittee shall meet with the public works commissioner to discuss an initial excavation master plan no later than sixty days after submitting its first permit application. Thereafter, each permittee shall submit annually, on the first regular business day of January, a revised and updated excavation master plan. As used in this subsection, the term "planned major excavation work" refers to any future excavations planned by the permittee when the excavation master plan or update is submitted that will affect any town right-of-way for more than five days, provided that the permittee shall not be required to identify future major excavations planned to occur more than three years after the date that the permittee's master plan or update is discussed. Between the annual meetings to discuss planned major excavation work, permittee shall use its best efforts to inform the public works commissioner of any sub-

stantial changes in the planned major excavation work discussed at the annual meeting.

C. The public works commissioner shall prepare a repaving plan showing the street resurfacing planned by the town. For purposes of this section, the repaving plan shall include a landscaping or other right-of-way improvement plan. The repaving plan shall be revised and updated on an annual basis after meeting to discuss the permittee's and town department's master plans and updates. The public works commissioner shall make the town's repaving plan available for public inspection. In addition, after determining the street resurfacing work that is proposed for each year, the public works commissioner shall send a notice of the proposed work to all permittees that have had an annual meeting with the public works commissioner.

D. Prior to applying for a permit, any person planning to excavate in the town's rights-of-way shall review the town's repaving plan on file with the public works commissioner and shall coordinate, to the extent practicable, with the utility and street work shown on such plans to minimize damage to, and avoid undue disruption and interference with the public use of such rights-of-way.

E. In performing location of facilities in the public rights-of-way in preparation for construction under a permit, permittee shall compile all information obtained regarding its or any other facilities in the public rights-of-way related to a particular permit, and shall make that information available to the town in a written and verified format acceptable to the public works commissioner.

F. Prior to undertaking any work in the rights-of-way or related landscaping, the town may notify all permittees of the town work to be performed. Upon such notification, all permittees shall, within seven days, locate their facilities in the rights-of-way in which the work will be performed, and provide documentation in a format acceptable to the public works commissioner of the permittee's facilities in that right-of-way. (Ord. 1-2003 §1(part), 2003)

12.13.160 Minimizing the impacts of work in the rights-of-way. A. Relocation and Protection of Utilities. Before beginning excavation in any public way, a permittee shall contact the Utility Notification Center of

Colorado (UNCC) and, to the extent required by C.R.S. Section 9-1.5-102 et seq., make inquiries of all ditch companies, utility companies, districts, local government departments, and all other agencies that might have facilities in the area of work to determine possible conflicts.

The permittee shall contact the UNCC and request field locations of all facilities in the area pursuant to UNCC requirements. Field locations shall be marked prior to commencing work. The permittee shall support and protect all pipes, conduits, poles, wires, or other apparatus which may be affected by the work from damage during construction or settlement of trenches subsequent to construction.

A. Noise, Dust, Debris, Hours of Work. Each permittee shall conduct work in such manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. In the performance of the work, the permittee shall take appropriate measures to reduce noise, dust, and unsightly debris. No work shall be done between the hours of eight p.m. and seven a.m. nor at any time on Sunday, except with the written permission of the public works commissioner, or in case of an emergency.

B. Trash and Construction Materials. Each permittee shall maintain the work site so that:

1. Trash and construction materials are contained so that they are not blown off of the construction site.

2. Trash is removed from a construction site often enough so that it does not become a health, fire, or safety hazard.

3. Trash dumpsters and storage or construction trailers are not placed in the street without specific approval of the public works commissioner.

C. Deposit of Dirt and Material on Roadways. Each permittee shall eliminate the tracking of mud or debris upon any street or sidewalk. Equipment and trucks used during construction, excavation, or work activity shall be cleaned of mud and debris prior to leaving any work site.

D. Protection of Trees and Landscaping. Each permittee shall protect trees, landscape, and landscape features as required by the town. All protective measures shall be provided at the expense of the permittee.

E. Protection of Paved Surfaces from Equipment Damage. Backhoe equipment outriggers shall be fitted with rubber pads whenever outriggers are placed on any paved surface. Tracked vehicles with grousers are not permitted on paved surface unless specific precautions are taken to protect the surface. The permittee will be responsible for any damage caused to the pavement by the operation of such equipment and, shall repair such surfaces. Failure to do so will result in the use of the applicant's performance warranty/guarantee by the town to repair any damage, and, possibly, the requirement of additional warranty(s).

F. Protection of Property. Each permittee shall protect from injury any adjoining property by providing adequate support and taking other necessary measures. The permittee shall, at its own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the work, and shall be responsible for all damage to public or private property resulting from failure to properly protect and carry out work in the public way.

G. Clean-Up. As the work progresses, all public rights-of-way and private property shall be thoroughly cleaned of all rubbish, excess dirt, rock, and other debris. All clean-up operations shall be done at the expense of the permittee.

H. Preservation of Monuments. A permittee shall not disturb any surface monuments or survey hubs and points found on the line of work unless approval is obtained from the public works commissioner. Any monuments, hubs, and points disturbed will be replaced by a Colorado Registered Land Surveyor at the permittee's expense.

I. Each permittee shall make provisions for employee and construction vehicle parking so that neighborhood parking adjacent to a work site is not impacted.

J. Each permittee shall maintain an adequate and safe unobstructed walkway around a construction site or blocked sidewalk in conformance with town code.

K. Each permittee shall clear all snow and ice hazards from public sidewalks at the work site by noon following a snowfall in conformance with town code. (Ord. 1-2003 §1(part), 2003)

12.13.170 Standards for repairs and restoration.

A. Permittee Responsibility. The permittee shall be fully responsible for the cost and actual performance of all work in the public way. The permittee shall do all work in conformance with any and all engineering regulations, construction specifications, and design standards adopted by the town. These standards shall apply to all work in the public way unless otherwise indicated in the permit.

B. All restoration shall result in a work site condition equal to or better than that which existed prior to construction. In addition to the regulations, specifications and standards referred to in subsection A of this section, the following provisions shall apply to work in the public rights-of-way of the town.

1. Pavement cuts shall be filled with compacted select material. Either concrete or asphalt patches will be placed to match the existing street cross section. Select material shall include select fill, stone (CDOT 26 or 57) or controlled density (flowable) fill.

2. Select fill shall be placed in an excavation to the density required by town compaction specifications.

3. Flowable fill backfill material, satisfying design and construction standards adopted the town, shall be used to restore all trenches that have been excavated in the paved portion of any public street or alley. For trench excavations in excess of five feet in depth, the applicant may utilize granular backfill material in lieu of flowable fill backfill material, provided that all of the following conditions are satisfied.

4. Prior to the issuance of a permit for construction, excavation, or work activity, in the public right-of-way, the applicant must request and receive approval for the use of granular backfill material.

5. The type, gradation, placement, compaction, and testing of the granular backfill material shall meet or exceed all requirements specified in design and construction standards adopted the town.

6. In cases where it is impossible to achieve the compaction required by the local municipal/county building code on select fill, the town encourages the use of controlled density fill or flash fill material. When controlled density fill type material is used, steel plate

will be placed to cover the opening for the time required to allow the material to set.

7. Once the compacted backfill has been placed, an asphalt cutback shall be made. The cutback will extend six inches minimum on each side of the opening and will be over undisturbed pavement material (one and one-half inch deep minimum). All edges of the opening shall be neatly cut with an asphalt saw at ninety degrees to traffic and uniformly tacked.

8. The new asphalt will be placed in lifts (three inches maximum) and compacted upon placement. Asphalt depths will be governed the existing cross section of the street but not less than four inches of full deep asphalt shall be used to fill a street cut regardless of the existing cross section. Concrete meeting all construction standards of the town shall be used to replace concrete pavement wherever it occurs. (Ord. 1-2003 §1(part), 2003)

12.13.180 Construction and restoration standards for newly constructed or overlayed streets. No person shall cause an open trench excavation or potholing of utilities in the pavement of any public right-of-way for a period of three years from the completion of construction or resurfacing except in compliance with the provisions of this section.

A. Application. Any application for a permit to excavate in a public right-of-way subject to the requirements of this section shall contain the following information:

1. A detailed and dimensional engineering plan that identifies and accurately represents the town rights-of-way or property that will be impacted by the proposed excavation, as well as adjacent streets, and the method of construction.

2. The street width or alley width including curb and gutter over the total length of each town block that will be impacted by the proposed excavation.

3. The location, width, length, and depth of the proposed excavation.

4. The total area of existing street or alley pavement in each individual town block that will be impacted by the proposed excavation.

5. A written statement addressing the criteria for approval.

B. Criteria for Approval. No permit for excavation in the right-of-way of new streets shall be approved unless the public works commissioner finds that all of the following criteria have been met:

1. Boring or jacking without disturbing the pavement is not practical due to physical characteristics of the street or alley or other utility conflicts.

2. Alternative utility alignments that do not involve excavating the street or alley are found to be impracticable.

3. The proposed excavation cannot reasonably be delayed until after the three-year deferment period has lapsed.

C. Exemptions for Emergency Operations. Emergency maintenance operations shall be limited to circumstances involving the preservation of life, property, or the restoration of customer service. Persons with prior authorization from the town to perform emergency maintenance operations within the public rights-of-way, shall be exempted from this section. Any person commencing operations under the laws of this section shall submit detailed engineering plans, construction methods and remediation plans no later than three working days after initiating the emergency maintenance operation.

D. Construction and Restoration Standards for Newly Constructed or Overlayed Streets and Alleys. The streets shall be restored and repaired in accordance with design and construction standards adopted the town and guaranteed in accordance with Section 12.13.090 of this chapter. (Ord. 1-2003 §1(part), 2003)

12.13.190 Relocation of facilities. If at any time the town requests the permittee to relocate its facilities, in order to allow the town to make any public use of rights-of-way, or if at any time it shall become necessary because of a change in the grade or for any other purpose by reason of the improving, repairing, constructing, or maintaining of any rights-of-way, or reason of traffic conditions, public safety or by reason of installation of any type of structure of public improvement the town or other public agency or special district, and any general program for the undergrounding of such facilities, to move

or change the permittee's facilities within or adjacent to rights-of-way in any manner, either temporarily or permanently, the town shall notify the permittee, at least ninety days in advance, except in the case of emergencies, of the town's intention to perform or have such work performed. The permittee shall thereupon, at its sole cost and expense, accomplish the necessary relocation, removal or change within a reasonable time from the date of the notification, but in no event later than three working days prior to the date the town has notified the permittee that it intends to commence its work or immediately in the case of emergencies. Upon the permittee's failure to accomplish such work, the town or other public agencies or special district may perform such work at the permittee's expense and the permittee shall reimburse the town or other agency within thirty days after receipt of a written invoice. Following relocation, all affected property shall be restored to, at a minimum, the condition which existed prior to construction the permittee at the permittee's expense. Notwithstanding the requirements of the section, a permittee may request additional time to complete a relocation project. The public works commissioner shall grant a reasonable extension if in his sole discretion, the extension will not adversely affect the town's project. (Ord. 1-2003 §1(part), 2003)

12.13.200 Abandonment and removal of facilities.

A. Notification of Abandoned Facilities. Any permittee that intends to discontinue use of any facilities within the public rights-of-way shall notify the public works commissioner in writing of the intent to discontinue use. Such notice shall describe the facilities for which the use is to be discontinued, a date of discontinuance of use, which date shall not be less than thirty days from the date such notice is submitted to the public works commissioner and the method of removal and restoration. The permittee may not remove, destroy or permanently disable any such facilities during said thirty-day period without written approval of the public works commissioner. After thirty days from the date of such notice, the permittee shall remove and dispose of such facilities as set forth in the notice, as the same may be modified by the public works commissioner, and shall complete such removal and disposal within six months, unless additional time is requested

from and approved by the public works commissioner.

B. Conveyance of Facilities. At the discretion of the town, and upon written notice from the public works commissioner within thirty days of the notice of abandonment, the permittee may abandon the facilities in place, and shall further convey full title and ownership of such abandoned facilities to the town. The consideration for the conveyance is the town's permission to abandon the facilities in place. The permittee is responsible for all obligations as owner of the facilities, or other liabilities associated therewith, until the conveyance to the town is completed. (Ord. 1-2003 §1(part), 2003)

12.13.210 Emergency procedures. Any person maintaining facilities in the public way may proceed with repairs upon existing facilities without a permit when emergency circumstances demand that the work be done immediately. The person doing the work shall apply to the town for a permit on or before the third working day after such work has commenced. All emergency work will require prior telephone notification to the town police/sheriff department and the appropriate fire protection agency. (Ord. 1-2003 §1(part), 2003)

12.13.220 Revocation of permits. A. Any permit may be revoked or suspended by the public works commissioner, after notice to the permittee for:

1. Violation of any material condition of the permit or of any material provision of this chapter.

2. Violation of any material provision of any other ordinance of the town or state law relating to the work.

3. Existence of any condition or performance of any act which the town determines, constitutes or causes a condition endangering life or damage to property.

B. A suspension or revocation by the public works commissioner, and a stop work order, shall take effect immediately upon notice to the person performing the work in the public way, or to the permittee's last known address.

C. A stop work order may be issued by the public works commissioner to any person or persons doing or causing any work to be done in the public way without a permit, or in violation of any provision of this chapter, or any other ordinance of the town.

D. Any suspension or revocation of stop work order may be appealed by the permittee to the town board of trustees by filing a written notice of appeal within thirty days of the action. (Ord. 1-2003 §1(part), 2003)

12.13.230 Appeals procedure. Any decision rendered by the public works commissioner pursuant to this chapter may be appealed within thirty days by the permittee to the town board of trustees in accordance with the rules and procedures established by that body. (Ord. 1-2003 §1(part), 2003)

12.13.240 Penalty. If any person, firm or corporation shall violate or cause the violation of any of the provisions of this chapter, they shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed, continues or is permitted, and upon conviction of any such violation such person, firm or corporation shall be punished as provided by a fine of not less than ten dollars nor more than one thousand dollars or imprisonment for a period of not more than one year, or both. (Ord. 1-2003 §1(part), 2003)

Title 13

PUBLIC SERVICES

Chapters:

13.04 Trees and Shrubs

Chapter 13.04

TREES AND SHRUBS

Sections:

- 13.04.010 Purpose.
- 13.04.020 Policy.
- 13.04.030 Definitions.
- 13.04.040 Property owner's responsibility.
- 13.04.050 Abuse or mutilation of trees.
- 13.04.060 Certain trees, shrubs prohibited.
- 13.04.070 Removal of trees.
- 13.04.080 Aerial overhang.
- 13.04.090 Procedure upon order to preserve or remove.
- 13.04.100 Interference with town commissioners.

13.04.010 Purpose. The purpose of this chapter is to provide uniform policy throughout the town, regarding the planting and removal of trees in easements, rights-of-way, resident-owned and ditch company-owned, property. (Ord. 1-1993 §1(part), 1993)

13.04.020 Policy. The responsibility for the care, maintenance and removal of trees on owner's property is the responsibility of the property owner unless otherwise provided for in this chapter. (Ord. 1-1993 §1(part), 1993)

13.04.030 Definitions. For the purposes of this chapter, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the text, words used in the present tense include the future, words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Local Government. "Local government" is an incorporated town, irrigation district, drainage, public corporation or any other kind of public district or political subdivision of the state organized pursuant to law.

Street Tree, Plant. "Street tree" or "tree" or "plant" is any tree, vine, shrub, hedge or lawn. Any of a kingdom (plantae) possessing cellulose cell walls is a tree or shrub in a public place except where otherwise indicated. (Ord. 1-1993 §1(part), 1993)

13.04.040 Property owner's responsibility. It shall be the responsibility of the owner of property (which include easements) adjacent to a public right-of-way, sidewalk, street, avenue, highway or alley, to comply with the provisions of this chapter. (Ord. 1-1993 §1(part), 1993)

13.04.050 Abuse or mutilation of trees. No person shall on public property or on property not owned by him, unless authorized by the owner thereof: (a) damage, cut, carve, transplant or remove any tree or shrub or injure the bark thereof, (b) pick the flowers or seeds of any tree or plant, (c) attach any rope, wire or other contrivance to any tree or plant, or (d) dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any such areas. (Ord. 1-1993 §1(part), 1993)

13.04.060 Certain trees, shrubs prohibited. It is unlawful to plant or set out female cottonwood trees (populus deltoides-female) or box elder (populus alba) and certain other undesirable plants as designated by the town upon any property within the town and the planting or setting out of these certain plants is declared to be a menace to public health, safety and welfare and a public nuisance. (Ord. 1-1993 §1(part), 1993)

13.04.070 Removal of trees. In the event the removal of any plant is necessitated by paving, the expense of such removal will be borne by the town. (Ord. 1-1993 §1(part), 1993)

13.04.080 Aerial overhang. In the event it is determined by the public safety commissioner, public works commissioner and/or building commissioner, that limb(s) from tree(s) or other plant(s) located on one property, overhang another's property, then, the expense for the trimming and removal of such overhanging limb(s) shall be paid by the owner of the property where such tree or plant with overhanging limb(s) is/are located. Where limbs overhang gutter pans and/or streets, and where limbs lay in the gutter pans, the town shall take those measures as outlined in Section 13.04.090. (Ord. 1-1993 §1(part), 1993)

13.04.090 Procedure upon order to preserve or remove.

When the public safety commissioner, public works commissioner and/or building commissioner orders trimming, preservation or removal of trees or plants upon public or private property as authorized in this chapter, or regulations adopted pursuant to the terms hereof, he shall serve a written order to correct the dangerous condition upon the owner, operator, occupant or other person responsible (i.e., property owner, president of homeowners association or head of governmental entity) for its existence:

A. Method of Service. The order required herein shall be served in one of the following ways:

1. By making personal delivery of the order to the person responsible;

2. By leaving the order with some person of suitable age and discretion upon the premises;

3. By affixing a copy of the order to the door at the entrance to the premise in violation;

4. By mailing a copy of the order to the last known address of the owner of the premise by registered or certified mail.

B. Time for Compliance. The order required herein shall set forth a limit for compliance of not less than forty-five days nor more than ninety days.

C. Appeal From the Order. The person to whom an order hereunder is directed shall have the right within seventy-two hours of the service of such order to appeal to the board of adjustment of the town, who shall review such order at its next subsequent meeting date and file its decision thereon. Unless the order is revoked or modified, it shall remain in full force and be obeyed by the person to whom directed. No person to whom an order is directed shall fail to comply with such order within ten days after an appeal shall have been determined.

D. Failure to Comply. When the person to whom the order is directed shall fail to comply within the specified time, the issuing commissioner shall remedy the condition or contract with others for such purpose and charge the costs, plus fifteen percent for administration fees, thereof to the person to whom the order is directed. The person remedying a condition under a contract made hereunder shall be authorized to enter upon the subject property for that purpose.

E. Special Assessment. If the cost of remedying a condition is not paid within ninety days after receipt of a statement therefor from a commission, such cost, plus twenty-five percent of such cost, shall be levied against the property upon which such hazard exists, as a special assessment. The levying of such assessment shall not affect the liability of the person to whom the order is directed to fine and imprisonment as herein provided. Such special

assessment shall be certified by the town clerk to the Arapahoe County treasurer, and shall thereupon become and be a lien upon such property, shall be included in the next tax bill rendered to the owner or owners thereof unless paid before, and shall be collected in the same manner as other taxes against such property are collected.

F. Emergency Actions. In the event the public safety commissioner finds a condition involving a tree, shrub or other plant which constitutes immediate threat to life, limb or property, the commissioner shall have authority to immediately have caused correction or remedy to such condition at the owner's expense without administrative fee. (Ord. 1-1993 §1(part), 1993)

13.04.100 Interference with town commissioners. No person shall in any way interfere or cause any person to interfere with the town's commissioners in or about the performance of their duties as defined in this chapter or regulations adopted hereunder. (Ord. 1-1993 §1(part), 1993)

Title 14
(RESERVED)

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

<u>15.04</u>	<u>General Provisions</u>
<u>15.08</u>	<u>Building Code</u>
<u>15.09</u>	<u>Woodburning Limitations</u>
<u>15.12</u>	<u>Electric Code</u>
<u>15.16</u>	<u>Plumbing Code</u>
<u>15.20</u>	<u>Fire Prevention Code</u>
<u>15.24</u>	<u>Mechanical Code</u>
<u>15.25</u>	<u>Abatement of Dangerous Buildings</u>
<u>15.26</u>	<u>Violation--Penalty</u>
<u>15.28</u>	<u>Energy Code</u>
<u>15.32</u>	<u>Solar Energy Code</u>
<u>15.36</u>	<u>Floodplain District</u>
<u>15.40</u>	<u>Swimming Pools</u>
<u>15.44</u>	<u>Traffic Impact Study</u>
<u>15.50</u>	<u>Licensing and Registration of Construction Supervisors</u>

Chapter 15.04

GENERAL PROVISIONS

Sections:

15.04.010	Application--Authority.
15.04.020	Purpose and scope.
15.04.030	Building commissioner--Appointment.
15.04.035	Historic buildings.
15.04.040	Alternate materials and methods of construction.
15.04.050	Duties and powers of building official.
15.04.060	Authority to disconnect utilities in emergencies.
15.04.070	Unsafe buildings, structures and equipment.
15.04.080	Building board of adjustment.

- 15.04.090 Liability.
- 15.04.100 Interpretation.
- 15.04.110 Standards.
- 15.04.120 Violation--Penalty.

15.04.010 Application--Authority. This title and the codes adopted herein shall apply to every dwelling or structure under construction or to be constructed in the future and, will be appropriate to existing buildings or structures contained within the corporate boundaries of the town. The construction or use of which this municipality has jurisdiction and authority to regulate. (Ord. 5-1980 §1 (part), 1980: prior code §6-9-4)

15.04.020 Purpose and scope. The building codes adopted by reference in this chapter, except for the International Energy Conservation Code and the International Property Maintenance Code do not include administrative provisions. Whenever an administrative provision is referred to in a building code, the respective provisions in the Town of Columbine Valley Municipal Code shall apply.

The provisions of the building codes shall apply to the construction, installation, alteration, moving, enlargement, replacement, abatement, demolition, repair, use, occupancy, location or maintenance of any building or structure or part thereof; electrical system; plumbing system; heating, ventilating, cooling, and refrigeration system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa, or hot tub; elevator, escalator, or moving walk; or fire protection system within the city, except structures and equipment specifically exempted or not specifically regulated by this chapter or the building codes.

The purpose of this code is to establish minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

Whereas, in any specific case, different sections of the building codes specify different materials, method of construction, or other requirements, the most restrictive

shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern.

Whenever in the building codes reference is made to an appendix, the provisions of such appendix shall not apply unless specifically adopted.

The codes and standards referenced in the building codes shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of the building codes and the referenced codes and standards, the provisions of the building codes shall apply.

The legal occupancy of any structure existing on the day of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the International Property Maintenance Code, the International Fire Code, or as is deemed necessary by the building official (building official shall mean the building commissioner or his authorized representative) for the general safety and welfare of the occupants and the public. (Ord. No. 1-2011, §2, 3-15-2011)

Editor's note—Ord. No. 1-2011, §§1, 2, adopted March 15, 2011, renumbered the former §15.04.020 as §15.04.030 and enacted a new §15.04.020 as set out herein. The historical notation has been retained with the amended provisions for reference purposes. Section 3 of said ordinance repealed the former §15.04.030 which pertained to stop orders and derived from §6-1-2 of the prior code, and Ord. No. 5-1980, §1(part), 1980.

15.04.030 Building commissioner--Appointment. At its first regular meeting following each biennial election, the board of trustees shall appoint a building commissioner and name a qualified person as building inspector. The building commissioner shall be the chief enforcement officer for all building regulations contained in this chapter, including the various codes adopted in this title by reference except the Fire Prevention Code. The building inspector shall make the required inspections and he shall perform such other duties as the building commissioner may direct. All fees provided in this title shall be paid to the town treasurer and deposited in the general fund. (Ord. No. 1-2011, §1, 3-15-2011; Ord. 5-1980 §1(part), 1980: prior code §6-1-1)

Note—See the editor's note to §15.04.020.

15.04.035 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocations or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by local or state jurisdictions as historic buildings when such buildings or structures are judged by the building official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

(Ord. No. 1-2011, §9, 3-15-2011)

Editor's note—Ord. No. 1-2011, §9, adopted March 15, 2011, set out provisions intended for use as §15.04.030. Inasmuch as §1 of that ordinance renumbered the former §15.04.020 as §15.04.030 as set out herein, the provisions of §9 have been codified as §15.04.035 at the discretion of the editor.

15.04.040 Alternate materials and methods of construction. A. General. The provisions of the building codes are not intended to prevent the use of any material or method of construction not specifically prescribed by the building codes, provided any alternate material or method has been approved and its use authorized by the building board of appeals/adjustment. The board of appeals/adjustment may approve an alternate material or method, provided they find that the proposed design is satisfactory and complies with the provisions of the building codes and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in the building codes for suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation. The board of appeals/adjustment shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate material or method. Any decision approving or denying the use of an alternate material or method of construction shall be documented by the building official, as secretary to the board of appeals and shall include the reasons therefore.

B. Tests. Whenever there is insufficient evidence of compliance with the provisions of the building codes regarding the use of an alternate material or method of construction, or evidence that a proposed material or method of construction does not conform to the requirements of the

building codes, the building official may require that tests be made at the expense of the proponent of the questioned material or method of construction.

1. Test methods shall be as specified by the building official or by other recognized test standards. In the absence of recognized and accepted test methods of the proposed alternate material or method of construction, the building official shall determine which test procedures are appropriate.

2. All tests shall be made by an approved agency. Reports of such tests shall be retained by the building official.

C. Modifications. Whenever there are practical difficulties involved in complying with the provisions of the building codes, the building official shall have the authority to grant modifications for individual cases, provided he shall first find that a special individual reason makes the strict letter of the building codes impractical; that the modification is consistent with the intent and purpose of this code; and that such modification will not lessen health, life, fire safety, accessibility or structural requirements. Any decision granting a modification shall be documented by the building official and shall include the reasons therefore.

(Ord. No. 1-2011, §10, 3-15-2011)

Editor's note—Ord. No. 1-2011, §4, adopted March 15, 2011, renumbered the former §15.04.040 as §15.04.100. Section 10 of said ordinance enacted a new §15.04.040 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

15.04.050 Duties and powers of building official. A. General. The building official (the building official shall mean the building commissioner or his authorized representative as authorized) is authorized to enforce all the provisions of this chapter and the building codes. For such purposes, he and those persons to whom enforcement authority is delegated shall be deemed a peace officer. The building official shall have the power to render interpretations of the building codes and to adopt policies and procedures, as he may deem necessary in order to clarify the application of the provisions of the building codes. Such interpretations, policies and procedures shall be consistent with the intent and purpose of this code. Such policies and procedures shall not have the effect of

waiving requirements specifically provided for in the building codes. The building official may delegate certain duties for the administration and authority to enforce the building codes to qualified officers, inspectors, and other qualified employees authorized by the board of trustees.

B. Applications and Permits. The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

C. Inspections. The building official or his appointed representative shall make all of the required inspections. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

D. Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises unsafe, dangerous or hazardous conditions, the building official or authorized representative may enter the building or premises to inspect the same or to perform the duties imposed upon the building official by the codes, provided that he or she shall first present credentials to the occupant and request and be granted entry, or otherwise have grounds for a search warrant exception as may be authorized by law. If such requested entry is refused, the building official or the authorized representative shall have recourse to every remedy provided by law to secure entry.

Authorized representative shall include any designee of the building official. When the building official or the authorized representative shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, or if a warrantless search of the premises is otherwise authorized by law, no owner or occupant or any other persons having charge, care or control of any building or premises shall fail or neglect to promptly permit entry therein by the building official or the authorized

representative for the purpose of inspection and examination pursuant to the codes. It shall be unlawful for any person to violate the provisions of this paragraph.

E. Stop Work Orders. Whenever any work is being done in violation of the provisions of the building code or other ordinances implemented through the enforcement of this code or in a dangerous or unsafe manner the building official may order the work stopped by issuing a notice in writing and serving it upon any persons engaged in doing such work or causing such work to be done. Upon receipt of the notice, such persons shall stop work until authorized by the building official to proceed with the work. It is unlawful to continue any work after receipt of a notice to stop work except such work as directed to remove a violation or unsafe condition. Each day that work is continued after receipt of a notice shall constitute a separate violation of this code.

(Ord. No. 1-2011, §11, 3-15-2011)

Editor's note—Ord. No. 1-2011, §5, adopted March 15, 2011, renumbered the former §15.04.050 as §15.04.110. Section 11 of said ordinance enacted a new §15.04.040 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

15.04.060 Authority to disconnect utilities in emergencies. In the case of an emergency, where it is necessary to eliminate an immediate hazard to life or property, the building official or his authorized representative shall have the authority to cause the disconnection of fuel-gas utility service or energy supplies to a building, structure, premises, or equipment regulated by the building code. The building official shall, whenever possible, notify the serving utility, the owner, and the occupant of the building, structure, or premises of the decision to disconnect prior to taking such action.

It is unlawful to make connections from any energy, fuel, or power supply which has been disconnected or to supply energy or fuel to any equipment regulated by the building codes which has been disconnected, ordered to be disconnected, or the use of which has been ordered to be disconnected by the building official; each day that such unlawful connection or supply continues shall be considered a separate violation of this code.

(Ord. No. 1-2011, §12, 3-15-2011)

Editor's note—Ord. No. 1-2011, §6, adopted March 15, 2011, repealed the former §15.04.060. Section 12 of said ordinance

enacted a new section as set out herein. The former §15.04.060 pertained to certified code copies and derived from §6-9-1 of the prior code, and Ord. No. 5-1980, §1(part), 1980.

15.04.070 Unsafe buildings, structures and equipment. Unsafe buildings, structures and equipment are hereby regulated by the 1997 Uniform Code for the Abatement of Dangerous Buildings.

(Ord. No. 1-2011, §13, 3-15-2011)

Editor's note—Ord. No. 1-2011, §7, adopted March 15, 2011, renumbered the former §15.04.070 as §15.04.090. Section 13 of said ordinance enacted a new section §15.04.070 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

15.04.080 Building board of adjustment. The town's board of adjustment shall hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code and to determine the suitability of materials and methods of construction. The building official may act as secretary to the board.

The board of adjustment shall hear all matters concerning complaints for the suspension or revocation of licenses or registration certificates as addressed in Section 15.50.060 this code.

Any decision of the board of adjustment shall be final on the date that it is rendered and shall be subject to judicial review.

The board of adjustment shall have no authority relative to interpretations of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.

(Ord. No. 1-2011, §14, 3-15-2011)

Editor's note—Ord. No. 1-2011, §8, adopted March 15, 2011, renumbered the former §15.04.080 as §15.04.120. Section 14 of said ordinance enacted a new section §15.04.080 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

15.04.090 Liability. The building official, members of the board of appeals/adjustment or employee charged with the enforcement of these codes, while acting for the town of Columbine Valley in good faith and without malice in the discharge of the duties required by these codes or other

pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved for personal liability for any damages accruing to persons or property as a result of any act or by reason or an act or omission in the discharge of official duties. Any suit instituted against an officer or employee in the lawful discharge of duties and under the provisions of these codes shall be defended by legal representative of the town of Columbine Valley until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of these codes. (Ord. No. 1-2011, §15, 3-15-2011; Ord. 5-1980 §1(part), 1980: prior code §6-9-5)

Note—See the editor's note to §15.04.070.

15.04.100 Interpretation.

Wherever in the building code or other codes contained in this chapter it is provided that anything must be done for the approval of or subject to the direction of, the inspecting agents or any other officer of the town, this shall be construed to give such officer only the discretion of determining whether the rules and standards established by ordinance or the respective codes have been complied with; and no such provision shall be construed as giving any officer or agent discretionary powers as to what such conditions and things not prescribed by ordinance or code, or to enforce ordinance provisions in an arbitrary or discriminatory manner. (Ord. No. 1-2011, §4, 3-15-2011; Ord. 5-1980 §1(part), 1980: prior code §6-1-3)

Note—See the editor's note to §15.04.040.

15.04.110 Standards.

All work on the construction, alteration and repair of buildings and other structures and any form of work done in connection therewith shall be performed in a good, workman-like manner according to accepted standards and practice in the trade. (Ord. No. 1-2011, §5, 3-15-2011; Ord. 5-1980 §1(part), 1980: prior code §6-1-4)

Note—See the editor's note to §15.04.050.

15.04.120 Violation--Penalty. A. The following penalties herewith set forth in full shall apply to Chapter 15 of the Municipal Code of the town of Columbine Valley.

B. It shall be unlawful for any person so violate any of the provisions stated or adopted in Chapter 15 of the Municipal Court of the town of Columbine Valley.

C. Every person convicted of any violation of any provision stated or adopted in Chapter 15 of the Municipal Code of the town of Columbine Valley including codes adopted by reference therein shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding ninety days or both such fine or imprisonment. (Ord. No. 1-2011, §16, 3-15-2011; Ord. 3-1992 §1(part), 1992; Ord. 11-1990 §9(part), 1991: Ord. 1-1989 §2, 1989)

Note—See the editor's note to §15.04.080.

Chapter 15.08

BUILDING CODE*

Sections:

- 15.08.010 Adoption of code.
- 15.08.020 Amendments, modifications and changes.
- 15.08.050 Reserved.
- 15.08.060 Permits required.
- 15.08.070 Application for permit.
- 15.08.080 Information on construction documents.
- 15.08.090 Permit issuance.
- 15.08.100 Fees.
- 15.08.110 Work commenced without a permit.
- 15.08.120 Refunds.
- 15.08.130 Inspection procedures.
- 15.08.140 Required inspections.
- 15.08.150 Certificates of occupancy.
- 15.08.160 Violations--Penalties.

15.08.010 Adoption of code. The Uniform Building Code, 1997 Edition, Volumes 1, 2 and 3, of the International Conference of Building Officials, 5360 S. Workman Mill Road, Whittier, CA 90601, including the following selected appendix chapters or divisions thereof: Chapter 3, Division II; Chapter 3, Division IV; Chapter 4, Division I; Chapter 12, Division II; Chapter 15; Chapter 29; Chapter 31, Division I; Chapter 31, Division II; Chapter 31, Division III; and Chapter 33, are adopted and enacted by reference with the same force and effect as though fully set forth herein as the building code of the town of Columbine Valley, Colorado, for regulating the

***Editor's note**—Ord. No. 2-2011, §1, adopted March 15, 2011, changed the title of ch. 15.08 from "Uniform Building Code" to "Building Code."

erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the town of Columbine Valley, Colorado, providing for the issuance of permits and the fixing of penalties for violations thereof. Two certified copies of said code are on file in the office of the town clerk, and may be inspected during regular business hours. (Ord. 9-1999 §1(part), 1999)

15.08.020 Amendments, modifications and changes. The following amendments, modifications and changes are made in the provisions of the Uniform Building Code, 1997 Edition, as adopted in Section 15.08.010.

A. Subsection 106.2 of the 1997 Edition of the Uniform Building Code is amended to read:

106.2 Work Exempt from Permit: A building permit shall NOT be required for the following:

1. Movable cases, counter and partition not over 5 feet high.

2. Painting, papering and similar work.
3. Window awnings supported by an exterior wall of Group R, Division 3 and Group U Occupancies when projecting not more than 54 inches.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction.

B. Subsection 106.4.4 of the 1997 Edition of the Uniform Building Code is amended to include the following paragraphs:

Every Permit issued by the Building Official under the provisions of this Code shall expire one year from the date of issuance, unless extended by the Building Official. If the building or work authorized by the permit is not completed within the one-year period of time, then before the work can be recommenced, a new permit shall be first obtained, and the fee shall be based upon the amount of work remaining to be completed.

A permit may be canceled by the Building Official when no request for inspection has been made for a period of sixty (60) days, upon reasonable prior notice, unless this time is extended by the Building Official.

C. Subsection 107.2 of the 1997 Edition of the Uniform Building Code is amended to read as follows:

Permit Fees: The fee for each permit shall be as set forth in Table 1-A as set forth herein:

TABLE 1-A BUILDING PERMIT FEES OF THE 1997 EDITION OF THE UNIFORM BUILDING CODE IS HEREBY AMENDED TO READ:

TOTAL VALUATION

\$1 - \$500	\$23.50 plus inspection fee(s) as determined by the Building Commissioner from time to time.
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\$501 - \$2,000	\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00 or fraction thereof, to and including \$2,000, plus inspection fee(s) as determined by the Building Commissioner from time to time.
\$2,001 - \$25,000	\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00, or fraction thereof, to and including \$25,000, plus inspection fee(s) as determined by the Building Commissioner from time to time.
\$25,001 - \$50,000	\$391.25 for the first \$25,000.00 plus \$10.10 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00
\$50,001 - \$100,000	\$643.75 for the first \$50,000.00 plus \$7.00 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00
\$100,001 - \$500,000	\$993.75 for the first \$100,000.00 plus \$6.50 for each additional \$1,000.00 or fraction thereof, to and including \$500,000.

Inspection and re-inspection fees shall be \$30.00 per inspection. Electrical inspection and re-inspections are \$40.00 per inspection.

The Building Official shall make the determination of value or valuation under any provisions of the Code. The value of a project will be based on the stated value on the building permit application or by applying the following Miscellaneous Projects, or Building Valuation schedules, whichever is greater:

MISCELLANEOUS PROJECTS

Patio Cover	\$13.50 per sq. ft.
Deck	\$13.50 per sq. ft.
SFR Room Addition	\$83.90 per sq. ft.
SFR Remodel	\$69.40 per sq. ft.
Patio Enclosure	\$26.40 per sq. ft.
Garage	\$22.10 per sq. ft.

Basement Finish (category 1) . \$25.00 per sq. ft.
 Open room such as a child's play room; furred-out walls; basic lights, outlets and switches; carpet or vinyl on floors; No plumbing

Basement Finish (category 2) . \$35.00 per sq. ft.
 Divided into rooms including but not limited to bedrooms with egress windows, home office, exercise room...etc.; can and/or accent lighting; bathroom; standard cabinets; upgraded floor coverings

Basement Finish (category 3) . \$40.00 per sq. ft.
 Same as category 2, except there is additional mill work including but not limited to: custom cabinets and home entertainment center; wet bar; marble or granite.

Roof (shake) \$225.00 per sq.

D. Subsection 108.5.2 of the 1997 Edition of the Uniform Building Code is amended by the addition of a new Subsection 108.5.2.1 to read:

Structural Engineer's Inspection Required: All new foundation types and systems for habitable buildings and structures shall be inspected and approved by a registered Colorado structural engineer prior to the placement of concrete. A wet stamped copy of his/her inspection and acceptance report shall be supplied to the Town of Columbine Valley Building Department as soon after his/her inspection as practical but in no case later than the requested framing inspection.

E. Chapter 13 of the 1997 Edition of the Uniform Building Code is amended by the addition of a new Section 1302 to read:

1302. Energy Efficiency Construction and Renovation Standards for Residential Buildings. In the absence of a State of Colorado mandated Energy Conservation Code Standard for residential buildings, the following standards shall apply:

- (a) Insulation: walls, R-13; attic, R-30; crawl space walls. R-30
- (b) Weather Stripping: all exterior openings such as, but not limited to doors, windows and interior attic access openings shall have weather stripping installed in such a manner to prevent the passage of air.
- (c) Windows: All glass openings exposed to the exterior side, shall be a minimum of double pane.

- (d) Heating and Cooling Equipment: All heating and cooling equipment shall comply with Federal mandated energy efficiency standards.
- (e) Other: Ductwork for heating and cooling equipment in an unconditioned crawl space shall be insulated in accordance with Table 6-D of the 1997 Uniform Mechanical Code.

F. Subsection 1603.1 of the 1997 Edition of the Uniform Building Code is amended by the addition of a new Subsection 1603.1.1, which shall read as follows:

1603.1.1 Basic design criteria for the Town of Columbine Valley shall be: snow loads 30 pounds per square foot; wind load, 85 miles per hour; frost depth, 36 inches.

G. Chapter 31 of the 1997 Edition of the Uniform Building Code is amended by the addition of a new Section 3102.1.1 which shall read:

3102.1.1 Notwithstanding anything contained in this Chapter to the contrary, any new or remodeled fireplace shall be one of the following:

1. a gas appliance;
2. an electric device; or
3. a fireplace or fireplace insert that meets the most stringent emission standards for wood stoves established by the Air Quality Control Commission of the Department of Health of the State of Colorado, or any other clean burning device that is approved by said Commission.

Any person who installs or constructs any fireplace insert or fireplace shall provide evidence of a certificate issued by the Air Pollution Control Division of the Department of Health of the State of Colorado for such fireplace, and in the case of site-built fireplaces, shall demonstrate compliance with the certificate. Such demonstration of compliance shall include inspection by the building inspector, or his or her designee, of the new fireplace installation. The owner of any site-built fireplace shall be responsible for the payment of all costs of such inspection.

H. Subsection 333.2.1 of Appendix 3, Division IV of the 1997 Edition of the Uniform Building Code, is amended to read as follows:

333.2.1 Unless otherwise prohibited by Federal or State law to the contrary, the provisions of this Division shall apply to buildings or portions thereof that are to be used for Group R, Division 4 occupancies.

I. Subsection 421.1.1 of Appendix Chapter 4, Division 1, of the 1997 Edition of the Uniform Building Code, the first sentence is amended to read:

The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier, which faces way from the swimming pool. This provision applies only to those covenants that permit fences.

(Ord. 9-1999 §1(part), 1999: Ord. 5-1998 §2, 1998; Ord. 7-1996 §1(part), 1996: Ord. 4-1994 §1, 1994; Ord. 2-1991 §1(part), 1991: Ord. 1-1989 §1(part), 1989: prior code § 6-2-1(part))

15.08.050 Reserved.

Editor's note—Ord. No. 2-2011, §4, adopted March 15, 2011, repealed §15.08.050 which pertained to conflicts between uniform codes and derived from §6-2-2 of the prior code and Ord. No. 5-1980, §1(part), 1980.

15.08.060 Permits required. A. General. No person shall construct, install, enlarge, alter, repair, move, improve, remove, replace, convert, demolish, equip, occupy, or maintain any building or structure; electrical system; plumbing system; heating, ventilating, cooling, or refrigeration system; gas system, incinerator or other miscellaneous heat-producing appliance; swimming pool, spa or hot tub; elevator, escalator, or moving walk; fire protection system, or other work regulated by this code, or portion thereof, in the city, or cause the same to be done without first obtaining a building permit for all such work from the building official, except as follows:

A public utility, duly franchised or authorized as such in the town, shall not be required to obtain a permit prior to performing emergency maintenance or repairs on its equipment, building, or structure, when necessary to sustain service or protect life or property; provided, however, that the public utility shall obtain a permit for the work as soon as it is practical to do so.

Public utilities duly franchised or authorized as such in the town, shall not be required to obtain a permit for the installation, alteration or repair of generation, transmission, or distribution equipment that is under the ownership and control of the public utility.

B. Exempt work. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of this code or any other laws or ordinances of the town. A building permit shall not be required for the following:

1. One-story, detached accessory buildings used as tool and storage sheds, playhouses, and similar uses provided that the floor area does not exceed one hundred twenty square feet;

2. Retaining walls which are not over two feet in height when measured from the grade level on the low side to the top of the wall, unless supporting an additional load due to a surcharge of earth; a structure; or impounding Class I, II, or IIIA flammable liquids;

3. Sidewalks and driveways;

4. Non-structural concrete slabs on grade;

5. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work when not part of a building permit;

6. Swings, tree houses, and other playground equipment accessory to one- and two-family dwellings;

7. Prefabricated swimming pools accessory to a Group R occupancy which are twenty-four inches or less in depth;

8. Portable heating, ventilating, and cooling appliances or equipment, unit refrigeration systems; and the replacement of any component part of assembly or an appliance as long as the appliance continues to comply with other applicable requirements of this code;

9. The repair of broken or defective electrical receptacles, switches or lamps;

10. Listed cord and plug connected temporary decorative lightings;

11. Reinstallation of attachment of plug receptacles, but not the outlets therefore;

12. Repair or replacement of branch circuit over current devices of the required capacity in the same location;

13. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles;

14. Electrical wiring devices, appliances, apparatus or equipment operating at less than twenty-five volts and not capable of supplying more than fifty watts of energy;

15. The stopping of leaks in drains, water, soil, waste, or vent pipe provided, however, that if any concealed trap, drainpipe, waste, soil, water or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code;

16. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures;

17. Portable LP gas equipment of all types that is not connected to a fixed fuel piping system;

18. Except as provided in Section 401.1.1 of the International Fuel Gas Code, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, and other undulated LP gas.

D. Separate Permits. Unless otherwise exempt, a separate building, plumbing, electrical, or mechanical permits may be required for work on the buildings or structures.

E. Contractor License Required. Requirements for a Columbine Valley Contractor License shall be in accordance with Section 15.50.060 of the Municipal Code of the town of Columbine Valley. (Ord. No. 2-2011, §2, 3-15-2011; Ord. 5-1980 §1(part), 1980: prior code §6-2-4)

15.08.070 Application for permit. A. Application. To obtain a permit, the applicant shall file an application therefore in writing on a form furnished by the building official for that purpose. Each application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by street address and legal description, or similar description that will readily identify and definitely locate the proposed building or work.

3. Fully describe the use or occupancy for which the proposed work is intended. For non-residential uses, state the name of the user and describe the nature of the use or business.

4. Include plans, diagrams, computations, specifications, and other data as required within this section.

5. State the valuation of the proposed work.

6. Be signed by the applicant or the applicant's authorized agent.

7. Give such other data and information as may be required by the building official.

B. Plans and Specifications. Plans, engineering calculations, diagrams, and other data shall be submitted in accordance with the city's submittal requirements with each application for a permit. The construction documents shall be prepared by an architect or engineer licensed by the State of Colorado. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared. The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this code.

C. Design Professional. All proposed erection, construction, reconstruction, alteration, or remodeling shall be prepared by and bear the seal of an architect or engineer licensed by the State of Colorado unless exempted in this section. When such plans are not prepared by an architect or engineer, the building official may require the applicant submitting such plans or other data to demonstrate that the state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such even if not required by state law.

D. Exemptions. Any applicant may prepare plans, calculations, and specifications for construction, alterations, remodeling, additions to, or repair of one- and two-family dwellings, including accessory building commonly associated with such dwellings including detached garages.

E. Structural Observation. When special inspection and/or structural observation is required by Chapter 17 of

the International Building Code, the architect or engineer of record shall prepare an inspection program which shall be submitted to the building official for approval prior to issuance of the building permit. The inspection program shall designate the portions of the work that require special inspection and the name or names of the individuals and firms who are to perform the special inspections, and indicate the duties of the special inspectors. The special inspector shall be employed by the owner, the engineer or architect of record, or an agent of the owner, but not the contractor or any other person responsible for the work. (Ord. No. 2-2011, §3, 3-15-2011; Ord. 5-1998 §1, 1998; Ord. 5-1980 §1(part), 1980: prior code §6-2-5)

15.08.080 Information on construction documents. Construction documents shall be dimensioned and drawn to scale upon substantial paper. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed, and shall show in detail that it will conform to the provisions of the building codes and all relevant laws, ordinances, rules, and regulations, as determined by the building official. All braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom shall be required.

A. Floor and Roof Design Loads. Where the live loads for which each floor or portion thereof of a commercial or industrial building is or has been designed to exceed fifty psf, such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

A certificate of occupancy as required in this section shall not be issued until the floor load signs have been installed. It shall be unlawful to place, or cause to permit to be placed, on any floor or roof of a building structure or portion thereof, a load greater than is permitted by this code.

B. Expiration of Permit Applications or Plan Review. Applications for which no permit is issued within one hundred eighty days following the date of application

shall expire by limitation unless such application has been pursued in good faith, and the plans and other data submitted for review may thereafter be returned to the applicant or disposed of by the building official. The building official may extend the time for action by the applicant for a period not exceeding one hundred eighty days upon written request by the applicant, showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(Ord. No. 2-2011, §5, 3-15-2011)

Editor's note—Ord. No. 2-2011, §4, adopted March 15, 2011, repealed the former §15.08.080 which pertained to plans and specifications and derived from §6-2-6 of the prior code; Ord. No. 5-1980, §1(part), 1980; and Ord. No. 6-1990, §1, 1990. Ord. No. 2-2011, §5, enacted a new §15.08.080 as set out herein.

15.08.090 Permit issuance. A. Issuance. The application, plans, specifications, computations, and other data submitted by the applicant for a permit shall be reviewed by the building official. Such plans may be reviewed by other city departments to substantiate compliance with any applicable laws under their control. If the building official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of the building codes and other pertinent laws, and that all applicable fees have been paid, a building permit shall be issued to the applicant.

When the building official issues a permit for which plans are required, the plans shall be approved in writing or by stamp. The approved plans and specifications shall not be changed, modified or altered without authorization from the building official, and all work regulated by this code shall be done in accordance with the approved plans.

The building official may issue a permit for the construction of part of a building and structure before all of the plans and specifications for the entire building or structure have been submitted or approved provided that adequate information verifying compliance with all pertinent requirements of the building codes have been submitted and approved for that portion of the building or structure. A permit issued based on partial plan approval will be re-

stricted to the portion of the work that has been reviewed and approved and the holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

B. Retention of Plans. One set of approved plans, specifications and computations shall be retained by the building official for a period of not less than ninety days from the date of completion of the work covered therein, and one set of approved plans shall be returned to the applicant and shall be kept on the job site at all times during which work is in progress.

C. Validity of Permit. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for or an approval of any violation of any of the provisions of the building codes or other ordinances of the city. Permits presuming to give authority to violate or cancel the provisions of the building codes or other ordinances of the city shall not be valid. The issuance of a permit based upon plans, specifications, and other data shall not prevent the building official from thereafter requiring the correction of errors in the plans, specifications, and other data, or from ordering the work being carried on to be stopped when in violation of the building codes or other ordinances of the city. The building official is also authorized to prevent occupancy or use of a structure in violation of the building code or of any other ordinance of the city.

D. Expiration of Permit. Every permit issued by the building official under the provisions of the building codes shall expire if the building or work authorized by such permit is not commenced within one hundred eighty days from the date the permit was issued, or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty days at any time after the work is commenced. Before such work can be resumed, a new permit shall be obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes are to be made in the original plans and specifications for such work and, provided further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after the work authorized by such permit has been suspended or abandoned for more than one year, the permittee shall pay a new, full permit fee.

When a permittee is unable to commence work within the time required by this subsection for good and satisfactory reasons, a permittee holding an unexpired permit may apply for an extension of the time in which he may commence work under that permit. The building official may extend the time for action by the permittee for a period not exceeding one hundred eighty days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

E. Suspension or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of the building codes or any other ordinance or regulation of the town whenever the permit is issued in error or on the basis of incorrect, inaccurate, or incomplete information supplied by the applicant.
(Ord. No. 2-2011, §6, 3-15-2011)

Editor's note—Ord. No. 2-2011, §4, adopted March 15, 2011, repealed the former §15.08.090 which pertained to issuance and expiration of permits and derived from §6-2-7 of the prior code; and Ord. No. 5-1980, §1(part), 1980. Ord. No. 2-2011, §6, enacted a new §15.08.090 as set out herein.

15.08.100 Fees. A. General. A permit shall not be valid until the prescribed fees have been paid. Fees shall be assessed in accordance with the provisions of this subsection.

B. Permit Fees. The fee schedule for building, plumbing, mechanical, electrical, and elevator inspections shall be in accordance with the fee schedule adopted by resolution of the town trustees from time to time.

C. Valuation. The applicant for a permit shall provide an estimated permit value at time of permit application. The valuation to be used in computing the permit and plan review fees shall be the total value of all construction work, including labor and materials, for which the permit is issued, as well as all finish work: painting, countertops and cabinets; flooring roofing, electrical, plumbing, heating, air conditioning, conveyance systems, fire protection systems, and other permanent work or equipment. The final determination of value or valuation shall be made by the building official.

D. Plan Review Fees. When plans or other data are required to be submitted by the building codes, a plan review fee shall be assessed at a rate of sixty-five percent

of the building permit fee. The plan review fee specified in this subsection is a separate fee from the permit fees and is in addition thereto. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at an hourly rate established by resolution adopted by the city council from time to time.

(Ord. No. 2-2011, §7, 3-15-2011)

Editor's note—Ord. No. 2-2011, §4, adopted March 15, 2011, repealed the former §15.08.100 which pertained to inspections and derived from §6-2-9 of the prior code; and Ord. No. 5-1980, §1(part), 1980. Ord. No. 2-2011, §7, enacted a new §15.08.100 as set out herein.

15.08.110 Work commenced without a permit. A. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

B. Investigation Fee. An investigation fee, in addition to the building permit fee shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

C. Reinspection Fees. Permit fees provide for customary inspections only. A reinspection fee may be assessed when the portion of work for which an inspection is scheduled is not complete or when corrections listed during a previous inspection have not been made. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which an inspection is requested, or for deviating from plans requiring the approval of the building official. This subsection is not to be interpreted as requiring reinspection fees the first time work fails to comply with the requirements of the building codes but as a means of controlling the practice of calling for inspections before the work is ready for inspection or reinspection. In instances where a reinspection

fee has been assessed, a reinspection fee shall be in accordance with a resolution adopted by the town trustees from time to time.

(Ord. No. 2-2011, §8, 3-15-2011)

Editor's note—Ord. No. 2-2011, §4, adopted March 15, 2011, repealed the former §15.08.110 which pertained to use or occupancy permits and certificates and derived from §6-2-10 of the prior code; and Ord. No. 5-1980, §1(part), 1980. Ord. No. 2-2011, §8, enacted a new §15.08.110 as set out herein.

15.08.120 Refunds. The building official may authorize refunding of any fee paid hereunder, which was erroneously paid or collected.

The building official may authorize refunding of not more than eighty percent of the permit fee when no work has been done under a permit issued in accordance with this code. The building official may authorize refunding of not more than eighty percent of the plan review fee when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan review is begun.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than one hundred eighty days after the fee payment.

(Ord. No. 2-2011, §10, 3-15-2011)

Editor's note—Ord. No. 2-2011, §§9 and 10, adopted March 15, 2011, renumbered the former §15.08.120 as §15.08.160 and enacted a new §15.08.120 as set out herein. The historical notation has been retained with the amended provisions for reference purposes.

15.08.130 Inspection procedures. A. General. All construction or work for which a permit is required shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection until approved by the building official. In addition, certain types of construction shall have continuous inspection as specified in the building codes. It shall be the duty of the permittee to cause the work to remain accessible and exposed for inspection. Neither the building official nor the city shall be liable for expense entailed in the removal or replacement of any material to allow inspection.

Approval as a result of inspection shall not be construed to be an approval of a violation of the provisions

of the building code or other ordinances of the town. Inspections presuming to give authority to violate or cancel the provisions of the building codes shall not be valid.

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

B. Inspection Record Card. Work requiring a permit shall not be commenced, and required inspections of such work shall not be made, until the permittee or his authorized agent has posted or has otherwise made an inspection record card available to the inspector to make the required entries thereon regarding inspection of the work. This card shall be kept available by the permittee until final approval has been granted by the building official.

C. Inspection Requests. It shall be the responsibility of the person doing the work authorized by a permit to notify the building official that the work is ready for inspection. The building official may require that every request for inspection be filed at least one day prior to the inspection if desired. The request shall be by telephone as specified on the inspection record card or other means approved by the building official. It shall be the duty of the person requesting any inspection required by this code to provide access to and means for inspection of the work.

Prior to the rough framing inspection, the permittee shall provide to the building department the engineer of record, or his authorized agent, inspection observation report for: the building's foundation elements; waterproofing; and the foundation drain system. A survey of the lot showing placement of the building shall also be provided to verify location in accordance with the approved plans.

D. Approval Required. Work shall not be done beyond the point indicated in each successive inspection. The building official, upon notification, shall make the requested inspection and shall indicate the portion of the work that is satisfactory as completed, or shall notify the permit holder or authorized agent wherein the same fails to comply with the building code. Any provisions that do not comply shall be corrected and such work shall not be covered or canceled until authorized by the building official. (Ord. No. 2-2011, §11, 3-15-2011)

15.08.140 Required inspections. A. General. The building official, upon notification, shall make an inspection required by this subsection. The following are required inspections:

B. Footing Inspection. Shall be made after excavations are completed, all forms are in place, any required reinforcing steel is in place, and the footing is ready for the placement of concrete but before any concrete is placed.

C. Caisson/Drilled Pier Inspection. Caisson inspections shall be made after caisson drilling has been completed and prior to any concrete being placed.

D. Foundation Inspection. For concrete foundations, all forms, required void material, and required reinforcement shall be in place prior to the placement of any concrete. Where the foundation is to be constructed of approved, treated wood, additional inspections may be required by the building official.

E. Underslab or Underground Inspection. Shall be made after all underslab or underground building service equipment, electrical conduit, plumbing piping, and other ancillary equipment items are in place, but before any such equipment, conduit, or piping is buried or any concrete is placed. Required pressure tests for underground piping or ductwork shall be performed at this time as specified in the building codes.

F. Rough Inspection. Shall be made after all rough-in work is completed and ready for inspection; all circuits are made up, electrical boxes, and plaster rings are installed, electrical panels are set, neutrals and grounds are made up, and all grounding is completed; all air or water tests required by the building codes have been performed; all ductwork, venting, and piping are completely roughed in; the roofing, all framing, fire blocking and bracing are complete; and when the job is ready for drywall but prior to the installation of any insulation.

G. Energy Efficiency Inspection. Inspection shall be made to determine compliance with the International Energy Conservation code and shall include but not limited to inspections for: envelope insulation R and U values, fenestration U value, duct system R value and HVAC and water heating equipment efficiency.

H. Wallboard Inspection. Gypsum wallboard shall be inspected after all gypsum board, interior and exterior, is in place and properly fastened but before any gypsum board joints or fasteners are taped or finished.

I. Final Inspection. Shall be made after all work, including final grading, is completed, and the building or space is ready for occupancy.

J. Other Inspections. In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of the building codes and other laws which are enforced by the city.

K. Special Inspections. Special inspections shall be conducted as required by the building code and building department procedures.

(Ord. No. 2-2011, §12, 3-15-2011)

15.08.150 Certificates of occupancy. A. Use and Occupancy. No building or structure, except Group U occupancies, shall be used or occupied and no change in the existing occupancy classification of a building or structure, or portion thereof, shall be made until the building official has issued a certificate of occupancy therefore. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the building codes or other ordinances of the city. Certificates presuming to give authority to violate or cancel the provisions of the building codes or other ordinances of the city shall be invalid.

B. Change in Use. Changes in the character or use of a building shall not be made without the approval of the building official.

C. Certificate Issued. After all required final inspections have been made, finding no violations of the provisions of the building codes or any other laws or ordinances of the town, all fees have been collected, and all improvements required by the town have been made in accordance with city specifications, including the installation of sidewalks, curbs, gutters, street paving, and any required landscaping, the building official shall issue a certificate of occupancy. However, the building official may issue the certificate of occupancy prior to the completion of the required improvements provided the town has entered into an agreement with the owner of the property regarding delayed completion. Only those improvements specified in

such agreement with the town shall be considered for delayed completion, and the certificate of occupancy shall not be issued if required improvements, other than those included in the agreement with the city, have not been completed. The certificate of occupancy shall contain the following information:

1. The building permit number.
2. The address and legal description of the building.
3. The name and address of the owner.
4. A description of the portion of the building for which the certificate was issued, including the occupancy group classification.
5. A statement that the described portion of the building has been inspected for compliance with the requirements of the building codes for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The edition of the code under which the permit was issued.
7. The type of construction.
8. Any special stipulations and conditions of the building permit or certificate of occupancy.
9. The date of issuance of the certificate.
10. If an automatic sprinkler system is provided and whether the sprinkler system is required
11. The name and signature of the building official or his representative.

D. Temporary Certificate. If the building official finds that no substantial hazard will result from the occupancy of a building or portion thereof before completion, he may issue a temporary certificate of occupancy for the use of a portion or portions of a building or structure prior to the completion of the entire building or structure. The building official shall set a time period for which the temporary certificate of occupancy is valid.

E. Revocation. The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of the building codes whenever the certificate is issued in error or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of the building codes or any ordinance or regulation of the town. (Ord. No. 2-2011, §13, 3-15-2011)

15.08.160 Violations--Penalties. The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter, or in the codes adopted herein.

B. Every person convicted of any violation of any provision stated or adopted in this chapter of the codes adopted herein shall be punished by a fine not to exceed one thousand dollars, or by imprisonment not exceeding one year or by both such fine or imprisonment. (Ord. No. 2-2011, §9, 3-15-2011; Ord. 5-1998 §3, 1998)

Note—See the editor's note to §15.08.120.

Chapter 15.09WOODBURNING LIMITATIONSSections:

- 15.09.010 Short title.
- 15.09.020 Fireplace restrictions.
- 15.09.030 Violation--Penalty.

15.09.010 Short title. The ordinance codified in this chapter shall be known and may be cited as the "Columbine Valley Woodburning Limitation Ordinance." (Ord. 11-1992 § 1(part), 1992)

15.09.020 Fireplace restrictions. A. On and after January 1, 1993, any new or remodeled fireplace to be installed in any dwelling in the town shall be one of the following:

1. A gas appliance;
2. An electric device;
3. A fireplace insert that meets the most stringent emissions standards for wood stoves established by the Colorado Air Quality Control Commission, or any other clean-burning device that is approved by the commission.

B. On and after January 1, 1993, any person who installs or constructs any fireplace shall provide evidence of a certificate issued by the Colorado Air Pollution Control Division for such fireplace and, in the case of sit-built fireplaces, to demonstrate compliance with the certificate. Such demonstration of compliance shall include an inspection by the building inspector of the new fireplace after installation. (Ord. 11-1992 §1(part), 1992)

15.09.030 Violation--Penalty. A. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

B. Every person convicted of any violation or provision stated or adopted in this chapter shall be punished by a fine not exceeding one thousand dollars. (Ord. 11-1992 § 1(part), 1992)

Chapter 15.12ELECTRICAL CODESections:

- 15.12.010 Adoption.
- 15.12.020 Amendments, modifications and changes.
- 15.12.030 Compliance required.
- 15.12.040 Wiring alterations and additions.
- 15.12.050 Inspection.
- 15.12.060 Temporary connections.
- 15.12.070 Reinspection fees.
- 15.12.080 Penalties.

15.12.010 Adoption. Pursuant to Title 31, Article 16, Part 2, CRS, as amended, there is adopted by reference the following electrical code with the Uniform Administrative Code provisions: The National Electric Code, 1999 Edition of the National Fire Protection Association, Batterymarch Parl, Quincy, Massachusetts 02269, as amended including all appendices, and the Uniform Administrative Code Provisions for the National Electric Code, 1996 Edition, of the International Conference of Building Officials, Whittier, California 90601, is adopted and enacted by reference with the same force and effect as though fully set forth in this chapter as the code of the town for regulating the electrical conductors and equipment installed within or on public or private buildings within the town and providing for the safeguarding of persons and property from hazards arising from the uses of electricity for lights, heating, power, radio, signaling, and other purposes. Two copies of the code and the administrative provisions to the 1996 National Electric Code are available for inspections, during regular business hours, at the office the town clerk for the town of Columbine Valley, Colorado. (Ord. 4-2000 §1, 2000: Ord. 4-1998 §1, 1998: Ord. 8-1994 §1(part), 1994)

15.12.020 Amendments, modifications and changes. Table 3-A in the 1996 Uniform Administrative Code Provisions for the National Electric Code is repealed in its entirety. The fee schedule of all electric permits shall be as follows:

Residential: This fee (based on the enclosed living area) includes construction of, or extensive remodeling or additions to, a single family residence, duplexes, condominiums, and town homes.

Not more than 1,000 square feet	\$34.50
Over 1,000 square feet and not more than 1,500 square feet	\$57.50
Over 1,500 square feet and not more than 2,000 square feet	\$74.75
Per 100 square feet in excess of 2,000 square feet	\$3.00

All other fees, including service hookups to modular homes, mobile homes and travel trailer parks shall be computed on the dollar value of the electrical installation, including time and materials, whether they are provided by the contractor or the property owner.

Not more than \$300.00	\$28.75
\$301.00 but not more than \$2,000	\$34.50
\$2,001 but not more than \$50,000	\$14.00 per thousand or fraction thereof of total valuation
\$50,001 but not more than \$500,000	\$14.95 per thousand or fraction thereof of total valuation plus \$50.00
More than \$500,001	\$13.80 per thousand or fraction thereof of total valuation plus \$550.00
Mobile homes and travel trailer parks per space	\$28.75
Reinspection fee for all of the above	\$30.00

(Ord. 4-1998 §2, 1998: Ord. 8-1994 §1(part), 1994)

15.12.030 Compliance required. It is unlawful for any person to install, alter, repair or maintain any electric conductors or equipment within or on any public or private buildings within the town or cause the same to be done contrary to or in violation of any of the provisions of the National Electric Code or the Uniform Administrative Code Provisions for the 1993 National Electric Code as adopted in this chapter. (Ord. 8-1994 §1(part), 1994)

15.12.040 Wiring alterations and additions. It is unlawful for any person to make any alterations or additions in the existing wiring of any buildings for the placing of any electric lights, motors, heating devices or appliances requiring the use of electric current, or make any alterations in any electrical appliance or wiring in any buildings, without installing the same according to the provisions of the National Electric Code as adopted in this chapter. (Ord. 8-1994 §1(part), 1994)

15.12.050 Inspection. A. Upon the completion of the wiring of any building, it shall be the duty of the person, firm or corporation doing the same to notify the building inspector, or his representative, and he or his agent or representative, shall inspect the installation within a reasonable period of time after such notice is given; and if it is found to be fully in compliance with this chapter and does not constitute a hazard to life and property, he shall issue a certificate of inspection authorizing connection to the electrical service and the turning on of the current. All wires which are to be hidden from view shall be inspected before such concealment, and the person, firm or corporation installing such shall notify the building inspector, his agent or representative, giving him or his agent twenty-four hours in which to make the required inspection before the wires are covered. It is unlawful for any person to fail or refuse to give such notice as required in this chapter.

B. The inspector, his agent or representative, periodically shall make a thorough examination of all the electrical wires and appliances installed within the town. When such wires or appliances are found to be in a dangerous or unsafe condition, he shall notify the person, firm or corporation owning, using, operating or installing the same to place them in a safe condition within fifteen days or such longer time as may be deemed reasonable by the inspector; such notification shall be in writing. It is unlawful for any person to fail or refuse to obey such order. The building inspector, his agent or representative is empowered to order the disconnection of electric service to any defective installation or appliance if the same shall constitute an immediate hazard to the public health, safety and welfare. (Ord. 8-1994 §1(part), 1994)

15.12.060 Temporary connections. Where, from good and sufficient cause, it is necessary to have electricity on any installation before final certificate can be issued, the building inspector may issue a temporary permit provided that all parts to which current is applied are in a safe and satisfactory condition. (Ord. 8-1994 §1(part), 1994)

15.12.070 Reinspection fees. Reinspection fees shall be thirty dollars for each and every inspection thereafter. (Ord. 4-1998 §3, 1998: Ord. 8-1994 §1(part), 1994)

15.12.080 Penalties. The following penalties, herewith set forth in full, shall apply to this chapter:

A. It is unlawful for any person to violate any of the provisions stated or adopted in this chapter, or in the codes adopted herein.

B. Every person convicted of any violation of any provision stated or adopted in this chapter of the codes adopted herein shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year or by both such fine or imprisonment. (Ord. 4-2000 §2, 2000)

Chapter 15.16

PLUMBING CODE

Sections:

- 15.16.010 Adoption of code.
- 15.16.020 Amendments, modifications and changes.
- 15.16.030 Connections.

15.16.010 Adoption of code. The Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials, 2001 Walnut Drive South, Walnut, California, 91789-2825 as amended including appendices is adopted and reenacted by reference with the same force and effect as though fully set forth as the plumbing code of the town of Columbine Valley for regulating the installation, enlargement, repair and maintenance of plumbing and drainage of all kinds. Two certified copies of such code are on file in the office of the town clerk and may be inspected during regular business hours. (Ord. 9-1999 §1(part), 1999)

15.16.020 Amendments, modifications and changes. The following amendments, modifications and changes are made in the provisions of the Uniform Plumbing Code, 1997 Edition herein adopted:

A. Table 1-1: Plumbing permit fee schedule is repealed. Fees shall be according to 15.08.010(3) of the Columbine Municipal Code.

B. Subsection 103.4.2 of the 1997 Edition of the Uniform Plumbing Code is repealed in its entirety. Subsection 103.4.2 shall read:

103.4.2 Plan review fees shall be according to the 1997 Uniform Building Code.

C. Subsection 1211.3 of the 1997 Edition of the Uniform Plumbing Code is amended to read:

1211.3 No gas piping shall be installed in or on the ground under any building or structure. The term "building or structure" shall include structures such as porches and steps, whether covered or uncovered. Driveways, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, and similar structures or appurtenances.

D. Subsection 1312.3 of the 1997 Uniform Plumbing Code is amended to read:

Piping Through Foundation Wall. Gas piping installed underground shall not pass through a concrete foundation wall. All gas piping shall enter the structure above ground.

(Ord. 9-1999 §1(part), 1999: Ord. 5-1980 §1(part, 1980: prior code §6-4-2)

15.16.030 Connections. It is unlawful for any person to make any plumbing connection to any water or sewer line or to cover up any plumbing work or cause the same to be done contrary to or in violation of any of the provisions of the National Plumbing Code as adopted in this chapter or of the provisions of the Technical Plumbing Code of the Colorado State Department of Public Health as amended. (Ord. 5-1980 §1(part), 1980: prior code §6-4-3)

Chapter 15.20

FIRE PREVENTION CODE

Sections:

- 15.20.010 Adoption of Uniform Fire Code.
- 15.20.020 Definitions.
- 15.20.030 Establishment and duties of bureau of fire prevention.
- 15.20.040 Fire zone established.
- 15.20.050 Storage of flammable or combustible liquids in outside above ground storage tanks.
- 15.20.060 Districts in which storage of liquified petroleum gas is restricted.
- 15.20.070 Districts in which storage of explosives and blasting agents is prohibited.

- 15.20.080 Appeals.
- 15.20.090 New materials, processes or occupancies which may require permits.
- 15.20.100 Interpretation.

15.20.010 Adoption of Uniform Fire Code. There is adopted by reference pursuant to Title 13, Article 16, Part 2, C.R.S. 1973, as amended, by the town of Columbine Valley, Colorado, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, being particularly the 1997 Edition thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than two copies have been and are now filed in the office of the clerk of the town of Columbine Valley, Colorado, and the same are adopted and incorporated as fully as if set out at length herein, and from the date on which the ordinance codified in this section shall take effect, the provisions thereof shall be controlling within the limits of the town of Columbine Valley, Colorado. (Ord. 9-1999 §1(part), 1999)

15.20.020 Definitions. For the purposes of this chapter:

A. Wherever the word "jurisdiction" is used in the Uniform Fire Code, it shall be held to mean the corporate boundary of the town.

B. Wherever the term "corporation counsel" is used in the Uniform Fire Code, it shall be held to mean the attorney for the town. (Ord. 1-1989 §1(part), 1989: prior code §6-5-3)

15.20.030 Establishment and duties of bureau of fire prevention. A. The Uniform Fire Code shall be enforced by the fire marshal of the fire department of the city of Littleton, Colorado.

B. The chief of the Littleton fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. (Ord. 1-1989 §1(part), 1989: prior code §6-5-2)

15.20.040 Fire zone established. Wherever the term "fire zone" is used it shall be recognized that the town shall be a single fire zone and the fire zone shall be ascertained and defined by reference to the official zoning map of the town as amended, changed or supplemented from time to time. (Ord. 5-1980 §1(part), 1980: prior code §6-5-4)

15.20.050 Storage of flammable or combustible liquids in outside above ground storage tanks. A. The limits referred to in Section 15.201 of the Uniform Fire Code, in which storage of flammable or combustible liquids in outside tanks is prohibited, are established as the corporate boundaries of the town.

B. The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are established as the corporate boundaries of the town. (Ord. 5-1980 §1(part), 1980: prior code §6-5-5)

15.20.060 Districts in which storage of liquified petroleum gas is restricted. The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which bulk storage of liquified petroleum gas is restricted, are established as the corporate boundaries of the town. (Ord. 5-1980 §1(part), 1980: prior code §6-5-6)

15.20.070 Districts in which storage of explosives and blasting is prohibited. The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which storage of explosives and blasting agents is prohibited, are established as follows: the corporate boundaries of the town. (Ord. 5-1980 §1(part), 1980: prior code §6-5-7)

15.20.080 Appeals. Whenever the chief fire marshal shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision to the board of adjustment of the town within thirty days from the date of the decision appealed. (Ord. 5-1980 §1(part), 1980: prior code §6-5-8)

15.20.090 New materials, processes or occupancies which may require permits. The fire marshal, the chief and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Ord. 5-1980 §1(part), 1980: prior code §6-5-9)

15.20.100 Interpretation. This chapter shall be so interpreted and construed as to effectuate its general purpose to make uniform the regulation of building and construction and fire safety within the town and by virtue of the codes adopted in this chapter. Article and section

headings of the ordinance and adopted codes shall not be deemed to govern, limit or modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof. (Ord. 5-1980 §1(part), 1980: prior code §6-5-10)

Chapter 15.24

MECHANICAL CODE*

Sections:

- 15.24.010 Adoption of code.
- 15.24.020 Amendments, modifications and changes.
- 15.24.030 Compliance required.
- 15.24.040 Alterations and additions.
- 15.24.050 Inspection.
- 15.24.060 Building inspector records.

15.24.010 Adoption of code. The Uniform Mechanical Code, 1997 Edition of the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, is adopted and enacted by reference with the same force and effect as though fully set forth herein as the mechanical code of the town of Columbine Valley to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. Two copies of such code are on file in the office of the town clerk and may be inspected during regular business hours. (Ord. 9-1999 §1(part), 1999)

15.24.020 Amendments, modifications and changes. The following amendments, modifications and changes are made in the provisions of the Uniform Mechanical Code, 1997 Edition herein adopted.

A. Subsection 1211.3 of the 1997 Uniform Mechanical Code is amended by the addition of a new paragraph 3 to read:

1211.3 No gas piping shall be installed in or on the ground under any building or structure. The term

***Editor's note**—Ord. No. 2-2011, §14, adopted March 15, 2011, changed the title of ch. 15.24 from "Uniform Mechanical Code" to "Mechanical Code."

"building or structure" shall include structures such as porches and steps, whether covered or uncovered. Driveways, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures and appurtenances

B. Table 1-1 of the 97 Edition of the Uniform Mechanical Code is amended to read:

Mechanical permit fee schedule is hereby repealed.
Fees shall be according to the Section 15.08.010(3) of the Columbine Municipal Code.

C. Subsection 115.3 of the 1997 Edition of the Uniform Mechanical Code is repealed in its entirety. Section 115.3 shall read:

115.3 Plan Review Fees: Plan review fees shall be according to the 1997 Edition of the Uniform Building Code.

D. Subsection 116.6 of the 1997 Edition of the Uniform Mechanical Code is repealed in its entirety. Section 116.6 shall read:

116.6 Re-inspection: Re-inspection fees shall be according to the 1997 Edition of the Uniform Building Code.

(Ord. 9-1999 §1(part), 1999: Ord. 7-1996 §1(part), 1996)

15.24.030 Compliance required. It is unlawful for any person to install, alter, repair or reconstruct any heating, ventilating, comfort cooling or refrigeration equipment within or on any public or private building within the town or cause the same to be done contrary to or in violation of any of the provisions of the Uniform Mechanical Code as adopted in this chapter. (Ord. 5-1980 §1(part), 1980: prior code §6-6-3)

15.24.040 Alterations and additions. It is unlawful for any person to install, alter, construct or repair any heating, ventilating, comfort cooling or refrigeration equipment in or to any building of the town without installing the same according to the provisions of the Uniform Mechanical Code as adopted or amended in this chapter. (Ord. 5-1980 §1(part), 1980: prior code §6-6-4)

15.24.050 Inspection. Upon the completion of the installation in any building of equipment for which a building permit is obtained it shall be the duty of the person, firm or corporation doing the same to notify the building inspector, who shall inspect the installation within twenty-four hours of the time such notice is given; and if it is found to be fully in compliance with the ordinance and does not constitute a hazard to life and property, he shall issue a certificate of inspection authorizing connection to the appropriate fuel or power supply. All installations referred to in this chapter which are to be hidden

from view shall be inspected before concealment, and the person, firm or corporation installing such shall notify the building inspector giving him twenty-four hours in which to make the required inspection before the wires are covered. (Ord. 5-1980 §1(part), 1980: prior code §6-6-5)

15.24.060 Building inspector records. The building inspector shall keep a record of all inspections made pursuant to this chapter. (Ord. 5-1980 §1(part), 1980: prior code §6-6-6)

Chapter 15.25

ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.25.010 Adoption of code.

15.25.010 Adoption of code. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition of the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California, 90601, is adopted and enacted by reference with the same force and effect as though fully set forth herein as the Uniform Code for the Abatement of Dangerous Buildings of the town of Columbine Valley to provide minimum standards to safeguard life or limb, health, property and public welfare by providing a just, equitable and practicable method whereby buildings or structures which from any cause may endanger life, limb, health, morals or safety, be required to be repaired, vacated or demolished. (Ord. 9-1999 §1(part), 1999: Ord. 7-1996 §1(part), 1996)

Chapter 15.26

VIOLATION--PENALTY

Sections:

15.26.010 Penalties.

15.26.020 Application of chapter.

15.26.010 Penalties. The following penalties, herewith set forth in full, shall apply to Ordinances 7-1996 and 9-1999, as codified in Chs. 15.08, 15.16, 15.20, 15.24, 15.25 and this chapter:

A. It is unlawful for any person to violate any of the provisions stated or adopted in Ordinances 7-1996 and 9-1999, or in the codes adopted in Ordinances 7-1996 and 9-1999.

B. Every person convicted of any violation of any provisions stated or adopted in Ordinances 7-1996 and 9-1999 or by the codes adopted therein shall be punished by a fine not exceeding three hundred dollars, or by imprisonment not exceeding ninety days or by both such fine or imprisonment. (Ord. 9-1999 §2, 1999; Ord. 7-1996 §2, 1996)

15.26.020 Application of chapter. The ordinance codified in this chapter (Ordinance 7-1996) and the codes adopted therein shall apply to every dwelling or structure under construction or to be constructed in the future, and will be appropriate to existing buildings or structures contained within the corporate boundaries of the town of Columbine Valley, the construction or use of which this municipality has jurisdiction and authority to regulate. (Ord. 7-1996 §3, 1996)

Chapter 15.28ENERGY CODESections:

15.28.010 Colorado Model Energy Code--Adopted--Copies on file.

15.28.010 Colorado Model Energy Code--Adopted--Copies on file. The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, published by the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), 345 East 47th, New York, New York 10017, in order to obtain uniformity in the regulation of construction of nonresidential buildings in a manner which maximizes the efficient use of energy in order to conserve energy and promote the implementation of the Natural Energy Policy is adopted and enacted by reference as though fully set forth herein as the energy code of the town. Three certified copies of the code are on file in the office of the town clerk and may be inspected during regular business hours. (Ord. 3-1981 §1(part), 1981)

Chapter 15.32SOLAR ENERGY CODESections:

15.32.010 Adopted--Copies on file.

15.32.010 Adopted--Copies on file. The Recommended Requirements to Code Officials for Solar Heating, Cooling and Hot Water Systems as developed under the sponsorship of the Council of American Building Officials (CABO) to encourage state and local building code agencies to provide for reasonable protection of the public health and safety, while at the same time encouraging consumers, builders, designers, manufacturers, installers and others to utilize solar energy technologies while permitting experimentation and innovation is adopted and enacted by reference with the same force and effect as though fully set forth herein as the solar energy code of the town. Three certified copies of the code are on file in the office of the town clerk and may be inspected during regular business hours. (Ord. 3-1981 §1(part), 1981)

Chapter 15.36FLOODPLAIN DISTRICTSections:

- 15.36.010 Statutory authorization.
- 15.36.020 Findings of fact.
- 15.36.030 Statement of purpose.
- 15.36.040 Definitions.
- 15.36.050 Methods of reducing flood losses.
- 15.36.060 Applicability.
- 15.36.070 Basis for establishing flood hazard areas.
- 15.36.080 Compliance.
- 15.36.090 Abrogation and greater restrictions.
- 15.36.100 Interpretation.
- 15.36.110 Warning and disclaimer of liability.
- 15.36.120 Development permit.
- 15.36.130 Building commissioner--Designated.
- 15.36.140 Building commissioner--Duties and responsibilities--Generally.
- 15.36.150 Building commissioner--Permit review.
- 15.36.160 Use of other base flood data.
- 15.36.170 Information to be obtained and maintained.
- 15.36.180 Alteration of watercourses.
- 15.36.190 Interpretation of FIRM boundaries.
- 15.36.200 Board of adjustment.
- 15.36.210 Variances--Conditions.
- 15.36.220 Nonconforming uses.
- 15.36.230 Flood hazard reduction--General standards.
- 15.36.240 Anchoring.
- 15.36.250 Construction materials and methods.
- 15.36.260 Utilities.
- 15.36.270 Subdivision proposals.
- 15.36.280 Specific standards.
- 15.36.290 Residential construction.
- 15.36.300 Nonresidential construction.
- 15.36.310 Floodways.
- 15.36.320 Manufactured homes.
- 15.36.330 Inspections--Remedial action.
- 15.36.340 Violation--Penalty--Remedies.

15.36.010 Statutory authorization. The legislature of the state has in CRS Title 31, 1973, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(A)(1))

15.36.020 Findings of fact. A. The flood hazard areas of the town are subject to periodic inundation which

result in possible loss of life, loss of property, health and safety hazards, possible disruption of commerce, disruption of governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(A)(2))

15.36.030 Statement of purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designated:

- A. To protect human life and health;
- B. To minimize expenditure of public money for costly flood control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets; and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(A)(3))

15.36.040 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Appeal" means a request for a review of the building commissioner's interpretation of any provision of this chapter or a request for a variance.

"Area of shallow flooding" means a designated AO zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident.

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

"Base flood" means the flood having a one percent chance of being equalled or exceeded in any given year.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land area from:

1. The overflow of inland or tidal waters; and/or
2. The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, and which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. This term

also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty consecutive days.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this chapter.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations or of the NFIP standards in Sections 60.3, 60.4, 60.5 or 60.6.

"Remedy a violation" means to bring into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of its non-compliance. Ways that impact may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

"Structure" means a walled and roofed building or manufactured home that is principally above ground.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the assessed value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Standards Sections 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4) or (e)(5) is presumed to be in violation until such time as the documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) for 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(B))

15.36.050 Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights and velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(A)(4))

15.36.060 Applicability. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(1))

15.36.070 Basis for establishing special flood hazard areas. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for the Town of Columbine Valley," dated August 16, 1995, with an accompanying Flood Insurance Rate Map is adopted by reference and declared to be a part of the ordinance codified in this chapter. The Flood Insurance Study is on file at the town offices, 5931 S. Middlefield, Suite 101, Columbine Valley, Colorado 80123. (Ord. 5-1995 §1, 1995: Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(2))

15.36.080 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(3))

15.36.090 Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(4))

15.36.100 Interpretation. In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(5))

15.36.110 Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create

liability on the part of the town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(C)(6))

15.36.120 Development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.36.070. Application for a development permit shall be made on forms furnished by the Town and shall include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; itemization of development costs, i.e., labor and materials, etc.; existing or proposed structures, fill, storage of materials and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Elevation in relation to mean sea level, for the lowest floor (including basement) of all structures;

B. Elevation in relation to mean sea level to which any structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.36.300; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

E. Persons applying for a development permit shall pay for planning and engineering review services and other consultant fees, including, without limitation, legal fees and other costs and expenses incurred by the town and made necessary as a result of said application and including an application fee of three hundred dollars. The applicant shall make an initial deposit with the Town at the time the application is filed with the town. The initial deposit shall be one thousand dollars. The town shall have the right and authority to make disbursements from said deposit at its sole discretion to cover the town's cost for planning and engineering review services, attorney, sales tax and other consultant fees and other costs and expenses including the three hundred dollars application fee incurred with regard to said application. Any balances re-

maining following approval, denial or withdrawal of said application shall be returned to the applicant without interest. In the event said funds are exhausted before final disposition of said application, the applicant shall make a supplemental deposit with the town in a reasonable amount to cover future costs and expenses, as determined by the town clerk, based on past expenditures. Failure to make necessary supplemental deposits shall cause the application process to cease until the required deposits are made. The town clerk, with cause, may reduce the amount of the initial deposit; however, the applicant shall remain responsible for the actual cost of the planning and engineering review services, sales tax and other consultant fees, including, without limitation, legal fees and other costs and expenses incurred by the town.

F. If the town incurs costs and expenses beyond the amount deposited with the town and the applicant does not pay those costs and expenses within ten days after written notice from the town, then, in addition to the other remedies the town may have, the town shall be entitled to a lien on the property that is the subject of the application, and the town may elect to certify the assessed costs and expenses to the office of the county treasurer for collection in the same manner as general property taxes are collected. Such lien shall be perfected and foreclosed upon in accordance with applicable state laws. (Ord. No. 4-2009, §§1, 2, 10-20-2009; Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D)(1))

15.36.130 Building commissioner--Designated. The building commissioner of the town is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D)(2))

15.36.140 Building commissioner--Duties and responsibilities--Generally. Duties of the building commissioner shall include, but not be limited to those listed in Sections 15.36.150 through 15.36.190. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D)(3)(part))

15.36.150 Building commissioner--Permit review. The building commissioner shall:

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

B. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

C. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 15.36.310A are met. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D)(3-1))

15.36.160 Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 15.36.070, the building commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer Sections 15.36.290 and 15.36.300. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D) (3-2))

15.36.170 Information to be obtained and maintained. The building commissioner shall:

A. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;

B. For all new or substantially improved floodproofed structures:

1. Verify and record the actual elevation (in relation to mean sea level), and

2. Maintain the floodproofing certifications required in Section 15.36.300C; and

C. Maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D) (3-3))

15.36.180 Alteration of watercourses. The building commissioner shall:

A. Notify adjacent communities, the Urban Drainage and Flood Control District, and the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency; and

B. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D) (3-4))

15.36.190 Interpretation of FIRM boundaries. The building commissioner shall make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sections 15.36.200 and 15.36.210. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D) (3-5))

15.36.200 Board of adjustment. A. The board of adjustment as established by the town shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The board of adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the building commissioner in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the board of adjustment, or any taxpayer, may appeal such decision to inquiry by the Arapahoe District Court pursuant to the provisions of Rule 106 of Colorado Rules of Court Procedure.

D. In passing upon such applications, the board of adjustment shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The damage to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subparagraphs 1 through 11 of subsection D of this section have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors of subsection D of this section, and the purposes of this chapter, the board of adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The building commissioner shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. (Ord. 4-1989 \$1(part), 1989: prior code \$7-2-12(D)(4-1))

15.36.210 Variances--Conditions. A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance will result in exceptional hardship to the applicant;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 15.36.200(D) or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.

F. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base level providing subdivisions 1 through 11 of Section 15.36.200D have been fully considered. As the lot increases beyond one-half acre, the technical justification required for issuing the variance increases. (Ord. 4-1989 \$1(part), 1989: prior code \$7-2-12(D)(4-2))

15.36.220 Nonconforming uses. The provisions of this chapter shall not apply to or affect:

A. Any fixed building or structure already lawfully in place or the terms or conditions of any lawful permit al-

ready granted at the time of the enactment of this chapter; provided that, in the event of the discontinuance of use or destruction or damage in major part of a nonconforming building or structure, its reconstruction or replacement shall be considered a new use and be governed by the other applicable provisions of this action.

B. Any device or structure reasonably necessary for the diversion or storage of water or for flood control or prevention. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(D) (4-3))

15.36.230 Flood hazard reduction--General standards. In all areas of special flood hazards the following standards in Sections 15.36.240 through 15.36.270 are required. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E) (part))

15.36.240 Anchoring. A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure and to withstand hydrodynamic loads.

B. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind force. Specific requirements may be:

1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

4. Any additions to the manufactured home be similarly anchored. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E) (1-1))

15.36.250 Construction materials and methods. A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are

subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E) (1-2))

15.36.260 Utilities. A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

D. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E) (1-3))

15.36.270 Subdivision proposals. A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less). (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E) (1-4))

15.36.280 Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 15.36.070 and 15.36.160, the following provisions in Sections 15.36.290 through 15.36.320

are required. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E)(2))

15.36.290 Residential construction. A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. It is required within any AO and AH zone of the FIRM that all new construction and substantial improvements of residential structures have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).

C. It is required within Zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E)(2-1))

15.36.300 Nonresidential construction. A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection. Such certifications shall be provided to the official as set forth in Section 15.36.170B2;

B. Require within any AO and AH Zone on the FIRM that all new construction and substantial improvements of nonresidential structures (1) have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (2) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsections A1 and A2 of this section;

C. Require within Zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E)(2-2))

15.36.310 Floodways. Located within areas of special flood hazard established in Section 15.36.070 are areas des-

ignated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Sections 15.36.230 through 15.36.310. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E)(2-3))

15.36.320 Manufactured homes. A. Manufactured homes shall be anchored in accordance with Section 15.36.240B.

B. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(E)(2-4))

15.36.330 Inspections--Remedial action. A. The town building commission or its authorized representatives is empowered and directed to inspect and examine the use, occupation or development of designated floodplains within the town for the purpose of determining from time to time whether or not such use, occupation or development is in violation of any of the provisions of this chapter or of any development permit issued or required pursuant to Section 15.36.120.

B. If a violation shall be found to exist, the building commission or its authorized representatives shall by written order direct that such remedial action be taken forthwith as will result in full compliance with the applicable provisions of this chapter; provided, however, that the issuance of such order shall in no way or manner be deemed a prerequisite to the institution of such enforcement proceedings as are hereinbelow set forth; and provided, further, that compliance with such order shall not necessarily be deemed to be a defense to any alleged violation of this chapter in any court action instituted seeking full compliance therewith, but evidence of compliance with such order may be introduced as pertinent to mitigation and extenuation. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(F)(1))

15.36.340 Violation--Penalty--Remedies. A. Any person, firm or corporation, whether as principal, agent, em-

ployee or otherwise, who shall use, occupy or develop any portion of any designated floodplain in violation of any provision of this chapter shall be fined an amount not to exceed one hundred dollars for each violation, such fine to inure to the town. Each day during which such illegal use, occupation or development continues shall be deemed a separate offense.

B. If any such use, occupation or development shall occur in violation of any provision of this chapter, or the applicable statutes of the state, the board of trustees or any person who may be injured by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful use, occupation or development, and the fine provided for may be recovered in that same civil action wherein such injunction, mandamus or abatement is sought, or separate and distinct proceedings may be instituted seeking varying forms of relief, as the law may allow. (Ord. 4-1989 §1(part), 1989: prior code §7-2-12(F)(2))

Chapter 15.40

SWIMMING POOLS

Sections:

- 15.40.010 Compliance required.
- 15.40.020 Definitions.
- 15.40.030 Permit--Required.
- 15.40.040 Location.
- 15.40.050 Water supply.
- 15.40.060 Discharge system--Fees and permits.
- 15.40.070 Disinfection.
- 15.40.080 Bacteriological standards.
- 15.40.090 Accessory buildings.
- 15.40.100 Fencing.

15.40.010 Compliance required. It is unlawful for any person to construct, operate, or maintain within the town limit any private or semiprivate swimming pool unless the same complies with the requirements of this chapter. (Ord. 5-1980 §1(part), 1980: prior code §6-8-1)

15.40.020 Definitions. As used in this chapter, the following words or phrases shall have the following meanings:

"Board of health" means the Tri-County District Health Department.

"Health officer" means the appropriate officer of the Tri-County Health Department.

"Private swimming pool" means any artificially constructed pool designed, used and maintained for swimming purposes by an individual for use by his household and guests and located on a lot as an accessory use to a residence. The term "artificial constructed pool" means a pool composed entirely of artificial construction.

"Semiprivate swimming pool" means a swimming pool for use by guests or bona fide members of a club, association or other such organization whose purpose is in whole or in part the ownership and operation of such swimming pool.

"Wading pool" means any artificially constructed pool not designed or used for swimming, with a maximum area of one hundred twenty square feet and a maximum water depth of twenty-four inches. (Ord. 5-1980 §1(part), 1980: prior code §6-8-2)

15.40.030 Permit--Required. A. No swimming pool or wading pool shall be constructed without first obtaining a building permit from the building commissioner. Application for permit shall be made by the property owner, or the contractor who is to perform the construction work, in accordance with Section 15.08.070. The plot plan shall show the accurate location of the proposed swimming pool on the property in relation to the property lines, together with any proposed bath houses or cabanas. The plot plan shall also show the location, height and type of all existing fencing or walls on the boundary lines of the property, together with the type and height of such fencing or enclosure as may be required to prevent within reason, any person from gaining access beneath, over or through the fence when the pool is unguarded or unattended.

B. In addition to the requirements of Section 15.08.070, approval of the plans, specifications and plot plan must be obtained from the county health officer and such approval properly certified on the plans. Such approval must be obtained directly from the county health officer by the applicant.

C. A building permit fee shall be paid to the town based on Section 15.08.030.

D. All material used in the construction of private or semiprivate swimming pools and wading pools shall be waterproof and easily cleaned. Construction and design of the pools shall be such that same may be so maintained and operated as to be clean and sanitary at all times. The owners of every private swimming pool shall be responsible to maintain the pool in such condition as to prevent breaks in the pool chassis or water from the pool overflowing into adjacent public or private property. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(1))

15.40.040 Location. A. Private swimming pools or wading pools shall be:

1. Permitted only in the rear of a residence;
2. Located no closer to the side and rear property lines than twenty-five feet, and the perimeter of the required fencing shall be located no further than such set-back dimensions.

B. Every semiprivate pool shall be located not less than forty feet from a public street or road and not less than eighty feet from any adjacent or abutting private property. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(2))

15.40.050 Water supply. There shall be no physical connection between a potable public or private water supply system and the aforementioned semiprivate, private or wading pools unless construction of such pools provides for installation of an anti-backflow device. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(3))

15.40.060 Discharge system--Fees and permits. All private or semiprivate swimming pools constructed within the town shall be provided with one drainage outlet, not in excess of three inches in diameter, extending from such pool to either a brook, storm sewer or lawn sprinkling system on the premises on which such private pool is located. The discharge of water from such private or semiprivate swimming pools into a brook or sewer system shall be permitted only by approval of the proper state, county and federal officials as each requires. No pool drain shall be connected directly into any sanitary sewer system, unless a sewer tap permit is obtained; provided, that, such swimming pools may be drained into a floor drain through a maximum two-inch wide outlet maintaining an air gap. Each time that any swimming pool is drained, a drainage permit must first be obtained from the building inspector and the pool must be drained during the time specified on the drainage permit. Waste water from back washing the filters may be drained through a floor drain or through a sandtrap, or both, without a permit. The discharge of water from a swimming pool at the curb or upon the surface of any street is prohibited. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(4))

15.40.070 Disinfection. All private or semiprivate swimming pools shall be treated with chlorine or its compounds in sufficient quantity so that there will be present in the water at all times when the pool is in use, a residual of excess chlorine of not less than 0.20 parts per million of available free chlorine. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(5))

15.40.080 Bacteriological standards. A. Not more than twenty percent of the samples of water taken from any

private or semiprivate swimming pool, when more than twenty samples have been examined, and not more than three samples when less than twenty samples have been examined, shall contain more than two hundred bacteria per cubic centimeter or shall show positive test (confirmed) for coliform in any of five 10-cubic centimeter portions of water at times when the pool is for use. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The board of health is authorized to take samples to insure compliance with these requirements.

B. The responsibility for maintaining these standards rests upon the owners of private and semiprivate pools. The town may at its discretion authorize the board of health to take samples from time to time to insure compliance; the cost thereof shall be for the account of the owners. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(6))

15.40.090 Accessory buildings. A. Locker rooms, bath houses, shower rooms, toilets, runways, and all other physical facilities or equipment incidental to the operation of any private or semiprivate swimming pool shall be kept in a sanitary condition at all times.

B. Pool tent or bubble type covers to permit winter time use are prohibited. (Ord. 5-1980 §1(part), 1980: prior code §6-8-3(7))

15.40.100 Fencing. All private or semiprivate swimming pools hereafter constructed or installed within the town shall be enclosed by a substantial solid wood, wrought iron, or brick fence, or combination thereof no more than five feet in height (private pools) and no less than five feet in height nor more than nine feet in height (semiprivate). The fence shall be so constructed as to prevent, within reason, any person from gaining access beneath, over or through the fences and which shall have gates or doors of the same height as the fence, with facilities for locking the gate or door at all times when the pool is unguarded, unattended, or not in actual use. A sign of not more than three feet in area, reading "Private - No Admittance," shall be placed on the outside of any such gate or door leading into such private swimming pool or semiprivate swimming pool. (Ord. 10-1988 §1, 1988: Ord. 8-1988 §1, 1988: Ord. 5-1980 §1(part), 1980: prior code §6-8-9)

Chapter 15.44TRAFFIC IMPACT STUDYSections:

15.44.010 Study required prior to certain permit issuance.

15.44.020 Board of trustees examination of study.

15.44.010 Study required prior to certain permit issuance. No PUD application, rezoning application, and no application for a building permit for any multiple dwelling project shall be approved or granted until the applicant has first filed with the board of trustees a traffic study showing the impact and effect of the development or project on the streets in the town and the public highways and roads in the surrounding area. (Ord. 56-1973 §1, 1973)

15.44.020 Board of trustees examination of study. At the next regular meeting of the board of trustees after the filing of such study or any adjournment thereof, or a special meeting of the board of trustees, should the mayor determine to call such special meeting, the board shall examine such report and study and make such other and further study as it may deem necessary. Thereafter, when the board of trustees is fully advised in the premises, it may grant or deny the application of the PUD application, rezoning application, or the application for a building permit in any multiple dwelling project based upon its findings as to the affect that such development or project may have upon existing and future traffic conditions. (Ord. 56-1973 §2, 1973)

Chapter 15.50LICENSING AND REGISTRATION OF
CONSTRUCTION SUPERVISORSSections:

- 15.50.010 Purpose--Applicability.
- 15.50.020 Exceptions.
- 15.50.030 Authority of building commissioner.
- 15.50.040 Classification of licenses.
- 15.50.050 Classification of registration certificates.
- 15.50.060 Licenses and registration certificates--Regulations.
- 15.50.070 License and registration certificate--Holders' responsibilities.
- 15.50.080 License or registration certificate--Changes.
- 15.50.090 Suspension or revocation.
- 15.50.100 Immediate suspension when imminent hazard.
- 15.50.110 Employer liability.

15.50.010 Purpose--Applicability. This chapter provides for the licensing and registration of construction supervisors or individuals who are defined as follows:

Any person, who supervises or is ultimately responsible for any classification of work as specified in Section 15.50.040 or 15.50.050 or who undertakes by himself within the town, any work that shall require a building permit as outlined in the Model Codes as may be adopted in this code, or who supervises or performs such work for which a license or registration certificate is required under any provision of this chapter, for a fixed sum, price, fee, percentage, trade in kind, or other compensation, including cost of the materials or labor or any combination thereof. (Ord. 5-1994 §1(part), 1994)

15.50.020 Exceptions. A. Public utility companies shall not be required to obtain the licenses or registration certificates described in this chapter when engaged in the installation, operation and maintenance of their equipment used for the production, generation or distribution of the utility product or service through the facilities owned or operated by the utility company to the point of consumer service.

B. A homeowner shall not be required to obtain the license or registration certificates described in this chapter to build, construct, alter, repair, add to or demolish a residential occupancy, garage or a structure associated with residential properties, provided:

1. That said person owns, occupies and uses said building for his own living purposes; and

2. That building construction, alteration, repair, addition or demolition by the owner shall be subject to the permit requirements of those Model Codes as adopted in this code.

C. Homeowners, individuals or construction supervisors shall not be required to obtain licenses described in this chapter to build, repair or maintain fences, signs or awnings.

D. Building owners or their tenants of commercial structures shall not be required to obtain licenses described in this chapter for work done by themselves to their building or any portion thereof which is not an addition, which does not affect the existing requirements of the Uniform Building Code, and which does not affect the structural frame of such building or any electrical, plumbing or mechanical system contained therein. For the purposes of the exclusion, "structural frame" and "addition" shall be defined as specified in the Uniform Building Code.

Nothing contained in this subsection shall be construed as exempting any construction activities from the permit requirements of those Model Codes adopted in this code. (Ord. 5-1994 §1(part), 1994)

15.50.030 Authority of building commissioner. A. The building commissioner of the town, hereinafter in this chapter referred to as the "commissioner," is vested with the authority to establish written testing and licensing procedures, to qualify applicants for licenses, and to authorize, issue and renew licenses. The commissioner may recommend the suspension or revocation of licenses to the board of adjustment (hereinafter referred to as the "board") or summarily suspend such license as provided for in this chapter.

B. The commissioner is vested with the authority to qualify applicants or registration certificates and to authorize the issuance and renewal of such certificates. The commissioner may recommend the suspension or revocation of registration certificates to the board or summarily suspend such certificates as provided for in this chapter. (Ord. 5-1994 §1(part), 1994)

15.50.040 Classification of licenses. The definitions shall be taken from the Uniform Building Code.

A. Building contractor Class "A": to erect, add to, alter, demolish or repair any building or structure.

B. Building contractor Class "B": to erect, add to, alter, demolish or repair any structure or building except those buildings of Type I or Type II F.R.

C. Building contractor Class "C": to erect, add to, alter, demolish or repair any Group R-3 or Group M occupancy building.

D. Building contractor Class "D": to perform such work specialties as may be listed and on file with the commissioner. (Ord. 5-1994 §1(part), 1994)

15.50.050 Classification of registration certificates. There shall be two classes of registration certificates and the holders thereof shall be authorized to perform the following:

A. Electrical contractor: to install, alter, repair, renovate or add to electrical wiring, appliances or apparatus for the purpose of electrical light, heat, power or signal systems or other purposes within or affixed to any building or structure.

B. Plumbing contractor: to install, alter, repair, renovate or add to any plumbing fixtures, gas or drainage piping, water heating or treating equipment connected to a public or private potable water distribution system or any public or private sewer system. (Ord. 5-1994 §1(part), 1994)

15.50.060 Licenses and registration certificates--Regulations. A. Required. A license or registration certificate is authority granted to the individual to whom it is issued to perform only such work as is authorized by said license or registration certificate. Every person doing or causing any work to be done as specified in Sections 15.50.010 and 15.50.020 shall always have or shall always employ as a supervisor of such work a person licensed to do such work or hold a certificate to do such work. The proper license or registration certificates shall be required for any type of work described in this chapter. Performing work which requires a license or registration certificate without having such a license or registration certificate is declared to be a criminal offense subject to the general penalty of this code. No building permit(s) shall be issued until a proper license(s) or registration certificate(s) is presented to the commissioner for the work to be done. Any building permit(s) issued shall be suspended if there are no current licenses or registration certificate holders.

B. Application. Every applicant for a license or registration certificate shall apply in accordance with and on forms supplied by the commissioner. In the case of applications for licenses, the name of the license applicant, the applicant's present employer and three references of jobs completed within the past five years shall appear on the application. In the case of applications for regis-

tration certificates, the name of the appropriate qualified master electrician, or master plumber shall appear on the application.

C. Proof of State License Required. Every applicant for a registration certificate shall be required to present with the application his valid state of Colorado master electricians' license, his valid electrical contractor licenses or a master plumbers' license issued by the state.

D. Proof of Insurance Required. Every applicant for any license or registration certificate shall submit proof of current liability insurance, which shall remain in effect during the period of the license or registration certificate in the minimum amount of five hundred thousand dollars for a single occurrence for building Class "A" and "B" licenses and three hundred thousand dollars for single occurrence for building Class "C" and "D" licenses and registration certificate holders. Certificates of said insurance coverage shall be supplied to the commissioner. Fulfillment of the insurance requirements herein described may be made by submitting proof of such insurance carried by the applicant employer.

1. The insurance policy submitted by the applicant in compliance with this section must be approved by the commissioner prior to the issuance of the requested license or registration certificate. Such insurance policy, along with written evidence of payment of required premiums, shall be filed and maintained with the commissioner during the term of the license or registration certificate.

2. All insurance policies and insurance certificates maintained pursuant to this section shall contain the following endorsement:

It is hereby understood and agreed that this insurance policy may not be canceled nor the intention not to renew be stated except upon thirty (30) days' written notice to the Town of Columbine Valley, Building Commissioner.

E. Examination and Fee Required. Every applicant for a license shall take an examination administered by the commissioner. Before taking the examination, the applicant shall pay the commissioner an examination fee of thirty dollars. The fee shall not be refundable. If the applicant has complied with this section and successfully passes the examination, the commissioner shall, within a reasonable time, issue the license.

F. Waiver of Examination. The building commissioner, or his designee may waive the license examination and testing fee if the applicant satisfactorily demonstrates his competency. In determining when a test may be waived, said persons shall consider:

1. Whether the applicant has been issued a similar license in another jurisdiction in the state of Colorado within three years which has not been suspended or revoked;

2. Whether the applicant has passed a similar test in another jurisdiction in the state of Colorado within three years;

3. Whether the applicant has ever been convicted, pled guilty or no contest to a violation of any provisions of the building codes;

4. Whether there are sufficient objective criteria for testing purposes for the specific license requested; and

5. Whether recent examples of the applicant's work reflects his competency to construct in conformance with the town's building codes and ordinances.

G. Annual Fee. After approval and before the issuance of a license or plumbing contractor registration certificate, and every year thereafter on or before December 31st, the applicant shall pay a fee to the town as follows: In a case of a plumbing contractor or an electrical contractor registration certificate, a fee of fifty dollars; and in the case of a license, the fee specified in Table 1 below. License or registration fees shall not be refundable.

Table 1

License Fee

Building Class "A"	\$150.00
Building Class "B"	100.00
Building Class "C"	75.00
Building Class "D"	50.00

(Ord. 5-1994 §1(part), 1994)

15.50.070 License and registration certificate--Holders' responsibilities. All licensees and registration certificate holders shall be responsible for performing the work under the provisions of this chapter including, but not limited to, the following items:

A. To provide minimum safety measures and equipment to protect workmen and the public;

B. To have in their possession, at all times, the license(s) or registration certificate(s) for work they are performing;

C. To present the license(s) or registration certificate(s) when requested by the commissioner or any peace officer;

D. In the case of a registration certificate holder, to employ an appropriate qualified supervisor as required by the state of Colorado;

- E. To obtain permits when required;
- F. To faithfully construct, without departure from the drawings and specifications filed and approved by the commissioner and permit issued for same, unless any such departure is previously approved by the commissioner in writing;
- G. To obtain inspections services when required by this code or any Model Codes adopted herein;
- H. To obey any order or notice issued under the authority of this code or any Model Codes adopted herein;
- I. To pay fees assessed under the authority of this code or any Model Codes adopted herein;
- J. To provide toilet facilities prior to and during construction or demolition. (Ord. 5-1994 §1(part), 1994)

15.50.080 License or registration certificate--
Changes. A license or registration certificate holder shall notify the commissioner personally or by mail of any change of his name, change of employer's name, or change of any of the above's addresses within fifteen days after said change. In the case of notification by mail, notification shall be completed upon receipt. (Ord. 5-1994 §1(part), 1994)

15.50.090 Suspension or revocation. A. Definitions.

1. "Suspension" means that the authority of the licensee or registration certificate holder to perform or supervise work as authorized by the license or registration certificate, is temporarily withdrawn for any period of time from twenty-four hours, up to and including, but not to exceed six months.

2. "Revocation" means that the license or registration certificate shall become null and void. The licensee or registration certificate holder may not reapply for a new license or registration certificate until one year from the date of revocation.

B. The board may suspend or revoke a license or registration certificate when the licensee or registration certificate holder commits one or more of the following acts or omissions:

1. Fails to comply with any of his responsibilities as outlined in this chapter;

2. Knowingly conspires with a person to permit his license or registration certificate to be used by another person;

3. Acts in any capacity with persons to evade any of the provisions of this chapter;

4. Violates any provision of the Model Codes as may be in effect pursuant to this code;

5. Fails to obtain required building permits;

6. Fails to request inspections as required by any Model Code as may be in effect pursuant to this code;

7. Fails to observe stop work and/or correction notices;

8. Knowingly, wilfully or repeatedly issues checks for payment of building permits and fees which are dishonored for any reason;

9. Conviction of any felony;

10. Fraud in taking the contractor's test;

11. Misrepresentation on the application; or

12. Fails to complete work in a timely manner or without justification.

C. Whenever a written complaint is filed with the board by the commissioner, charging any licensee or registration certificate holder with the violation of any provision of this chapter, the board shall issue and cause to be served upon such licensee or registration certificate holder a copy of the commissioner's complaint and a written notice of hearing and order to show cause, either by personal delivery or by first class mail, why his license or registration certificate should not be suspended or revoked.

D. A hearing shall be held at a place and time designated by the board on the day stated in the notice or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying thereto. The licensee or registration certificate holder, in person or by counsel, shall then be permitted to give evidence in defense, explanation or mitigation. In the event the licensee is found to have committed the violation charged, or any other violation, evidence in aggravation of the offense shall also be permitted.

E. If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the licensee or registration certificate holder, but standing alone establishes the guilt of the licensee or registration certificate holder of a violation of some other pertinent law, the licensee or registration certificate holder shall be permitted to give evidence in defense, explanation or mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the licensee or registration certificate holder, the licensee or registration certificate holder shall state the substance thereof and upon his request the hearing may be recessed for not more than ten days, and shall then continue under the same procedure as though no recess had occurred.

F. In the event the licensee or registration certificate holder is found not to have violated any provisions of this chapter, the charges against him will be dismissed.

If the licensee is found to have violated some provision of this chapter, his license may be suspended or revoked in the discretion of the board. (Ord. 5-1994 §1(part), 1994)

15.50.100 Immediate suspension when imminent hazard.

A. If the building commissioner find that an imminent hazard to life, health, property or public welfare exists, he may enter an order for immediate suspension or revocation of the license or registration certificate pending further investigation or hearing before the board. The building commissioner shall, with reasonable speed, notify the party in writing by personal delivery or by first class mail, of the details, facts and reasons on which the immediate suspension or revocation is based.

B. The license or registration certificate shall be suspended during the pendency of the hearing before the board.

C. The building commissioner may vacate an immediate suspension or revocation order should the party satisfactorily show to the building commissioner that no imminent hazard to life, property or the public welfare exists. (Ord. 5-1994 §1(part), 1994)

15.50.110 Employer liability. A. In addition to those penalties which may be imposed against individual licensees or registration certificate holders pursuant to this chapter, the employer of any licensee or registration certificate holder, whose license or registration certificate is suspended, shall lose its privilege of doing any business in the town for which a permit is required by those Model Codes, for the same amount of time as the suspension imposed against its employee.

B. In addition to those penalties which may be imposed against individual licensees or registration certificate holders pursuant to this chapter, the employer of any licensee or registration certificate holder whose license or registration certificate is revoked, shall be ineligible to do any business in the town which requires a permit pursuant to those Model Codes for a period of one year.

C. An employer shall be given notice of the hearing concerning the possible suspension or revocation of its employee's license or registration certificate and an opportunity to be heard in the same manner as provided in subsections C, D, and F of Section 15.50.090 of this chapter. (Ord. 5-1994 §1(part), 1994)

Title 16
SUBDIVISIONS
(RESERVED)

Title 17ZONINGChapters:

<u>17.04</u>	<u>General Provisions</u>
<u>17.08</u>	<u>Definitions</u>
<u>17.12</u>	<u>Zoning Map--Districts Established</u>
<u>17.16</u>	<u>Administrative Provisions</u>
<u>17.20</u>	<u>R-1 Residential One District</u>
<u>17.24</u>	<u>R-A Residential-Agricultural District</u>
<u>17.28</u>	<u>T Transitional District</u>
<u>17.32</u>	<u>P-O-R Park, Open and Recreational District</u>
<u>17.36</u>	<u>P-D Planned Development District</u>
<u>17.38</u>	<u>PDE Planned Development Equestrian District</u>
<u>17.40</u>	<u>Regulations Applicable to All Districts</u>
<u>17.44</u>	<u>Nonconforming Uses</u>
<u>17.48</u>	<u>Board of Adjustment</u>
<u>17.52</u>	<u>Amendments</u>
<u>17.56</u>	<u>Vested Property Rights</u>
<u>17.60</u>	<u>Violations--Penalties</u>

Chapter 17.04GENERAL PROVISIONSSections:

17.04.010	Short title.
17.04.020	Authority.
17.04.030	Purpose.
17.04.040	Territorial limits of regulations.
17.04.050	Interpretation.

17.04.010 Short title. The ordinance codified in this title shall be known and may be cited and referred to as the "zoning ordinance." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.04.020 Authority. This chapter is authorized by CRS Article 23, Chapter 31, 1973 as amended, and is declared to be in accordance with all provisions of these statutes. The board of trustees further recognizes that the zoning districts R-1, R-A T and P-D set forth in this title were existing at the time of its adoption and zoning district P-O-R is a new district established in 1979 all being recited in Chapter 17.20. (Ord. 3-1980 §1(part), 1980: prior code §7-2-1)

17.04.030 Purpose. A. The town recognizes that zoning is ultimately a local and municipal matter and has enacted the ordinance codified in this title to encourage the most appropriate use of land throughout the town and to insure a logical growth of the various physical elements of the town to designate, regulate and restrict the location and use of buildings, structures and land for residence and commerce, or other purposes; to regulate and limit the height, number of stories, and size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces and to regulate and limit the density of population; and for the purposes to divide the town into zoning districts of such number, shape, locations, and area as may be deemed best suited to carry out these regulations and provide for their administration, enforcement, amendment and judicial review.

B. Such regulations are deemed necessary in order to conserve and stabilize the value of property; to provide adequate open spaces for light and air, and to secure safety from fire, flood, and other dangers; to prevent undue concentration of population; to lessen congestion on streets; to facilitate adequate provisions for community utilities and facilities such as transportation, water, sewerage and other services; to promote the development of convenient and beneficial uses, including commercial and residential facilities necessary and desirable for the public convenience and welfare; and to promote health, safety, morals and the general welfare, all in accordance with a comprehensive plan. (Ord. 3-1980 §1(part), 1980: prior code §7-2-3)

17.04.040 Territorial limits of regulations. All of the regulations, requirements, limitations and provisions of this title shall extend and apply only to land within the corporate limits of the town. (Ord. 3-1980 §1(part), 1980: prior code §7-2-4)

17.04.050 Interpretation. In interpreting and applying the provisions of this title, they shall be held to be the minimum requirements for the promotion of the public health, safety, morale, comfort and general welfare. It is not intended by this title to interfere with, abrogate or annul any easements, covenants or other agreements between parties; provided, however, that whenever this title imposes a greater restriction upon the use of buildings or structures, or requires larger open space about buildings, then the provisions of this title shall govern. (Ord. 3-1980 §1(part), 1980: prior code §7-2-16)

Chapter 17.08DEFINITIONSSections:

17.08.010	Generally.
17.08.020	Accessory building.
17.08.030	Accessory use.
17.08.040	Acre.
17.08.050	Basement.
17.08.060	Building.
17.08.070	Building, height of.
17.08.080	Cellar.
17.08.090	Dwelling.
17.08.100	Dwelling unit.
17.08.110	Family.
17.08.120	Garage.
17.08.140	Lot.
17.08.150	Street.
17.08.160	Structural alterations.
17.08.170	Structure.

17.08.010 Generally. For the purpose of this title, certain words and terms are defined. Words used in the present tense include the future. The singular number includes the plural, and the plural number includes the singular. The word "building" includes the word "structure" and either or both of such words shall include fences, tents, house trailers and other structures on wheels or other supports used for business or living purposes. The word "shall" is mandatory and not directory. All words used in this title and not specifically defined in this chapter shall be given their usual and commonly accepted meaning. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.020 Accessory building. "Accessory building" means subordinate building or portion of a main building, the use of which is incidental to that of the main building on the same lot, including, but not by way of limitation, barns, sheds and similar structures, but not including an attached garage. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.030 Accessory use. "Accessory use" means a use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.040 Acre. An "acre" shall be forty-three thousand five hundred sixty square feet. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.050 Basement. "Basement" means that portion of a building between floor and ceiling which is partly below and partly above grade and so located that the vertical distance from grade to the floor is greater than the vertical distance from grade to ceiling. It is "the lowest story of a building or the one just below main floor." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.060 Building. "Building" means a structure which has a roof supported by columns or walls. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.070 Building, height of. The "height of a building" means the vertical distance measured from the highest elevation of the finished grade immediately adjoining the building to the highest point of the roof surface. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.080 Cellar. "Cellar" means a room or group of rooms below the ground level. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.090 Dwelling. "Dwelling" means a detached building designed for or occupied by not more than one family as a home, residence or sleeping place, either permanently or transiently. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.100 Dwelling unit. "Dwelling unit" means the necessary kitchen, dining, living, sleeping and bath accommodations for one family. "Dwelling unit" includes the term "dwelling." (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.110 Family. "Family" means any number of persons, including domestic employees, living and cooking together on the premises as a single housekeeping unit. This definition shall not be applicable to group homes as defined in this chapter. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.120 Garage. "Garage" means an accessory building or portion of a main building designed or used for the shelter or storage of motor vehicles owned or operated by the occupants of the main building in which no business, occupation or service for profit is in any way conducted. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.140 Lot. "Lot" means a parcel of land occupied or designated to be occupied by one building and the accessory building or uses customarily incident to it, including the open spaces required by this title and such open spaces are arranged and designated to be used in connection with such buildings, and excluding the street on which the dwelling is addressed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.150 Street. "Street" means all property dedicated, intended or used for public or private street, highway, freeway or road purposes. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.160 Structural alterations. "Structural alterations" means any change in the supporting members of a building such as bearing walls, columns, posts, beams, girders, floor joists or roof joists. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

17.08.170 Structure. "Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground including, but not by way of limitation, fences, swimming pools, and the like. (Ord. 3-1980 §1(part), 1980: prior code §7-2-2(part))

Chapter 17.12ZONING MAP--DISTRICTS ESTABLISHEDSections:

- 17.12.010 Zoning district symbols.
- 17.12.020 Zoning classification required.
- 17.12.030 Zoning map.
- 17.12.040 Boundaries of zoning districts.
- 17.12.050 Zoning of annexed areas.

17.12.010 Zoning district symbols. The following are the zoning district symbols for the town:

- A. R-1 residential one district;
- B. R-A residential-agricultural district;
- C. T transitional district;
- D. P-O-R park, open and recreational district;
- E. P-D planned development district. (Ord. 3-1980 §1(part), 1980: prior code §7-2-5)

17.12.020 Zoning classification required. A. All land within the boundaries of the town shall be located within one of the districts listed in Section 17.12.010.

B. It is the further intent that no land be without a zoning district designation. If, for any reason, any land within the boundaries of the town shall be determined not to be within one of the aforesaid districts, whether such determination results from annexation, from judicial declaration, or from any other reason or cause, then, and in that event, building permits may be refused to be issued for the erection or alteration of any structure or structures in the area found wanting in classification until the area has been examined by the planning and zoning commission and the board of trustees and a zone classification enacted and established therefor.

C. The planning and zoning commission shall recommend a zoning classification to the board of trustees and the board shall zone such land or area within ninety days of the date when the area became unzoned. (Ord. 3-1980 §1(part), 1980: prior code §7-2-6)

17.12.030 Zoning map. The zone symbols and the boundaries of such zone districts are shown upon a map attached hereto and made a part hereof, being designated as the "zoning map" as may from time to time be amended in accordance with Chapter 17.52. The map and all the notations, references and other information shown thereon are as much a part of this chapter as if the matters and information set forth by the map were fully described in this chapter. (Ord. 3-1980 §1(part), 1980: prior code §7-2-7(A))

17.12.040 Boundaries of zoning districts. In determining the boundaries of zones shown on the map, the following rules apply:

A. Unless otherwise indicated, the zone boundaries are the center line of streets, alleys, parkways, or waterways or such lines extended.

B. Where a district boundary line is shown as approximately following platted lot lines, the boundary lines shall be deemed to coincide with such platted lot lines.

C. In subdivided property, boundaries on the accompanying map shall be determined by use of the scale indicated on the map.

D. Where a district boundary line is shown by a specific dimension as being located at any given distance from a street right-of-way line, such specific dimension shall control.

E. In the event a dedicated street or alley shown on the map is vacated by ordinance, the property formerly in the street or alley shall be included within the zone of the adjoining property on either side of the vacated street or alley. In the event the street or alley was a zone boundary between town or more different zones, the new zone boundary shall be the former center line of the vacated street or alley.

F. Where the street layout or stream course actually on the ground varies from the layout as shown on the zoning map, the commission shall interpret the map according to the reasonable intent of this title. (Ord. 3-1980 §1(part), 1980: prior code §7-2-7(B))

17.12.050 Zoning of annexed areas. Any area annexed to the city after the effective date of the ordinance codified in this chapter shall be assigned a zoning classification subject to provisions of Section 17.12.020. (Ord. 3-1980 §1(part), 1980: prior code §7-2-8)

Chapter 17.16

ADMINISTRATIVE PROVISIONS

Sections:

- 17.16.010 Enforcing official.
- 17.16.020 Right-of-entry.
- 17.16.030 Liability.
- 17.16.040 Cooperation of other officials and offices.

17.16.010 Enforcing official. The provisions of this title pertaining to building construction and the issuance of building permits for that purpose shall be enforced by

the building commissioner or the building inspector of the town. Violation against other portions of this title, including the planning and zoning provisions shall be called to the attention of the town board of trustees which shall determine the necessary action to enforce compliance. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(A))

17.16.020 Right-of-entry. The building inspector or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to perform his duties in the enforcement of this title. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(B))

17.16.030 Liability. The enforcing official, or his authorized representative charged with the enforcement of this code acting in good faith and without malice in discharge of his duties, shall not thereby render himself personally liable for any damage that may accrue to persons or property as a result of any act or by reason of any act or omission in the discharge of his duties. Any suit brought against the enforcing official or employee because of such act or omission performed by him in the enforcement of any provision of this code shall be defended by legal counsel provided by this jurisdiction until final termination of such proceedings. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(C))

17.16.040 Cooperation of other officials and offices. The enforcing official may request and shall receive so far as is required in the discharge of his duties, the assistance and cooperation of other officials of this jurisdiction. (Ord. 3-1980 §1(part), 1980: prior code §7-2-9(D))

Chapter 17.20

R-1 RESIDENTIAL ONE DISTRICT

Sections:

- 17.20.010 Use regulations.
- 17.20.020 Group homes.
- 17.20.030 Height and grading regulations.
- 17.20.040 Lot area.
- 17.20.050 Building area.
- 17.20.060 Setbacks.
- 17.20.070 Fences, walls and hedges.
- 17.20.080 Gutters and extension of paving to existing paved portion of roadway.
- 17.20.090 Roofing material.

Sections: (Continued)

- 17.20.100 Landscaping.
- 17.20.110 Considerations of plans.
- 17.20.120 Paved driveway.

17.20.010 Use regulations. No building or land shall be used and no building or structure shall be created or structurally altered, unless otherwise permitted herein, except for one or more of the following uses:

A. Single-Family Dwellings. Manufactured homes are permitted in accordance with CRS 31-23-301(5), 1973, as amended.

B. Wells, irrigation canals and water supply or flood control reservoirs, other than elevated tanks, if approved by the board of trustees as hereinafter provided.

C. Electric substations and transformers, and gas regulator stations, where no public business office and no repair or storage facilities are maintained, if approved by the board of trustees as herein provided. All electric and telephone lines shall be placed underground and the erection of utility poles is expressly prohibited.

D. Home Occupations--Limitations on Permitted Home Occupations. Any occupation operated in a single-unit dwelling may be operated only if it complies with all of the following conditions:

1. Is operated in its entirety within the dwelling unit and only by the person or persons maintaining a dwelling therein;

2. Does not have an exclusive entrance from outside the dwelling unit;

3. Does not display or create outside the building any external evidence of the operation of the home occupation, including but not limited to noise, odor and traffic. In connection therewith, no signs are permitted;

4. Does not have any employees or regular assistants not residing in the dwelling unit;

5. Is not conducted in an unattached accessory structure;

6. No article may be sold or offered for sale on the premises on a regular basis. This restriction shall not apply to occasional noncontinuous sales transactions;

7. Garage sales are expressly prohibited, except and unless held under the auspices of a lawfully organized homeowner's association and only for a period of one day per calendar year. All signage posted to advertise the garage sale must be erected and removed on the same day as the garage sale.

E. No exposed radio, television or short wave antenna or antenna or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or

permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of such lot or building upon which it is placed and only to be located in the front, not back, of the lot.

F. A satellite dish not exceeding eighteen inches in diameter is permitted, so long as the satellite dish is concealed from public view, in a manner deemed appropriate by the applicable architectural review committee, having jurisdiction over the property where the satellite dish is to be installed. In making such determination the architectural review committee shall take into consideration the visual impact of the satellite dish and shall require screening as determined by the architectural control committee. The satellite dish should be integrated into the natural setting and structural environment of the area. Nothing herein shall be construed to prohibit such architectural review committee from establishing its own rules, regulations or standards with respect to the installation of satellite dishes. All applications for the installation of a satellite dish shall be submitted in accordance with Section 15.08.080. (Ord. 12-1998 §§1, 3, 1998; Ord. 1-1995 §1, 1995; Ord. 5-1993 §1, 1993; Ord. 6-1992 §1, 1992; Ord. 3-1990 §1(part), 1990; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(1)(a--f))

17.20.020 Group homes. A. Definitions.

1. The term "affiliate" when used herein with respect to a person means any other person who controls, is under common control with, or who is controlled by such person.

2. The term "county" when used herein means Arapahoe County, Colorado.

3. The term "group home" when used herein means: (a) a "state-licensed group home for the exclusive use of developmentally disabled persons" as that term is used in Section 303(2)(a) of the Group Home Act; (b) a "nonprofit group home" or an "owner-occupied group home" as those terms are used in Section 303(2)(b) of the Group Home Act; or (c) a "state-licensed group home for the exclusive use of mentally ill persons" as that term is used in Section 303(2)(b.5) of the Group Home Act.

Notwithstanding the foregoing, the term "group home" does not include a home or facility which houses more than one individual who is required to register as a sex offender under the provisions of C.R.S. Section 18-3-412.5, as amended.

4. The term "Group Home Act" when used herein means Section 31-23-303 of the Colorado Revised Statutes, as such may be amended from time to time.

5. The term "state" when used herein means the state of Colorado.

B. Policy. The town accepts the legislative statement in Section 303(2) of the Group Home Act that the establishment of group homes is a matter of statewide concern, and further that group homes which comply with the requirements of this section and the Group Home Act are residential uses of property for zoning purposes.

C. Application. Any person licensed by the state to operate one or more group homes or, if such licensing is not required, any person, may make application to the town for the establishment of a group home within the town. Such application must include the following information and be submitted with a filing and administrative processing fee payable to the town of five hundred dollars:

1. The accurate legal name and (if not an individual) the form and state of organization of the applicant;

2. The applicant's address, telephone number, facsimile number;

3. If the applicant is an individual, age, date, place of birth, and social security number;

4. If the applicant is an entity, information described under subsection (C)(3) of this section, regarding the officers, directors, managers or partners, and persons who own a greater than ten percent equity interest in the applicant, and, with respect to the applicant, its tax identification number, and evidence that the applicant is qualified to do business in Colorado. If the applicant is a nonprofit organization, indicate its tax status and the derivation of its principal funding;

5. If the applicant is represented by counsel, the name and address of counsel together with counsel's telephone number and facsimile number;

6. A list of all civil judgments or criminal convictions for the five years preceding the application involving any of the persons listed in subdivisions 1 and 4 of this subsection, or their affiliates, and information regarding any such proceeding pending at the time of the application. Minor traffic infractions need not be listed;

7. A list of all administrative proceedings which have been resolved against any of the persons listed in subdivisions 1 and 4 of this subsection, or their affiliates, relating to violation of Medicare or Medicaid statutes, or federal, state or local licensing or operating requirements relating to the health care industry;

8. Information regarding the management of the applicant, including professional licenses and business experience (especially with respect to providing care in group homes);

9. Information regarding the compliance by the applicant with the group home provider licensing requirements of the Colorado Department of Public Health and Environment (the "CDPHE");

10. Information as to any other group homes in Colorado or elsewhere operated by the applicant or its affiliates;

11. The address of the proposed group home and a detailed description of any internal or external improvements that the applicant intends to make to the group home before it is operational;

12. If the group home will be a new construction, provide evidence of compliance with all applicable building codes, in addition to the requirements of this section;

13. If the proposed group home is owned by the applicant, provide proof of ownership. If the group home is not owned by the applicant, provide proof that the applicant has the right to acquire ownership and the consent of the existing owner (with proof of such person's ownership);

14. Evidence of compliance by the applicant and the facility with the requirements imposed by the CDPHE, including (without limitation) a copy of the inspection report from the local fire department. To the extent either the CDPHE or the local fire department has identified any deficiencies in the proposed facility, indicate the applicant's plan to correct the deficiencies;

15. Describe the nature and extent of public services to be required by the proposed facility and its residents. For example, and not by way of limitation:

a. Will the proposed group home require any public transportation, schooling, or health care?

b. Are any extraordinary police, fire protection, or other needs anticipated?

16. Provide information regarding other group homes within one thousand feet of the proposed group home;

17. Provide information whether the applicant proposes to meet with the neighbors of the proposed group home prior to the public hearing required subsection E of this section, and whether the applicant requests the town's assistance in arranging such meetings;

18. Provide information showing that the group home will comply with Section 1210(a) of Part 12-Parking of the 1995 edition of the Model Traffic Code for Colorado Municipalities as adopted by the town;

19. Provide a plan of operations, including a general description of the type of group home proposed and the facilities and care to be provided; the hours of operation and staffing; a descriptive floor plan specifying all area uses, with fire control and fire evacuation descriptions; a description of special care requirements and/or equipment of the group home or occupants, including (without limitation) a plan for secure storage of drugs, if any; a description of general supervision procedures;

20. Identify the proposed group home administrator(s) night and day telephone numbers, date of birth, social security numbers, and professional licenses and qualifications;

21. Information (to the extent not submitted pursuant to the foregoing subdivisions) sufficient to support the board of trustees' determination pursuant to subsection E of this section;

22. Other information which the applicant believes may assist the town in its review of the application, or which may be required by the town prior to or at the public hearing required by subsection E of this section.

D. Public Notice. Upon receipt of the fully completed application and the filing and administrative processing fee:

1. The town clerk will, within five days, forward a copy of the application to those neighborhood associations known by the town clerk to include the proposed group

home or who may otherwise express an interest therein. Interested persons may submit written comments to the town clerk at any time prior to the public hearing to be conducted in accordance with subsection E of this section.

2. The town clerk will also forward a copy of the application to the town's building commissioner, the local fire district, police agency, and to the CDPHE as deemed appropriate or necessary. Such persons may also submit written comments to the town clerk at any time prior to the public hearing to be conducted in accordance with subsection E of this section.

3. Upon the receipt of any written comments pursuant to subdivision 1 or 2 of this subsection, the town clerk shall promptly forward a copy of such comments to the applicant who may (but is not required to) respond to such comments in writing.

4. The town clerk will, at the direction of the board of trustees, publish notice of a public hearing on such application to be held within sixty days of the receipt of the fully completed application, and will deliver a copy of such notice to the applicant and to persons to whom the application was delivered pursuant to subdivisions 1 and 2 of this subsection.

5. The building commissioner or his designee shall conduct an investigation into the character and qualifications of the applicant and the eligibility of the proposed property for group home use under health, safety, fire and building codes, with assistance from such other applicable agencies of the town, county or state as the building commissioner may reasonably request. The building commissioner or his designee will submit his report to the board of trustees not later than seven days prior to the scheduled public hearing, and the town clerk will provide a copy of such report to the applicant and to persons to whom the application was delivered pursuant to subdivisions 1 and 2 of this subsection.

E. Public Hearing. The board of trustees will hold a public hearing to approve the application, to approve the application with conditions, or to deny the application, pursuant to the notice provided by the town clerk pursuant to subsection (D)(4) of this section. The application may be approved based upon the following criteria:

1. No group home may be located within seven hundred fifty feet of any other group home.

2. The group home shall comply with all town ordinances and codes including (without limitation) building, fire, housing and zoning, and applicable county and state statutes, ordinances and administrative regulations.

3. The group home will include at least six hundred square feet of usable space for each bed for the residents and staff members. "Usable space" includes only

space that is reasonably accessible to the proposed residents of the group home.

4. Any proposed new structure or structural changes to an existing structure shall not be of an architectural design or style substantially inconsistent with the character of the surrounding neighborhood.

5. No administrative activities or religious activities of any private or public organization or agency shall be conducted on the premises of the group home.

6. The applicant shall demonstrate that it has obtained, or, upon granting the application by the town, will be able to obtain, lawful ownership or possession of, the group home, and all appropriate licenses or certifications required by the state or the county (including, without limitation, agencies thereof).

7. The applicant shall demonstrate that there is adequate parking for such use, and that the public services to be required by the proposed facility and its residents are, or will be at the time the group home accepts its first resident, available.

8. The applicant shall demonstrate that the plan of operations (as described in subsection (C)(19) of this section) is appropriate for the operation of the group home and the protection of the health and safety of the neighborhood residents.

9. The applicant shall commit to operating the group home in accordance with the operating requirements set forth in subsection F of this section, as subsection F may be amended from time to time.

F. Operating Requirements. Any application approved hereunder is subject to revocation by the town for failure to operate the group home in conformance with the following required standards:

1. The group home may not accept any resident until it has complied with all county and state licensing and inspection requirements, including the requirements of applicable police and fire agencies and the CDPHE.

2. The group home administrator must follow the required standards of any state or county license. The group home administrator shall immediately notify the police department of the town of: (a) any unlawful acts committed on the premises of the group home by residents or staff members of the group home or other people; (b) improper storage or use of drugs, or other material violations of the plan of operations; (c) any unlawful acts of the residents or staff off of the premises of the group home; (d) persons who make threatening communications to others or commit acts dangerous to themselves or others; and (e) incidents, such as fire or structural failure or flooding, dangerous or potentially dangerous to the residents.

3. The group home must be operated by the administrator(s) named in subsection (C)(20) of this section, who shall be on-site or on call twenty-four hours each day. One or more telephone numbers must be available at the office of the town clerk and the group home at which the administrator can be reached twenty-four hours per day.

4. The applicant may amend the plan of operation described in subsection (C)(19) of this section from time to time, subject to approval by the board of trustees.

5. The applicant must provide the town clerk notice, in advance unless not possible because of an emergency situation, of any change to the information required by subsection C of this section.

6. The group home must maintain sufficient staffing, supervision and equipment/facilities so residents do not become unaccounted for, uncontrolled or lost, or commit mischief or criminal acts of any sort on or off the premises of the group home.

G. Inspection of Premises. Group homes duly approved pursuant to this section shall be subject to inspection by the town for the purpose of verifying operation in conformance with the requirements of subsection F of this section, without notice at reasonable hours and with reasonable frequency, by the building commissioner or his staff. Inspection may occur at any time if exigent circumstances exist. Refusal of inspection requests, or interference with inspections, shall be cause for revocation of the application approval.

H. Transfer of the Group Home. The applicant (and any subsequent transferee) may transfer the group home and the operation thereof to any other qualified person, subject to an application by such person meeting the requirements of this section, and the approval by the board of trustees pursuant to this section. For the purposes of this subsection, the term "transfer" includes the transfer of equity interest in the applicant so that a person not previously owning twenty percent or more of the applicant will then own twenty percent or more of the applicant.

I. Revocation of Application Approval. The board of trustees, upon not less than fifteen days' notice to the applicant and to the public, may at a public hearing (the "revocation hearing") revoke or suspend any prior approval of the application for the following reasons:

1. Refusal of the applicant to cooperate with inspection requests or the applicant's interference with inspections made by the building commissioner pursuant to subsection G of this section;

2. Revocation by the county or state or any agency thereof of any permit or license obtained by the applicant in connection with the operation of the group home;

3. To the extent necessary to protect the public health, safety and welfare of the neighborhood.

Notice given to the applicant will specify the reasons for the revocation hearing, and the applicant will be given the opportunity to contest the proposed revocation.

J. Appeal. The applicant may appeal any denial of an application submitted pursuant to this section, conditions pursuant to which such application was granted, or any revocation or suspension of the application approval, to the district court of the county pursuant to Rule 106 of the Colorado Rules of Civil Procedure. (Ord. 3-2000 §1, 2000; Ord. 6-1997 §2, 1997)

17.20.030 Height and grading regulations. A.

Height. All buildings shall be limited to one story only. One and one-half story, two-story and split level houses will not be permitted. The ridge height of any building shall not extend to more than twenty-five feet above the ground measured from the top of the foundation of the building at its highest point. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. The top of any basement window panes shall not be more than eight inches above the finished grade level. No floor will be permitted directly over any rooms unless the lower room meets the basement definition of Section 17.08.050.

B. Adequate allowance for positive drainage away from the structure shall be made. A minimum two percent slope downward from the structure shall be employed for the first ten feet. The top of the foundation wall, at its highest point may be increased one foot for every ten feet of front setback, but in no case shall the maximum height of the building be greater than twenty-eight feet when measured from the lot side of the street gutter pan to the highest ridge of the building. (Ord. 8-1999 §1, 1999; Ord. 5-1996 §1, 1996; Ord. 5-1981 §1, 1981; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(2))

17.20.040 Lot area. For every dwelling or main building erected or structurally altered there shall be provided a lot area of not less than one-half acre. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-10(A)(3)(a))

17.20.050 Building area. The area of a dwelling or main building hereafter erected shall not be less than twenty-two hundred square feet measured on the outside walls exclusive of porches, terraces, garage, carports, basement area, breezeways, guest house and servant quarters. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-10(A)(3)(b))

17.20.060 Setback. No structure shall be located nearer than thirty feet to any street right-of-way property line or nearer than forty feet to any rear property line; no structure shall be located nearer than fifteen feet to any side property line. In determining the distance between the property line and the structure, eaves, steps, and open porches shall be considered as part of the structure. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-10(A)(3)(c))

17.20.070 Fences, walls and hedges. A. No fence, wall or hedge shall be constructed or maintained on any residential property closer to the front property line or any side property line or any side street property line than the dwelling. A fence, wall or hedge three feet or less in height attached to and forming part of a dwelling may be constructed within the setback regulation for such dwellings, subject to the restrictions of the previous sentence.

B. A privacy fence of not more than six feet in height shall be permitted and such privacy fence shall be no longer than fifty lineal feet in total and shall comply with the restrictions above.

C. A six-foot privacy fence on Platte Canyon Road is permitted.

D. All fences must be of wood construction. (Ord. 3-1980 \$1(part), 1980: prior code \$7-2-10(A)(3)(d))

17.20.080 Gutters and extension of paving to existing paved portion of roadway. A. All applications for permits to construct buildings shall include plans and specifications for construction of the standard four foot wide cement gutters presently in use in the town as designed and/or approved by the town engineer, except to the subdivisions known as the Villas, Burning Tree and The Village where the cement gutters shall be three feet wide as presently in use in these subdivisions. Such plans for the gutter shall be included on the drawings as a part of the building construction to be accomplished on the owner's property. The construction of this gutter shall be completed prior to the granting of a building permit by the building commissioner of the town, or his designate. All costs for the

engineering drawings and the actual construction of the gutter must be borne and paid for by the owner of the property. The town engineer on request will provide grade points for the gutter to be installed prior to start-up of construction. All expenses, including staking of grade points and engineering details required for the gutter installation are to be borne by the lot owner. Such expenses to be borne by the owner also include base preparation for the gutter and base preparation and paving of roadway to existing paved portions or roadway when so specified by the town.

B. On lots where there is no existing paved roadway, the cost of engineering drawings, base preparation and entire paving on these streets shall be borne by the abutting property owner or owners when these streets are paved prior to start-up of building construction on the abutting lots. The lot owner or owners having responsibility to the town in this section, shall, at their expense secure from the town engineer, a certification of inspection for submission to the town commissioner of roads and streets that the construction work required by this section, when completed, has been satisfactorily accomplished according to approved plans and specifications.

C. The costs and expenses of repair, replacement and maintenance of curbs and pan gutters due to ordinary wear and tear, as determined by the town, shall be paid by the town. The costs and expenses of repair, replacement and maintenance of curbs and pan gutters damaged, as a result of the actions of any abutting property owner, shall be paid by the owner of such property, if the town determines that the owner has caused the damage. Where the repair, replacement or maintenance of a curb or gutter pan to a driveway which provides ingress and egress to the property which is adjacent and abutting the driveway, is required due to the actions of the owner of the property, then the owner of the property shall pay for the curb or gutter pan repair, replacement or maintenance if the town determines that the repair, replacement or maintenance is due to the actions of the owner of the property. In the event the town determines that it is necessary that a gutter pan be constructed, all future four foot wide gutter pans across driveways shall be constructed with two drainage channels equally spaced and running parallel to the length of the gutter pan. The drainage channels shall be four inches wide and as deep as the centerline depth of the abutting gutter pan. No gutter pan channels shall be required where the centerline depth is less than two inches. The gutter pan shall slope gently to the center from both sides and shall be of such height as to have the bottom of the channels at the same elevation as the abutting gutter pans. Both ends of the channelled gutter pan shall be gently tapered into the abutting gutter pans.

D. When the cost of any improvement provided for in subsections A through C of this section is assessed against

the owners of adjacent or abutting property and the assessment is not paid within thirty days, the clerk shall certify the assessment to the treasurer of the county who shall extend the assessment upon his tax roll and collect it in the manner as other taxes assessed upon the property.

(Ord. 9-1989 §1, 1989; Ord. 6-1983 §1, 1983: prior code §7-2-10(A)(4))

17.20.090 Roofing material. A. A roof of wood-shake shingles having at least one-half-inch butts, natural slate shingles, clay tile, cement tile and concrete tile is permitted. Such roofing materials are to be compatible with the color of other roofs in the area. Asbestos roofing shingles, asphalt roofing shingles, hard board roofing materials, plastic roofing materials, and any roofing materials containing asbestos shall not be permitted. Except as otherwise provided herein, metal roofing materials and composite shingles shall not be permitted. Stone coated metal roofing materials are permitted due to the slope of the roof, so long as the slope is a minimum of two and one-half-inch rise per foot. Such stone coated metal roof systems shall use earth tone colors as approved by the applicable architectural control committee having jurisdiction.

B. Where the use of roofing shingle and tile is inappropriate due to the low slope of the roof, that is, a slope of two-inch rise per foot or less, built-up roofing systems containing fiberglass or organic felt and which are bonded together to the roof structural surface with hot-applied asphalt or coal tar pitch, are permitted. Single-ply membrane and modified bitumen roofing systems are also permitted where the use of roofing shingle and tile is inappropriate due to the low slope of the roof. For any of the foregoing roofing systems, an appropriate rock or gravel surface which is bonded to the roofing surface shall meet the aesthetic appearance requirements of the applicable architectural review committee.

C. Fiber, cement, shake or slate residential roofing material is permitted subject to the following conditions:

1. Design: simulated wood shake or slate appearance.

2. Color:

a. Integral color throughout.

b. A product with painted or thinly coated top and edge surface is not acceptable.

c. Color selection must be approved by the architectural control committee having jurisdiction.

3. Shake butt thickness: nominal one-half inch.

4. Slate thickness: nominal one-half inch.

5. Fire rating: Class A as determined by the appropriate ASTM, Underwriters Lab, NFPA or UBC Standards.

6. Freeze/thaw resistance: The manufacturer shall have current ICBO code approval for freeze/thaw resistance of the roofing material, which approval shall be provided to the town. The manufacturer shall provide to the town, documentation and copies of laboratory test reports which have enabled the manufacturer to have passed the current ICBO code requirements for freeze/thaw resistance. The manufacturer shall also provide to the town and to the building owner a signed certification that the manufacturer recommends the use of the product in the climatic conditions found in Columbine Valley, Colorado.

7. Dry weight: three hundred seventy-five to four hundred twenty pounds per square. Weight as applied: four hundred to five hundred pounds per square.

8. Flexural test: wet, three hundred psi minimum.
dry, two hundred fifty psi minimum.

9. Nailing or stapling: must be capable of being installed with nails or staples without need for holes to be predrilled.

10. Manufacturer's process certification: The manufacturer is to provide certification that: (a) the shingle or slate is manufactured by a process in which the monolithic cement/fiber/color component/water mix is poured into a pressure press system in which the configuration of the "green" roofing product is formed; and (b) that the "green" roofing product is then cured in a high temperature and high pressure steam autoclave. An "atmospheric cured" product is not acceptable.

11. Product label: The product is to bear a label or be stamped showing the manufacturer's name and/or trademark.

D. Composite shingles commonly known as CeDur shake are permitted. Such shingles are a foamed polymeric material comprising a continuous phase of polyurethane having solid polyvinyl chloride particles disbursed therein. Such composite shingle shall be permitted where the slope of the roof is four-inch rise per foot or less. (Ord. 6-1998 §1, 2, 1998; Ord. 7-1995 §1, 1995; Ord. 1-1992 §1, 1992; Ord. 7-1983 §1, 1983; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(5))

17.20.100 Landscaping. At least one half of the lot around each dwelling shall be grass. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(6))

17.20.110 Considerations of plans. In this zoning district, except for dwellings erected or to be erected on lots platted on an existing plat approved by the town board of trustees, signed by the mayor and witnessed, and filed as an official document by the town clerk with the county recorder's office, no building or structure shall be erect-

ed without approval of a plan in compliance with the subdivision regulations of November, 1978, as amended, by the planning and zoning commission and with final approval by the town board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(A)(7))

17.20.120 Paved driveway. In this zoning district all driveways shall be paved with either concrete, asphalt, interlocking brick, black-top or washed river gravel with epoxy overlay installed over concrete. Driveways shall not be of dirt, sand, gravel, crushed rock or stone. (Ord. 4-1993 §1, 1993)

Chapter 17.24

R-A RESIDENTIAL-AGRICULTURAL DISTRICT

Sections:

- 17.24.010 Use regulations.
- 17.24.020 Height regulations.
- 17.24.030 Area regulations.

17.24.010 Use regulations. A. No building or land shall be used and no building or structure shall be erected

or structurally altered, unless otherwise permitted herein, except for one or more of the following uses:

1. Any use permitted in an R-1 residential one district;
2. Agricultural uses and pursuits;
3. Farm dwelling or building appurtenant to agricultural use;
4. Accessory uses customarily incident to any of the above permitted uses.

B. No advertising sign, billboard, unsightly object or nuisance shall be erected, placed or permitted to remain on any lot or property with the exception of one sign, which shall not be larger than twenty inches by twenty-six inches to advertise the sale or rental of such lot, property or building upon which it is placed.

C. No mobile homes are permitted for any use. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(B)(1))

17.24.020 Height regulations. No structure shall exceed thirty-five feet in height at the ridge of the building. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 5-1981 §2, 1981: prior code §7-2-10(B)(2))

17.24.030 Area regulations. A. The minimum lot area shall be two acres.

B. The minimum lot width shall be one hundred fifty feet.

C. The minimum front yard setback shall be twenty-five feet.

D. The minimum rear yard setback shall be twenty-five feet.

E. The minimum side yard setback shall be ten feet.

F. The area of a dwelling or main building hereafter erected shall not be less than one thousand six hundred square feet measured on the outside walls exclusive of porches, terraces, garage, carports, basement area, breezeways, guest house and servant quarters. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(B)(3))

Chapter 17.28

T TRANSITIONAL DISTRICT

Sections:

- 17.28.010 Use regulations.
- 17.28.020 Alterations and improvements.
- 17.28.030 Height regulations.

17.28.010 Use regulations. A. No building or land shall be used and no building or structure shall be erected or structurally altered, except for one or more of the following uses:

1. Any use permitted in an R-1 residential one district;
2. A club or lodge, privately owned and operated for the benefit of the members and not for gain;
3. Hospital;
4. Medical service center, clinic, or medical office building including accessory uses such as laboratories, x-ray facilities, pharmacies limited to the compounding and disbursing of drugs and medicines. All such accessory uses shall be within the principal structure and shall have external effects or evidence except for permitted signs;
5. Library or reading room;
6. Office, in which chattels, goods, wares or merchandise are not commercially created, exchanged, stored or sold;
7. Studio for professional work or teaching of any form of fine arts, photography, music, drama or dance;
8. Savings and loan associations;
9. Other uses as approved by the planning and zoning commission and the town board of trustees.

B. No unsightly objects or nuisances shall be erected, placed or permitted to remain on any lot, with the exception of one or more signs, which shall not be larger than three feet by four feet to advertise the business being conducted or use being made of the premises or to advertise the sale or rental of such lot or building upon which it is placed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(C)(1))

17.28.020 Alterations and improvements. A. In this zoning district, no building or structure shall be erected or altered nor shall any other changes to the land or any fixtures, facilities, improvements or appurtenances thereon be made, without favorable recommendation in each instance by the planning and zoning commission and without the final approval by the town board of trustees.

B. In their recommendation, the planning and zoning commissioner shall consider the items set forth in subsection C of this section.

C. In their decision whether to approve or disapprove, the town board of trustees shall consider and determine, as a fact, whether the nature of the proposed erection or alteration or changes is sufficiently guaranteed so that the quality of life of the inhabitants of the town is not only not reduced but, to the extent possible, is enhanced. No approval shall be granted to erect, alter or make any change until a written agreement evidencing the applicant's representations and guarantees for the proposed change has been

executed by the applicant and by the mayor and countersigned by a majority of the members of the board of trustees.

In determining whether the quality of life of the inhabitants of the town is not reduced or is enhanced, the town board of trustees shall consider:

1. The effect on the need for additional police protection, if any;
2. The effect on the need for additional fire protection, if any;
3. The effect on the community utilities, including water, sewer, gas, electricity, telephone and other services, if any;
4. The additional parking requirements for motorized vehicles or bicycles, if any;
5. The effects of additional vehicular and pedestrian traffic, if any;
6. The effect on natural or existing drainage, if any;
7. Whether the proposed design, finish, height or bulk of the proposed change will affect the community;
8. The effect on air flows, if any;
9. The effect on the natural light, if any;
10. The level and effects of additional lighting, if any;
11. The level and effects of additional noise, if any;
12. The effect of additional dust, if any;
13. The effects of additional odors, if any;
14. The effect on the property for which the application is made and the effect on the other property in the town, if any;
15. Whether the change would unduly concentrate the population;
16. The effect on the convenience of inhabitants;
17. Whether the proposal is in accordance with the comprehensive plan;
18. The proposed time day usage and days per week usage;
19. Intended use; and
20. The effect on safety, if any. (Ord. 4-1981 §1, 1981: prior code §7-2-10(C)(2))

17.28.030 Height regulations. No structure shall exceed thirty-five feet in height at the ridge of the building. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 5-1981 §3, 1981: prior code §7-2-10(C)(3))

Chapter 17.32P-O-R PARK, OPEN AND RECREATIONAL DISTRICTSections:

- 17.32.010 Use regulations.
- 17.32.020 Lot and building standards.
- 17.32.030 Minimum off-street parking requirements.
- 17.32.040 General requirements.
- 17.32.050 Screening of unsightly areas.
- 17.32.060 Signs and other external fixtures.
- 17.32.070 POR building permit approval process.

17.32.010 Use regulations. In this district the land is restricted to one or more of the following uses:

- A. Parks, commons or greenbelts;
- B. Private country clubs;
- C. Parks, commons or greenbelts, and improvements thereon for the exclusive pleasure and recreation of the members of those homeowner associations within the town charged with the maintenance of the areas;
- D. Playgrounds for structured use, e.g., tennis or baseball;
- E. Playgrounds for unstructured or general use, e.g., community fairs, boy scouts, touch football;
- F. Open areas in floodplain lands that are unsuitable for any residential use, but may serve in the community as wildlife sanctuaries, arboretums, nature trails, and in such areas, no structures may be erected;
- G. Private golf courses to include trees, fairways, greens, cart paths, maintenance structures, swimming pools, snack bars, supply shops, as well as club house and other facilities pertinent thereto;
- H. Swimming pools in park or playground areas including maintenance, snack bar and cabana facilities;
- I. Off-street permanent parking areas designated for automobiles, bicycles, golf carts or other similar use vehicles by town residents, country club members or guests, including employees of either. All such areas must be approved by the planning and zoning commission, with final approval by the board of trustees;
- J. Special events may be allowed, provided adequate justification is present and approved by the police commissioner or his designate. The justification shall minimally show how the parking, sanitary, traffic, noise and other health and safety issues are satisfied;
- K. Except as provided in this section, no commercial uses shall be permitted within the zoning district;
- L. Except for a chimney or lightening rods, nothing shall be mounted on a roof which will extend above the

ridge of the roof on which it is mounted. (Ord. 2-1993 §1(part), 1993)

17.32.020 Lot and building standards. Deviation from the standards established below may be allowed through a variance process, requiring a public hearing and approval by the board of adjustment.

A. Height Limitation. No structure shall exceed thirty-five feet in height.

B. Front Setback. The minimum front setback for any building or structure shall be twenty-five feet from property line.

C. Side Setbacks. The minimum side setback shall be twenty-five feet from property line.

D. Rear Setback. The minimum rear setback shall be twenty-five feet from the property line.

E. The footprints of all buildings or structures in existence as of the date of the approval of this chapter will be grandfathered. (Ord. 2-1993 §1(part), 1993)

17.32.030 Minimum off-street parking requirements. One parking space per four members, based upon total membership in all categories. (Ord. 2-1993 §1(part), 1993)

17.32.040 General requirements. A. Corner Vision Clearance Requirement. No fence, wall, hedge, shrub, structure or other obstruction to view which is over forty-two inches in height shall be erected, placed or maintained within a triangle formed by the point of intersection of lot lines abutting a street and the points located along the lot lines fifty-five feet from the point of intersection.

B. All setbacks shall be measured from the foundation or wall to the property line; however, eaves, roof overhangs and fireplaces may protrude twenty-four inches into the setback.

C. No structure may be erected, placed upon or extend over any easement unless approved in writing by the agency or agencies having jurisdiction over such easement.

D. The outside storage of equipment and maintenance materials shall not be permitted within one hundred feet of the front lot line and shall conform to the side setback requirements as described herein above.

E. Parking lots on the property shall be screened from the surrounding public streets, walks that abut public streets and adjacent properties under separate ownership. All parking will meet the parking screening and interior parking lot improvement standards of the town's Zoning Ordinance.

F. Landscape Buffer Area.

1. A landscape buffer area shall be provided when the POR zoning category abuts any residential zone.

2. The landscaping shall include one shade tree, one shrub or flowering tree for each fifteen linear feet or fraction thereof of the buffer area (as measured along the property line) and ground cover over the entire area. The use of earth berms and decorative fencing is not required but encouraged. The trees and shrubs shall be designed and planted to provide privacy, mitigate noise, glare, unsightly views and aesthetic interest. (Ord. 2-1993 §1(part), 1993)

17.32.050 Screening of unsightly areas. A. Performance Standard. Unsightly areas, including, but not limited to, outside trash receptacles, loading docks, outside storage areas, utility boxes and open areas where machinery or vehicles are stored or repaired, shall be screened from public sidewalks, streets and other adjacent properties. Unsightly areas seen from surrounding public properties or private properties under separate ownership shall be screened.

B. Guidelines.

1. Whenever plants are used as a screen the plants should be coniferous. They should provide an opaque screen within three years of the time they are planted.

2. Utility boxes, including, but not limited to, electric transformers, switchgear boxes and telephone pedestals and boxes should be screened on all sides not used for service access.

3. The materials and colors of the screen should blend with the site and the surroundings.

4. Trash enclosures should be placed around dumpsters and any other proposed receptacles of trash. The dumpster should be entirely screened from view. The enclosure should prevent trash from being scattered by wind or animals. The dumpster should be placed on a concrete pad, enclosed by an opaque wall at least six feet in height, with opaque gates. The enclosure should be sturdy and built with quality wood and/or masonry materials. The trash enclosure should be sighted so the garbage truck has convenient access to the enclosure and has room to maneuver without backing onto a public right-of-way. (Ord. 2-1993 §1(part), 1993)

17.32.060 Signs and other external fixtures. No radio, television or shortwave antenna or antennae, or satellite dishes, shall be permanently erected or placed on any lot or upon any structure, unless such devices are located and/or screened so that they cannot be seen from surrounding public and private properties. Such screening may consist of, but not be limited to, berms, vegetation, fencing or other forms of natural or manmade concealment.

No advertising signs, billboards, unsightly objects or nuisances shall be erected or placed on any lot, with the exception of neat, permanent signs not larger than five hundred twenty square inches, to define usage, give directions, prohibitions and the like in connection with the designated uses of the parks, open, and recreational areas. Entry/identification signs may exceed the stated size limit, subject to review and approval by the planning and zoning commissioner or designated subcommittee. (Ord. 2-1993 §1(part), 1993)

17.32.070 POR building permit approval process. All plans and specifications presented for construction must be reviewed and approved by the architectural review subcommittee of the planning and zoning commission through administrative review. The subcommittee shall recommend on the proposed construction within fifteen calendar days of submittal to the city building official. The applicant or his representative may be present at the meeting.

Recommendations of denial may be appealed to the planning and zoning commission. (Ord. 2-1993 §1(part), 1993)

Chapter 17.36

P-D PLANNED DEVELOPMENT DISTRICT

Sections:

- 17.36.010 Intent of classification.
- 17.36.020 Use regulations.
- 17.36.030 Area, height and setback regulations.
- 17.36.040 Fences, walls and hedges.
- 17.36.050 Grading.
- 17.36.060 Consideration of plans.
- 17.36.070 Approval of plans.
- 17.36.080 Time limitations.
- 17.36.090 Amending official development plan.
- 17.36.100 Previous P-D subdivisions.

17.36.010 Intent of classification. A. The planned development district is intended to provide a means of developing tracts of land into buildings and use complexes with a continuity of design and development, fulfilling the intent of this chapter by making provision for development concepts not otherwise provided for with the zoning of the town, as well as provide for more innovation in developing parcels of unusual shape, topography or other unique physical features. This zoning classification is intended to

allow originality in the planning of development by modifying minimum and maximum standards set forth in the zoning requirements. It is not the intent of this zoning classification to be used solely for the purpose of increasing density. Development under this zoning classification must provide for the maintenance of open spaces and other common facilities under a unified management.

B. Approval of a rezoning to the planned development district requires a finding by the Board of Trustees that the proposed planned development meets the following criteria:

1. The proposed uses are compatible in both density and type of use with the uses in the immediately surrounding area. Type of use may include floor area, height, construction materials and other factors deemed appropriate by the board of trustees.

2. The quality of development including design, access and provision of open space can best be provided through a planned development. (Ord. 10-1998 §1, 1998: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(1))

17.36.020 Use regulations. A. Planned development of single-family residential dwellings is permitted, together with those uses permitted in an R-1 residential one district, or as otherwise recommended for approval by the planning and zoning commission and approved by the board of trustees.

B. No exposed radio, television or short wave antenna or antennae or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of such lot or building upon which it is placed and only to be located in the front, not back, of the lot.

C. In this zoning district all driveways shall be paved with either concrete, asphalt, interlocking brick, black-top or washed river gravel with epoxy overlay installed over concrete. Driveways shall not be of dirt, sand, gravel, crushed rock or stone. (Ord. 12-1998 §2, 1998; Ord. 5-1993 §2, 1993; Ord. 4-1993 §2, 1993: Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(2))

17.36.030 Area, height and setback regulations. A. To qualify for consideration for planned development district zoning, the proposed development area shall contain a minimum of two acres under unified control.

B. Other minimum parking, height, setback and area regulations shall be considered for the overall site with regard to compatibility with surrounding development.

Varied regulations for parking, height, setback or area may be established upon recommendation by the planning and zoning commission to the town board of trustees. Except for a chimney, nothing shall be mounted on a roof which will extend above the ridge of the roof on which it is mounted. (Ord. 10-1998 §2, 1998; Ord. 5-1981 §5, 1981; Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(3)(a, b))

17.36.040 Fences, walls and hedges. A. No fence, wall, or hedge shall be constructed or maintained on any residential property closer to the front property line or any side property line than the dwelling. A fence, wall or hedge three feet or less in height attached to and forming part of a dwelling may be constructed within the setback regulation for such dwellings, subject to the previous sentence.

B. A privacy fence not exceeding six feet in height shall be permitted, but privacy fence shall be no longer than fifty lineal feet in total and shall comply with the restrictions of subsection A of this section.

C. A six-foot privacy fence on Platte Canyon Road and adjacent to the transitional zone is permitted.

D. All fences must be of wood construction. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(3)(c))

17.36.050 Grading. The front setback grading of each new dwelling shall be a maximum of one foot above the top of the lot side of the street gutter for each ten feet of

setback. Also for the the first ten feet of all sides of each residence, a minimum of one foot of slope downward from the residence will be employed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E) (3) (d))

17.36.060 Consideration of plans. A. The planning and zoning commission may make determinations of requirements and limitations, restrictions or other features felt to be necessary and reasonable and make such recommendations to the board of trustees. Requirements may be prescribed to insure that the proposed development will not result in undue traffic congestion or traffic hazards; will be adequately landscaped, buffered and screened; and will eliminate as many undesirable characteristics as possible, in its effect on nearby development.

B. In this zoning district, no building or structure shall be erected or altered without approval of a plan in compliance with the subdivision regulations of November, 1978, as amended by the planning and zoning commission and the town board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E) (4))

17.36.070 Approval of plans. A. Plans for approval under P-D zoning shall be provided by the owner, developer or authorized legal representative or agent. All town subdivision regulations must be met. All documents and an accompanying reproducible linen containing graphic and/or descriptive outlines of all stipulations and conditions placed on or required for the site plan shall be submitted to the planning and zoning commission for approval. These plans and documents shall be known as the "official development plan," also known as the "final plat."

B. When and if the planning and zoning commission approves the "ODP", it will be forwarded to the town board of trustees for further action. The board will hold a public hearing per Section 17.52.050. If favorable action is taken by the board, then it shall pass a resolution enabling the issuance of building permits within the prescribed requirements of the official development plan. Also, the ODP, having been signed by the mayor and witnessed, it will be filed as an official document by the town clerk with the county recorders office. Working copies will be provided by the developer to all members of the town board of trustees and planning and zoning commission. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E) (5))

17.36.080 Time limitations. A. All construction shall be in accordance with such official development plan and shall be completed within a time limitation to be established by the town board of trustees. Such time limitation will be based on the extent of proposed development in relation to size, quantity of physical construction necessary,

cost and other time factors involved with the development. If, in the opinion of the town board, substantial construction of physical improvements have occurred at the end of this time limitation, and is evidenced by the submission of documents by the applicant, the town board of trustees may extend the time limitation.

B. Failure to complete the construction at the termination of the initial time limitation, or such extension of time as may have been granted the applicant, shall justify initiation, by the town board of trustees, of action to consider reclassification and rezoning of the site to a more restrictive zone classification or classifications. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(6))

17.36.090 Amending official development plan. A. Amendments to the official development plan may be made by the town board of trustees upon the recommendation of the planning and zoning commission when one of the following conditions exists: an obvious hardship would result unless the amendment is granted; an error or mistake in the plan; a change of conditions which would necessitate a change in the plan.

B. Application for amendments of the official development plan shall be filed with the town board of trustees and, if any amendment is allowed, such amended official development plan shall then be the official development plan. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(7))

17.36.100 Previous P-D subdivisions. These requirements shall not constrain the issuance of building permits for any previously approved and existing planned development areas. (Ord. 3-1980 §1(part), 1980: prior code §7-2-10(E)(8))

Chapter 17.38

PDE PLANNED DEVELOPMENT EQUESTRIAN DISTRICT

Sections:

17.38.010 General provisions.

17.38.010 General provisions. A. Intent. The PDE district also known as planned development equestrian is created to promote the public health, safety and general

welfare by allowing more flexible development, based upon a comprehensive, integrated plan.

B. Further, in the application of this section it is the intent of the trustees to:

1. Encourage more creative and effective use of land and public or private services, and to accommodate changes in land development technology so that the resulting economies benefit the community;
2. Encourage innovation and efficiency in residential development and encourage innovative development or redevelopment of all land uses to meet the contemporary needs of the community;
3. Provide a process which relates the design and development of a site to the particular characteristics of the site;
4. Require that the nature and intensity of development be supported by adequate utilities, transportation network, drainage systems and open space to serve the development, and to minimize impacts on adjacent, existing and future development;
5. Encourage development that is consistent with the policies and guidelines established in the adopted master plan for the area and for the town.

C. Permitted Uses. Uses by right in the PDE district are as follows:

1. Single-family residential dwellings are permitted, together with uses appurtenant thereto, subject to Chapter VII and Chapter VIII of the Subdivision Regulations of July 13, 1993, as amended to the current date;
2. Equestrian center to include but not be limited to barns, corrals, stables, horseback riding, horse shows and related parties;
3. Swimming pool facility;
4. Tennis courts;
5. Accessory uses customarily incident to the uses set forth in subsections C(1) and (2) of this section;
6. All of the uses set forth in subsections C(1) through (3) of this subsection must be presented for approval to the planning and zoning commission in compliance with the subdivision regulations of July 13, 1993, as amended to current date;
7. No exposed radio, television, shortwave antennae or antennae or satellite dish shall be erected, placed or permitted to remain on any lot or upon any structure erected thereon; nor shall any advertising sign, billboards, unsightly objects or nuisances be erected, placed or permitted to remain on any lot, with the exception of one sign, which shall not be larger than twenty by twenty-six inches to advertise the sale or rental of any such lot or building upon which it is placed and only to be located

in the front, not back, of the lot. With respect to an equestrian center, directional/location signage shall be permitted as may be negotiated between the owner and the town.

D. Procedure. All requests for approval of any PDE zone district shall be subject to the requirements set forth below.

1. Application. All requests for PDE zoning shall be submitted and processed pursuant to the procedures established in Title 17 of this code and its subdivision regulations of July 13, 1993, as amended to current date. The procedures established in Sections 16.61 and 16.62 of the subdivision regulations shall apply to the preliminary PDE plan process of review and approval and the procedures established in Section 16.63 of the subdivision regulations shall apply to the final PDE plan process of review and approval.

2. Preliminary PDE Plan. Applications for approval under the town's PDE regulations shall include a proposed preliminary PDE plan. This plan shall show all contiguous real property ownership or interest of the applicant. For purposes of this section, public rights of way shall not be considered to interrupt this requirement. A PDE plan shall include the following:

- a. Proposed name of the development;
- b. Name, address and telephone number of the legal property owner(s) and the applicant;
- c. Name, business address, telephone number and, if applicable, the seal and license number of the surveyor, engineer, architect or land planner responsible for plan preparation;
- d. North point, scale and date;
- e. Legal description;
- f. Natural features including, but not limited to, topography at two foot intervals, drainageways, and major foliage;
- g. Designation of proposed use areas; and the specifications of each use area, including, as applicable:
 - i. Proposed dwelling unit type, total land area and maximum density of residential use areas,
 - ii. Minimum lot areas and setbacks proposed uses, total land area and maximum floor area ratios of equestrian facility,
 - iii. Proposed maximum land area to be covered by structures;
- h. Site development standards, which shall be established by the preliminary PDE plan including the following:
 - i. Building height,
 - ii. Setbacks,

iii. Type(s) and color(s) of exterior building materials for each structure or group of structures,

iv. Provisions for general landscaping treatment, plant materials and other elements, shall be negotiated between the owner and the town, but in no event shall any such agreement be more restrictive than the standards established in the POR zone district. A landscaping schedule shall also be provided by the owner,

v. Provisions for off-street parking and loading shall be negotiated between the owner and the town, but in no event shall the agreement negotiated be more restrictive than the requirements set forth in the POR zone district;

i. Tentative location of collector, arterial or limited access streets, and tentative locations of access points to such streets;

j. Tentative location and proposed use of all other lands proposed to be dedicated for public purpose;

k. Tentative location of proposed and existing buildings, site area coverage, gross floor area, building height and proposed use of each; and proposed location of parking;

l. General information on adjacent lands adequate to show relationships between the proposed development and existing and/or proposed development of such adjacent lands including land uses, zoning, traffic circulation, transit facilities and routes, public facilities and natural features;

m. The town may place restrictions and requirements on the property which the town determines are necessary for the health, safety and welfare of its inhabitants;

n. The preliminary PDE plan shall have the following certification:

I, _____, Owner, or designated agent thereof, do hereby agree that the above described property will be developed as a PDE Development in accordance with the uses, restrictions, and conditions contained in this plan. Further, the Town of Columbine Valley is hereby granted permission to enter onto said property for the purposes of conducting inspections to establish compliance of the development and use of the property with on-site improvements including, but not limited to, landscaping, drainage facilities, parking areas, and trash enclosures. If, upon inspection, the Town finds deficiencies in the on-site improvements and, after proper notice, the developer shall take appropriate corrective action. Failure to take such corrective action specified by the Town shall be grounds

for the Town to apply any or all of any required financial assurance to cause the deficiencies to be into compliance with this PDE Plan, or with any subsequent amendments hereto.

Signature of Owner or Agent

Subscribed and sworn to before me this _____ day
of _____, 199__.

Witness my hand and official seal.

My commission expires _____.

Notary Public

APPROVED AS TO FORM:

Town Attorney _____

Approved this _____ day of _____, 199__, by
the Columbine Valley Board of Trustees.

Mayor

ATTEST:

Town Clerk

This document was filed for records in the office of
the County Clerk and Recorder of Arapahoe County at ____
M, on the _____ day of _____ A.D. 199__, in Book ____
____, Map _____, Reception _____.

County Clerk and Recorder

BY:

Deputy

o. Any other information pertinent to the application which addresses issues raised during the review process, or which is deemed necessary by the applicant;

p. The planning commission shall review the preliminary PDE plan for compliance with this section, the subdivision regulations and Title 17 of this code and negotiate with the applicant as to the type and extent of improvements to be installed and on modifications deems advisable.

3. Additional Material. The following additional material is required to accompany the preliminary PDE plan.

a. The applicant shall submit a statement of the terms and conditions under which the subject property will be developed and maintained subsequent to development. Such statement shall include conditions, performance standards and such other reasonable restrictions as may be necessary to insure development and maintenance of the subject property in full accordance with the approved PDE plan.

b. The applicant shall submit a written description of the objectives to be achieved by the particular development concept being proposed. This statement shall include, but is not limited to, the manner in which the proposed development meets or exceeds the intent of the PDE district. The proposed architectural and site design concepts including style; placement of structures to maximize views and take advantage of the site's natural characteristics; building materials (type, textures and colors); specific concepts by which the proposed development will make an orderly transition from existing adjacent development including varied setbacks and facade treatment, additional open space, screening of parking areas and landscaping of all public and private open spaces, and recreational facilities. It is the intent of this requirement that the applicant provide a clear, concise statement for the reviewing authorities to better understand the proposed development concept and upon which a decision regarding the proposal may be based.

c. The applicant shall submit a written statement of the tentative time schedule for phased development. The statement shall include the type of development, density, floor area ratios, etc. for each phase of development, and shall be accompanied by a map generally designating the phases and the sequence of development.

4. Review and Approval of the Preliminary PDE Plan. The procedure for review of a proposed preliminary PDE plan shall be as set forth in the Sections 16.61 and 16.62 of the subdivision regulations of July 13, 1993, as amended to current date. The planning and zoning commis-

sion shall base its recommendation and the trustees shall base its decision on the conformance of the proposed plan with the stated intent of the PDE district. The planning and zoning commission may recommend approval of the request, recommend denial, or table the matter to a date certain, pending provision of further information by the applicant. All recommendations adopted by the planning and zoning commission shall be by resolution. The trustees may approve the request, deny the request, or table the matter to a date certain, pending provision of further information by the applicant.

5. Final PDE Plans. After approval of the preliminary PDE plan, a final PDE plan must be reviewed for conformance with the preliminary PDE plan and trustee requirements prior to application for any permits required to commence construction. The procedures established in Section 16.63 of the subdivision regulations of July 13, 1993, as amended to current date, shall apply to the final PDE plan. The final PDE plan shall conform to the approved preliminary PDE plan. Final PDE plans may be filed for all or part of the area covered by the approved preliminary PDE plan and shall be in conformance with the requirements and procedures as set forth in Title 17 and the subdivision regulations.

6. Recording. An approved final PDE plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder. Two reproducible mylar copies of the approved plan shall be provided to the planning and zoning commission for recording. Only upon approval and recording, by the town, of the final PDE plan, with the county clerk and recorder, shall the town issue building permits for structures within the PDE zone district.

E. Optional Subdivision Procedure. Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a PDE plan submitted under the provisions of subsection D of this section. Such preliminary subdivision plan application shall meet all of the requirements of Title 17 and the subdivision regulations.

F. Enforcement of Approved Plan.

1. An approved final PDE plan shall bind the development of the subject property regardless of any change in ownership of that property.

2. Adequate assurance shall be required to insure that common open space and/or facilities will be provided as shown on the final PDE plan. Such assurance may be in the form of a bond, letter of credit, or other financial guarantee approved as to form by the town attorney. The financial assurance shall be in the amount of one hundred twenty-five percent of the estimated engineering, materials

and construction costs at the projected time of installation. If the required improvements are not complete by the time an occupancy permit is requested, the building commissioner shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then current estimated costs of engineering, materials and of completing construction prior to the issuance of a certificate of occupancy. The decision of the building commission with respect to the amount of the financial assurance, may be appealed to the board of trustees, within thirty days after his determination.

3. If development is proposed to occur in phases, an acceptable form of assurance shall be required for all on-site and off-site improvements, including utilities, streets, curb, gutter, sidewalks, public open spaces and common open space and facilities. Such improvements will be provided as shown on the PDE plan, which plan shall stipulate that such improvements shall be completed in the same proportion as that particular phase is of the entire development.

4. The requirements of this section for financial assurance are deemed separate and distinct from, and are not met by, the requirements for financial assurance for public improvements contained in the town's subdivision regulations.

G. Amendments. The procedure for amending an approved preliminary PDE plan or final PDE plan shall be the same as prescribed for the original approval, except in the event that a preliminary PDE plan is administratively amended. The planning and zoning commission shall approve administrative amendments, for the processes specified below, provided the applicable conditions of subsection H of this section are met.

1. Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;

2. Changes in the location and type (ground, monument, wall, etc.) of signage, but not including the total allowable sign area; or

3. Relocation of structures, parking, and open spaces, but not including maximum or minimum standards for each established by the approved PDE plan.

H. Conditions for Administrative Amendments. The planning and zoning commission shall approve any request for an administrative amendment if the applicable conditions set forth below are met:

1. There will be no change in permitted uses;

2. There will be no increase in total building coverage;

3. There will be no increase in dwelling unit density or equestrian facility gross floor area;

4. There will be no increase in maximum building height;

5. Any projected increases in traffic volume are within the design capacities of the existing or planned internal and adjacent public street system;

6. The existing or planned internal and adjacent public utilities have adequate capacities to serve the proposed amendment;

7. Existing or planned private and/or public open space meets the applicable minimum requirements;

8. Off-street parking or loading space meets the applicable minimum requirements; and

9. Public street rights-of-way and/or paving widths are acceptable to the department of public services, Littleton fire protection district, and Columbine Valley police department;

10. The basic content of the amended preliminary PDE plan will remain in conformance with the originally approved preliminary PDE plan.

I. A proposed amended preliminary PDE plan shall include all of the following:

1. Proposed name of the development;

2. Name, address and telephone number of the legal property owner(s) and the applicant;

3. Name, business address, telephone number and, if applicable, the seal and license number of the surveyor, engineer, architect or land planner responsible for plan preparation;

4. North point, scale and date;

5. Legal description of the property included in the amendment;

6. Map depicting the development area included in the amendment. (The details of the map will be determined on a case by case basis depending on the type of amendment requested);

7. A statement describing the purpose of the amendment;

8. A statement referencing the applicable criteria of the PDE plan originally approved which still pertain to the amended PDE plan;

9. New development criteria and performance standards which differ from the PDE plan originally approved.

10. The amended preliminary PDE plan shall have the following certification:

I, _____, Owner, or designated agent thereof, do hereby agree that the above described property will be developed as a Planned Development in ac-

cordance with the uses, restrictions, and conditions contained in the PDE Plan as amended by this plan.

Signature of Owner or Agent

Subscribed and sworn to before me this ____ day of _____, 199__.

Witness my hand and official seal.

My commission expires:_____

Notary Public

Approved this ____ day of _____, 199__.

Mayor

Chairman of the Planning and Zoning Commission

11. Two reproducible mylar copies of the approved plan, containing all necessary signatures, shall be provided to the planning and zoning commission for recording prior to the approval of any final PDE plans;

12. Any other information pertinent to the application which addresses issues raised during the review process, or which is deemed necessary by the applicant.

J. Amendments to be Recorded. Any amendments approved hereunder shall be filed with the clerk and recorder's office in the appropriate county.

K. The base fee for any application seeking development pursuant to this section shall be five hundred dollars. The fee shall be due at the time the preliminary PDE plan is submitted and shall be nonrefundable. In addition, the applicant shall be responsible for and shall pay to the town all out-of-pocket expenses incurred by the town relative to the consideration of the application. The out-of-pocket expenses shall include, but shall not be limited to, engineering fees, attorney's fees, testing fees, survey

fees and studies required in the consideration of the application. All such out-of-pocket expenses will be billed to the applicant and shall be due and payable within fifteen days of billing. Nothing herein shall prohibit the board of trustees and the applicant from entering into an agreement with respect to the reimbursement amount paid by the applicant to the town for the town's out-of-pocket expenses. (Ord. 2-1994 §1, 1994)

Chapter 17.40

REGULATIONS APPLICABLE TO ALL DISTRICTS

Sections:

- 17.40.010 Intersection visibility.
- 17.40.020 Swimming pools.
- 17.40.030 Signs.
- 17.40.040 Exempted signs.
- 17.40.050 Nonconforming signs.
- 17.40.060 Remedies not exclusive.

17.40.010 Intersection visibility. At the intersection of all streets and roads, no fence, tree, shrub or other vegetation or structure shall be erected or permitted which causes a traffic hazard by obstructing the clear view of cross traffic on any intersecting street or road, and all such obstructions shall be removed by the owner of the lot upon which obstruction is situated within five days after the receipt of a written order from the planning and zoning commission. (Ord. 3-1980 §1(part), 1980: prior code §7-2-12))

17.40.020 Swimming pools. Swimming pools must comply with requirements set forth in Chapter 15.20. (Ord. 3-1980 §1(part), 1980: prior code §7-2-13)

17.40.030 Signs. No advertising sign, billboards, unsightly objects and nuisances shall be erected, placed or permitted to remain on any unzoned property within the town of Columbine Valley. (Ord. 4-2001 §1, 2001: Ord. 6-1999 §1, 1999)

17.40.040 Exempted signs. The following signs shall not be subject to regulation under this chapter:

A. Traffic Control Sign. Any sign or device erected or placed on a permanent or temporary basis within or adja-

cent to a state or county road right-of-way, by an agency of the state of Colorado or the county of Arapahoe, or by any contractor engaged in any public road maintenance or construction activities, provided such sign or device is erected or placed in the interest of public safety.

B. Utility warning, identification or buried cables signs.

C. Political Signs. Signs which do not exceed six square feet in area that announce the candidacy for election to various governmental offices or state a political position concerning political issues. Such signs may be increased in size up to twelve square feet if located a distance greater than fifty feet from the edge of the traveled portion of any adjacent roadway, if placed on private property, with the permission of the landowner and located a distance of at least ten feet from the edge of the traveled portion of any adjacent roadway. Political signs shall not be illuminated and shall be removed within seven days after the date of the election to which they pertain.

D. Street name signs and subdivision name signs.
(Ord. 4-2001 §2, 2001: Ord. 6-1999 §2, 1999)

17.40.050 Nonconforming signs. A. Declaration of Public Policy. It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the nonconforming signs while at the same time assuring that the location in which the nonconforming signs exist will eventually benefit from a substantial uniformity of signs.

B. Definition of Nonconforming Signs. A nonconforming sign shall be any sign which:

1. On the effective date of the ordinance codified in this section, was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by the ordinance codified in this section in the location in which the sign is located; or

2. On or after the effective date of the ordinance codified in this section, was lawfully maintained and erected in accordance with the provisions of this section, but which sign, by reason of amendment to this section after the effective date thereof, does not conform to the limitations established by the amendment to this section in the location in which the sign is located.

C. Continuance of Nonconforming Signs. Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after the effective date of the ordinance codified in this section; provided, however, that no such sign shall be changed in

any manner that increases the noncompliance of such sign with the provisions of this section established for signs in the location in which the sign is located; and provided, further, that the burden of establishing a sign to be nonconforming under this section rests entirely upon the person or persons, firm or corporation claiming a nonconforming status for a sign.

1. One stay of any portion of this amortization schedule may be granted by the board of adjustment for a period of six months, if a substantial attempt at compliance is proven.

2. Any owner or operator of a nonconforming sign in a newly annexed area shall terminate such nonconforming sign in accordance with the schedule set forth in this section, within the effective date of the annexation ordinance being the start of the time limitation.

D. Termination of Nonconforming Signs.

1. By Abandonment. Abandonment of such nonconforming sign shall terminate immediately the right to maintain such sign.

2. By Violation of the Ordinance. Any violation of the ordinance codified in this section shall terminate immediately the right to maintain a nonconforming sign.

3. By Destruction, Damage or Obsolescence. The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged to the extent that the cost of repair would be greater than fifty percent of the replacement cost, or destroyed, from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the town to the extent that the sign becomes a hazard or a danger.

4. By Time. The right to keep, own, use, maintain or display shall cease and terminate within three years of the effective date of the ordinance codified in this section.

E. This section shall supersede Chapter 17.44 of the town's municipal code. (Ord. 4-2001 §3, 2001: Ord. 6-1999 §3, 1999)

17.40.060 Remedies not exclusive. In the event any sign, advertising sign, billboard or unsightly object shall be declared a public nuisance by the building commissioner of the town of Columbine Valley, the town attorney is hereby authorized on behalf of the town to bring an action to abate and enjoin any such nuisance and for damages and for costs of abatement, in addition to any other remedies which may be sought under the municipal code of the town of Columbine Valley, or action or remedy exercised hereunder, and none shall preclude the bringing of any charges of vio-

lation, or the exercise of any other remedy available to the town, including, but not limited to, those remedies available in Chapter 8.04 of the municipal code of the town of Columbine Valley. (Ord. 8-2000 §1, 2001)

Chapter 17.44

NONCONFORMING USES

Sections:

- 17.44.010 Existing nonconforming uses.
- 17.44.020 Discontinuance of nonconforming uses.
- 17.44.030 Restoration of damaged buildings.

17.44.010 Existing nonconforming uses. The lawful use of any building or land, as existing and lawful at the time of adoption of the ordinance codified in this chapter, which use does not conform with the regulations for the district in which such land or building is located, may be continued except for Sections 17.44.010 and 17.44.020. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(A))

17.44.020 Discontinuance of nonconforming uses. Upon any discontinuance of a nonconforming use of land or a building for a period of one year, the use thereafter shall conform to the use regulations for the district in which the building or land is situated. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(B))

17.44.030 Restoration of damaged buildings. In case a building used for a nonconforming use is damaged by fire, explosion, or other calamity to the extent of more than seventy-five percent of its fair market value, it shall not be restored except for a conforming use unless approved by the board of trustees as hereinafter provided. (Ord. 3-1980 §1(part), 1980: prior code §7-2-14(C))

Chapter 17.48

BOARD OF ADJUSTMENT

Sections:

- 17.48.010 Established.
- 17.48.020 Meetings--Procedure.
- 17.48.030 Appeals--Procedure--Hearing.
- 17.48.040 Powers and duties.
- 17.48.050 Variances--Hardship.
- 17.48.060 Modifications.

17.48.010 Established. A. A board of adjustment is established, the members of which shall be appointed by the board of trustees. The word "board" when used in this chapter means the board of adjustment. The board shall consist of nine members as follows:

1. The mayor, who shall be an ex officio member of the board with no vote, except as provided below, and shall serve during his office tenure;

2. The commissioner of planning and zoning, who shall be an ex officio member of the board with no vote, except as provided below, and shall serve during his office tenure;

3. The other seven members shall be appointed from the town at large by the board of trustees. The members of the board shall be appointed for three years with staggered terms of three years. A proper meeting will require a quorum of five voting members. The concurring vote of a simple majority of the board shall be necessary to reverse any order, requirement, decision or determination of any administrative official, or to decide in favor of an applicant any matter upon which it is required to pass under any ordinance, or to effect any variation in such ordinance. In the absence of a quorum, an ex officio member may serve as a regular member of the board and vote on all matters before the board. Under such circumstances, the mayor shall serve, and if he is unavailable, the commissioner of planning and zoning shall so serve. All hearings of the board of adjustment must be held within thirty days after an appeal is filed;

4. The board of trustees may appoint not more than four alternate members of the board to serve in the absence of any regular member of the board. The alternate members shall be appointed for terms of three years, with staggered terms of three years. If a regular member is absent, or is otherwise unable to participate, the chairman of the board shall designate which alternate shall serve until such regular member is in attendance at the board meeting;

5. The board of trustees shall appoint the chairman of the board of adjustment from among the non-ex officio members. The term of the chairman shall be for one year, with eligibility for reappointment. The board of trustees shall also choose one of the non-ex officio members of the board as a vice-chairman, who, in the absence of the chairman from any meeting of the board, or his inability to act, shall perform the duties of the chairman. The term of the vice-chairman shall be for one year, with eligibility for reappointment. A proper meeting will require a quorum of four voting members;

6. All members of the board of adjustment shall be bona fide residents of the town, and if any member ceases to reside in the town, his membership shall immediately terminate.

B. Members may be removed, after public hearings, by the board of trustees for inefficiencies, neglect of duty, or malfeasance in office. The board of trustees shall file a written statement of reasons for such removal. Vacancies occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by the board of trustees. (Ord. 7-1992 §1, 1992: Ord. 3-1988 §1, 1988: Ord. 3-1980 §1(part), 1980: prior code §7-2-15(A))

17.48.020 Meetings--Procedure. Meetings of the board shall be held at the call of the chairman and at such other times as the board in its rules of procedure may specify. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions. The board shall have full power to adopt all rules for the transaction of its business, the regulation of procedure before it, and the carrying out of the powers granted to it by the provisions of this chapter and not inconsistent herewith. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(B))

17.48.030 Appeals--Procedure--Hearing. Appeals to the board may be taken by any person aggrieved by his inability to obtain a building permit, or by the decision of any administrative officer or agency based upon or made in the course of administration or enforcement of the provisions of this chapter. Appeals to the board may be taken by any officer, department, board or bureau of the city, affected by the grant or refusal of a building permit or by other decision of an administrative officer or agency based on or made

in the course of the administration or enforcement of the provisions of this chapter. Such appeal shall be made within thirty days of the date the building permit was issued or refused, by filing with the building department and the board a notice of appeal specifying the grounds for appeal. The board shall fix a reasonable time for the hearing of the appeal and give due notice to the parties in interest and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(C))

17.48.040 Powers and duties. The board shall hear and determine appeals from and review any order, requirement, decision or determination made by any administrative official charged with the enforcement of this chapter. Such board shall hear and decide all matters referred to it or upon which it is required to pass under this chapter. Such board shall also have such other powers and duties as are now or may hereafter be provided by law. (Ord. 3-1994 §1, 1994: Ord. 3-1980 §1(part), 1980: prior code §7-2-15(D))

17.48.050 Variances--Hardship. Where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the enactment hereof, or by reason or exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any regulation herein adopted would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the owner of such property, the board may authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this chapter. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(E))

17.48.060 Modifications. In exercising the foregoing powers, the board may, in conformity with the provisions of law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and shall make such order, requirement, decision or determination as in its opinion ought to be made and to that end shall have all the powers of the building department. (Ord. 3-1980 §1(part), 1980: prior code §7-2-15(F))

Chapter 17.52AMENDMENTSSections:

- 17.52.010 Amendments--Procedure.
- 17.52.020 Application for amendment--Contents.
- 17.52.030 Fees.
- 17.52.040 Application referrals.
- 17.52.050 Notice.
- 17.52.060 Amendment--Adoption.
- 17.52.070 Protests.

17.52.010 Amendments--Procedure. Amendments, supplements, changes or repeal of this title or any section thereof, or to the official zoning map may be initiated by application of:

A. Any citizen or group of citizens, firm or corporation residing, owning or leasing property in the town, provided that a pre-submittal meeting with the town planner has been held and the appropriate fees paid as provided in Section 17.52.030;

B. The planning and zoning commission;

C. The board of trustees. (Ord. 2-1998 §1, 1998)

17.52.020 Application for amendment--Contents. Application for an amendment to this title shall be made on such a form as the planning and zoning commission shall prescribe and shall be filed with the town clerk. Applications for an amendment to the official zoning map shall contain all of the following information:

A. Description of land area to be rezoned, and requested new classification along with sketch to scale showing boundaries of area requested to be rezoned, along with an indication of the existing zoning on all adjacent sides of the area;

B. A statement of justification for the rezoning including one of the following conditions:

1. Changing area conditions;
2. Error in original zoning;
3. Conformance to comprehensive plan for area;
4. Peculiar suitability of the site to a certain

use;

C. Description and sketches, if available, of building or uses proposed if rezoning is granted, along with a description of land and building uses within two hundred feet of the boundary of the proposed area of change, in all directions;

D. Time schedule for any contemplated new construction or uses;

E. Justification for any new business or industrial zoning;

F. Effect that the new zoning would have on adjacent uses. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(B)(1)--(6))

17.52.030 Fees. The applicant is responsible for all the costs of review and processing applications for annexation, variances and zoning amendments including, but not limited to, costs of legal, engineering and planning review by the town's consultants. The applicant is also responsible for the costs of notification, publishing, recording and other related costs. The basic fee to be charged for a variance is one hundred dollars, unless in the determination of the building commissioner the applicant's fee should be estimated by the town planner and/or town engineer. For all other applications, the town planner and/or town engineer will provide the applicant with an estimate of time and costs for review and proceeding based on the following:

A. Number of hours, hourly rate and total costs for each consultant involved in the development review. This will include initial analysis, meetings with the applicant and the applicant's consultants, meetings with other agencies, preliminary correspondence, staff reports, attendance at planning and zoning commission and board of trustees meetings and necessary follow-up;

B. An estimate of the costs of notification, publishing, recording and order related costs;

C. An estimate of the hours and costs for reviewing resubmittals and attending extra meetings if they are necessary;

D. The applicant will pay the amount of the estimate of the beginning of the process. Any outstanding costs will be paid prior to the meeting of the board of trustees at which final action on the application is scheduled. If the initial fees exceed the actual costs, the town will refund the surplus.

If the applicant proceeds with the development proposal by submitting a formal application, it shall be deemed as accepting the estimate of fees. (Ord. 2-1998 §2, 1998)

17.52.040 Application referrals. All applications for changes to the zoning ordinance or map shall be referred by the town clerk to the planning and zoning commission, which shall return a recommendation either recommending for or against the proposed change to the board of trustees. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(C))

17.52.050 Notice. Before any amendment to this chapter or map is enacted, a public hearing shall be held. Notice of the public hearing shall be in the following manner:

A. The clerk shall give written notice of the date, time and place of the public hearing, by first class mail, to the applicant.

B. The applicant shall submit to the clerk, no later than twenty-one days prior to the public hearing, information and materials necessary to provide public notice. The information and materials shall include, at a minimum, a list of owners of real property and homeowners' associations located within the notification area. The notification area shall be within five hundred feet of the boundaries of the property to be rezoned. The applicant shall also pay the costs of postage for mailing of notification letters.

C. The clerk shall prepare letters explaining the request and giving notice of the date, time and place of the public hearing. Such letters shall be mailed, by the applicant, via first class mail, certified return receipt requested, to all owners of real property and homeowners' associations identified in subsection B of this section at least fifteen days prior to the public hearing.

D. The applicant shall erect upon the property or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing and stating the date, time and place the hearing will be held. Such signs shall be provided by the town, with the mounting boards and supports provided by the applicant, and they shall be posted for a period of at least fifteen consecutive days prior to the date of such hearing, in a conspicuous location, as determined by the town. The cost of signage shall be paid by the applicant.

E. The clerk shall cause notice of the hearing, including date, time and place, to be published in full in an official paper of paper of general circulation in the town at least fifteen days prior to the date of the hearing.

F. The applicant shall certify in writing, to the clerk, prior to the public hearing, that the list submitted in accordance with subsection B of this section was obtained from the most current records of the applicable county assessor, proof that notice was mailed certified return receipt, and that signs were posted on the property in accordance with subsection D of this section.

G. Failure of the applicant to provide the certification required in subsection F of this section shall cause the public hearing to be postponed at least fifteen days and until the applicant provides the certification. (Ord. 2-1992 §1, 1992; Ord. 3-1980 §1(part), 1980: prior code §7-2-18(D))

17.52.060 Amendment--Adoption. A. The adoption of any amendment shall require the favorable vote of a majority of the board of trustees except, however, when there is filed a protest against a map change by the owners of more than twenty percent of the property:

1. Within the proposed area of change; or
2. Immediately adjacent thereto to the rear extending one hundred feet; or
3. Facing the proposed change directly across a street and extending one hundred feet from the street frontage.

B. The favorable vote of three-quarters of the board shall be required. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(E)(part))

17.52.070 Protests. In order to be valid and acceptable, a protest must be filed in writing with the town clerk at least five days prior to the date of a public hearing on the adoption of any proposed amendment to which the protest

is directed. (Ord. 3-1980 §1(part), 1980: prior code §7-2-18(E)(part))

Chapter 17.56

VESTED PROPERTY RIGHTS

Sections:

- 17.56.010 Purpose.
- 17.56.020 Definitions.
- 17.56.030 Request for site specific development plan approval.
- 17.56.040 Notice and hearing.
- 17.56.050 Approval effective date and amendments.
- 17.56.060 Notice of approvals.
- 17.56.070 Payment of costs.
- 17.56.080 Other provisions unaffected.
- 17.56.090 Limitations.

17.56.010 Purpose. The purpose of this chapter is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S. (Ord. 14-1999 §1(part), 1999)

17.56.020 Definitions. As used in this chapter, the following terms are defined in this section:

"Site specific development plan" means for all developments, the final approval step, irrespective of its title, which occurs prior to building permit application: provided, however, that if the landowner wishes such approval to have the effect of creating vested rights pursuant to Article 68 of Title 24, C.R.S., as amended, the landowner must so request at least ninety days prior to the date such approval is to be considered. Failure to so request renders the approval not a "site specific development plan," and no vested rights shall be deemed to have been created.

Notwithstanding anything herein to the contrary, neither an annexation map, a variance or adjustment from the board of adjustment, a certificate of appropriateness, nor a flood plain or geohazard permit shall constitute a site specific development plan.

"Vested real property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. (Ord. 14-1999 §1(part), 1999)

17.56.030 Request for site specific development plan approval. For those developments for which the landowner wishes the creation of vested rights, the landowner shall specifically request the approval by the town of the designated site specific development plan and development agreement. The plan shall be clearly labeled "Site Development Plan for the Vesting of Property Rights Pursuant to Article 68 of the Title 24 CRS." Failure of the landowner to request such an approval renders the plan not a "site specific development plan," and no vested rights shall be deemed to have been created. (Ord. 14-1999 §1(part), 1999)

17.56.040 Notice and hearing. No site specific development plan and development agreement shall be approved until after a public hearing preceded by written notice of such hearing. Such notice may, at the town's option, be combined with the notices required by any other regulation. At such hearing, interested persons shall have an opportunity to be heard. (Ord. 14-1999 §1(part), 1999)

17.56.050 Approval effective date and amendments. A site specific development plan shall be deemed approved upon the effective date of final board of trustee action approving such plan. In the event amendments to a site specific development are approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of the approval of the original site specific development plan, unless the board of trustees specifically finds to the contrary and incorporates such findings in its approval of the amendment. (Ord. 14-1999 §1(part), 1999)

17.56.060 Notice of approvals. Each map, plat or site plan or other document constituting a specific development plan and development agreement shall contain the following language: "Approval of the Site Specific Development Plan and Development Agreement may create a vested property right pursuant to Article 68 of Title 24 CRS." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than fourteen days after approval of the site specific development plan, in a newspaper of general circulation within in the town. (Ord. 14-1999 §1(part), 1999)

17.56.070 Payment of costs. In addition to any and all other fees and charges imposed by this code, the applicant for approval of a site specific development plan shall

pay all costs occasioned to the town as a result of the site specific development plan review, including publication of notices, public hearing and review costs. At the option of the town, these costs may be imposed as: (a flat fee of one hundred dollars). (Ord. 14-1999 §1(part), 1999)

17.56.080 Other provisions unaffected. Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this code pertaining to the development and use of property. (Ord. 14-1999 §1(part), 1999)

17.56.090 Limitations. Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this chapter shall be deemed to be repealed, and the provisions hereof no longer effective. (Ord. 14-1999 §1(part), 1999)

Chapter 17.60

VIOLATIONS--PENALTIES

Sections:

- 17.60.010 Complaints.
- 17.60.020 Removal--Order.
- 17.60.030 Violation--Penalties.

17.60.010 Complaints. Any person aggrieved by a violation or apparent violation of the provisions of this chapter may file a written complaint with the town board of trustees who shall immediately investigate such complaint and take legal action to have the violation penalized and removed, if such a violation is found to exist. (Ord. 3-1980 §1(part), 1980: prior code §7-2-19)

17.60.020 Removal--Order. When judgment is rendered against any person for violating any of the provisions of this chapter, it shall be the duty of the court before whom such conviction is had to order the defendant in such action to forthwith remove the violation; and if the same is not done by such defendant within twenty-four hours, the same shall be removed by the town marshall. The order shall be entered upon the docket of the court and be made a part of the judgment in the cause. (Ord. 6-1995 §1, 1995)

17.60.030 Violation--Penalties. Failure to comply with any of the provisions of this title, unless a variance has been authorized by the board of adjustment, shall constitute a misdemeanor and upon conviction is punishable by a fine of not less than ten dollars nor more than one thousand dollars, or imprisonment for a period of not more than one year, or both. Each day that such a violation continues to exist shall be considered as a separate offense. (Ord. 6-1995 §2, 1995)

APPENDIX A

ARTICLE I

Whenever the word Town is hereinafter employed, it shall designate the Town of Columbine Valley, Arapahoe County, Colorado, the grantor, and whenever the word Company is used it shall designate not only Public Service Company of Colorado, a Colorado corporation, the grantee, but also its successors and assigns. Whenever The Public Utilities Commission of the State of Colorado is referred to, it shall be deemed to include any authority succeeding to the regulatory powers thereof.

ARTICLE II

Section 1. Grant of Authority. There is hereby granted by the Town to the Company the franchise right, privilege and authority to construct, purchase, acquire, locate, maintain, operate and extend into, within and through the town, plants, works, systems and facilities for the generation, production, manufacture, storage, purchase, exchange, transmission and distribution of electrical energy and gaseous fuels (natural, artificial, synthesis, liquified natural, liquefied petroleum, manufactured, or any mixture thereof), for lighting, heating, cooling, power or other similar utility purposes, with the right and privilege for the period and upon the terms and conditions hereinafter specified, to sell, furnish and distribute any or all of said products to the Town and the inhabitants thereof, by means of pipes, mains, conduits, wires, cables, poles and structures, or otherwise, on, over, under, along and across all streets, alleys, viaducts, bridges, roads, lanes, public ways and other public places in the Town, and on, over, under, along and across any extension, connection with or continuation of the same, and on, over, under, along and across all new streets, alleys, viaducts, bridges, roads, lanes, public ways and other public places as may be hereafter laid out, opened, located or constructed within the territory now or hereafter included in the boundaries of said Town.

Section 2. Manner of Use - Repair. The company is further granted the right, privilege and authority to excavate in, occupy and use any and all streets, alleys, viaducts, bridges, roads, lanes, public ways and other public places under the supervision of properly constituted authority for the purpose of bringing electrical energy and gas into, within and through the Town and supplying electrical energy and gas to the Town and the inhabitants thereof and in the territory adjacent thereto, provided, however, that the company shall so locate its plants, works, substations, transmission and distribution structures, lines, equipment, mains, pipes and conduits within the town as to

cause minimum interference with the proper use of streets, alleys and other public ways and places and to cause minimum interference with the rights or reasonable convenience of property owners whose property adjoins any of the streets, alleys or other public ways and places. Should it become necessary for the Company, in exercising its rights and performing its duties hereunder, to interfere with any sidewalk, graveled or paved streets or public place or any other public improvement, the Company shall repair the same in a workmanlike manner. The Company shall use due care not to interfere with or damage any water mains, sewers, or other structures in said streets, alleys or other public places.

The Company will place underground newly constructed electric distribution lines within newly developed areas within the corporate limits in accordance with the Company's Tariffs as required by subdivision and other regulations adopted by the town.

Section 3. Town Held Harmless. The Company shall so maintain its electric and gas plant equipment and distribution systems as to afford all reasonable protection against injury or damage to persons or property therefrom, and the Company shall save the Town harmless from all liability or damage and all reasonable expenses necessarily accruing against the City arising out of the negligent exercise by the Company of the rights and privileges hereby granted; provided, that the Company shall have had notice of the pendency of any action against the Town arising out of such exercise by the Company of said rights and privileges and be permitted at its own expense to appear and defend or assist in the defense of the same.

Section 4. Changes at Company Expense. If at any time it shall be necessary to change the position of any pole, gas main, conduit or service connection of the Company to permit the City to change street grades or make street or sidewalk improvements, such changes shall be made by the Company at its own expense.

Section 5. Use of Facilities by Town. The Town shall have the right, without cost, to use all poles and suitable overhead structures within the Town for the purpose of installing wires thereon for any reasonable Town use; provided, however, that the Company shall assume no liability or expense in connection therewith and such use of the poles and structures shall not interfere in any unreasonable manner with Company's use of same.

ARTICLE III

Section 1. Heating Value. The natural gas to be supplied hereunder shall contain a monthly average gross heating value of not less than the heating value set forth in applicable and effective Rules and Regulations as are effective

from time to time with The Public Utilities Commission of the State of Colorado.

Section 2. Adequacy of Supply. The Company shall, at all times during the term of this franchise, take all reasonable and necessary steps to assure an adequate natural gas supply, but if unable to reasonably procure the same, the Company shall and is hereby authorized to supply an adequate amount of other gaseous fuels, as hereinbefore defined, or mixtures thereof, to satisfy the requirements of the Town and the inhabitants thereof. The Company shall have the further right to supply said other gaseous fuels, or mixtures thereof, at periods of peak usage or at such other times or for such purposes which will result in efficiencies in the operation of the company's system, provided that the supply of said other gaseous fuels will not impair service to the Company's customers. Such other gaseous fuels, or mixtures thereof, shall be supplied by Company in accordance with all applicable rules and orders of The Public Utilities Commission of the State of Colorado.

ARTICLE V

Section 1. Rates - Regulation. The Company shall furnish electrical energy and gaseous fuels within the corporate limits of the Town or any addition thereto, to the Town, and to the inhabitants thereof, and to any person or persons or corporation doing business in the Town or any addition thereto, at the rates and under the terms and conditions set forth in the Rate Schedules, Standards for Service, Rules and Regulations, and Service Connection and Extension Policies, as are effective from time to time with The Public Utilities Commission of the State of Colorado, all of which collectively are hereinafter referred to as "Company's Tariffs."

Section 2. No Discrimination. The Company shall not, as to rates, charges, service, facilities, rules, regulations or in any other respect make or grant any preference or advantage to any corporation or person or subject any corporation or person to any prejudice or disadvantage, provided that nothing in this grant shall be taken to prohibit the establishment from time to time of a graduated scale of charges and classified rate schedules to which any customer coming within an established classification would be entitled.

Section 3. Extensions. Company will from time to time during the term of this franchise make such enlargements and extensions of its distribution systems as the business of the Company and the growth of the Town justify, in accordance with Company's Tariffs.

Section 4. Rules and Regulations. The Company from time to time may promulgate such rules, regulations, terms and conditions governing the conduct of its business,

including the utilization of electrical energy and gaseous fuel and payment therefore, and the interference with, or alteration of any of the Company's property upon the premises of its customers, as shall be necessary to insure continuous and uninterrupted service to each and all of its customers and the proper measurement thereof and payment therefor, provided that the Company shall keep on file in its Littleton office, available to the public, copies of its Rate Schedules, Standards for Service, Rules and Regulations and Service Connection and Extension Policies currently in effect and as are effective from time to time with The Public Utilities Commission of the State of Colorado.

ARTICLE V

Section 1. Franchise Payment. As a further consideration for this franchise, and accepted by the Town in lieu of all occupancy, occupation and license taxes or other taxes on the right to do business, or other special taxes, assessments or excises upon the property of the Company (except uniform taxes or assessments applicable to all taxpayers or businesses), the Company shall pay to the town a sum equal to three percent of the first ten thousand dollars (\$10,000) of annual gross revenue derived from the sale of electric energy and of the first ten thousand dollars (\$10,000) of annual gross revenue derived from the sale of gaseous fuel, to each customer at any one location and a sum equal to two percent (2%) of the annual gross revenue derived from the sale of electric energy or gaseous fuel in excess of ten thousand dollars (\$10,000) to each customer for each such service, so used at any one location; provided, however, there shall be excluded from all of such gross revenue, the amount received from the Town for street lighting service furnished it. The term "gross revenue" as used herein shall be construed to mean any revenue derived under authorized rates, temporary or permanent, within the Town from the sale of electrical energy and gaseous fuels after the net write-off of uncollectible accounts and corrections of bills theretofore rendered, and in the event that the gross revenue of the Company for any period of time during the term of this franchise is subsequently reduced by virtue of a refund to any of the customers of the Company upon which the above referred to franchise payment is calculated and as a result thereof the Company has paid in excess of the percent of its gross revenue provided herein as so adjusted for any such period of time, the Company shall be entitled to a refund from the Town of all said amounts paid in excess of said percentage of its gross revenue as adjusted by such refund.

Payments shall be made on the basis of revenue retroactive to January 1, 1970 and shall be made as follows:

(a) For each year of the term hereof, the Company shall on or before March 31 of each year, make an estimate of the total franchise payments to be paid to the Town for the current year, and shall pay one-fourth (1/4) of said estimated amount on or before March 31, June 30, September 30, and December 31. Adjustment for any difference between payment thus made and payment calculated on actual revenue shall be made with the March 31 payment in the following year.

(b) Payment as above determined for any quarter or quarters which have transpired in the year 1970, shall be made within ten (10) days of the effective date hereof.

Payments for the portion of the terminal year of this franchise shall be made on the basis of revenue as above provided for the months and portions of months in which this franchise is in effect. For the purpose of ascertaining or auditing the correct amount to be paid under the provisions of this paragraph, the Town Clerk and/or any committee or auditor appointed by the Board of Trustees of said Town shall have access to the books of said Company for the purpose of checking the gross revenue received from operations within said Town.

ARTICLE VI

Section 1. Term - Effective Date. This ordinance shall become effective, as provided by law, thirty days after its publication following final passage, upon acceptance in writing by the Company within said period and the terms, conditions and covenants thereof shall remain in full force and effect for a period of twenty-five (25) years from and after said effective date.

Section 2. Removal. Upon expiration of this franchise, if the Company shall not have acquired an extension or renewal thereof and accepted same, it is hereby granted the right to enter upon the streets, alleys, bridges, viaducts, roads, lanes, public ways and other public places of the Town, for the purpose of removing therefrom any or all of its plants, structures, pipes, mains, conduits, cables, poles and wire, or equipment pertaining thereto at any time after the town has had ample time and opportunity to purchase, condemn or replace them. In so removing said pipes, mains, conduits, cables, poles, wire and equipment, the Company shall, at its own expense and in a workmanlike manner, refill any excavations that shall be made by it in the graveled or paved streets, alleys, bridges, viaducts, roads, lanes, public ways and other public places after the removal of mains, pipes, conduits, poles, or other structures.

Section 3. Acquisition by Town. It is agreed and understood that in the event the Town should purchase or condemn the electrical distribution system or the gas

distribution system of Company, or both, as provided by law, then for such purpose this franchise shall be construed as two separate and independent franchises, one relating to the electrical distribution system, and the other relating to the natural gas distribution system.

Section 4. Police Power Reserved. The right is hereby reserved to the Town to adopt, from time to time, in addition to the provisions herein contained, such ordinances as may be deemed necessary in the exercise of its police power, provided that such regulations shall be reasonable and not destructive of the rights herein granted, and not in conflict with the laws of the State of Colorado, or with orders of other authorities having jurisdiction in the premises.

Section 5. Assignment. Nothing in this ordinance shall be so construed as to prevent the Company from assigning all of its rights, title or interest, gained or authorized under or by virtue of the terms of this ordinance.

Section 6. Ordinances Repealed. Ordinances No. 14, 15 and 16, all adopted February 2, 1960; and all acts, ordinances or parts of ordinances in conflict herewith are hereby repealed.

INTRODUCED, READ AND ORDERED PUBLISHED, the 10th day of March, A. D. 1970

PASSED, ADOPTED AND APPROVED, this 14th day of April, A. D. 1970.

STATUTORY REFERENCES
FOR
COLORADO CITIES AND TOWNS

The statutory references listed below refer the code user to state statutes applicable to Colorado cities and towns. They are up to date through July 12, 2012.

General Provisions	Administration and Personnel
Classification of municipalities CRS § 31-1-201 et seq.	Organizational structure and officers of statutory cities CRS § 31-4-101 et seq.
Municipal home rule Const. Art. XX	City council-city manager form of government CRS § 31-4-201 et seq.
Ordinances generally CRS §§ 31-15-103 and 31-16-101 et seq.	Organizational structure and officers of statutory towns CRS § 31-4-301 et seq.
Codification of ordinances CRS § 31-16-201 et seq.	Requirements and compensation of officers CRS § 31-4-401 et seq.
Penalties for ordinance violations CRS § 31-16-101	Officers' recall CRS § 31-4-501 et seq.
Vesting of municipal powers CRS § 31-15-101 et seq.	Treasurer CRS § 31-20-301 et seq.
Jails CRS § 31-15-401(1)(j) and (1)(k)	Municipal courts CRS § 13-10-101 et seq.
Municipal Election Code CRS § 31-10-101 et seq.	General administrative powers CRS § 31-15-201
Fair Campaign Practices Act CRS § 1-45-101 et seq.	Fire, police and street departments CRS §§ 31-30-101 et seq., and 29-5-101 et seq.
Municipal initiatives, referenda, and referred measures CRS § 31-11-101 et seq.	

Colorado Disaster Emergency
Act of 1992

CRS § 24-32-2101 et seq.

Board of health

CRS § 31-15-201(1)(c)

Housing authority

CRS § 29-4-201 et seq.

Planning commission

CRS § 31-23-201 et seq.

Public meetings

CRS § 24-6-401 et seq.

Civil service

CRS § 31-30-101 et seq.

Revenue and Finance

General financial powers

CRS §§ 31-15-301, 31-15-
302, and 31-15-901

Fiscal procedures

CRS §§ 31-20-201, 31-20-
202

Warrants

CRS § 31-20-401 et seq.

Budget and services

CRS § 29-1-101 et seq.

Local Government Uniform
Accounting Law

CRS § 29-1-501 et seq.

Sales or use tax

CRS § 29-2-101 et seq.

Property tax

CRS § 31-20-101 et seq.

County and Municipality De-
velopment Revenue Bond Act

CRS § 29-3-101 et seq.

Bonds

CRS § 31-21-101 et seq.

Contracts for public im-
provements

CRS § 31-15-712

Rental and leasehold agree-
ments

CRS § 31-15-801

Purchasing

CRS § 31-15-201(1)(e)

Improvement districts in
municipalities

CRS §§ 31-25-500.2 et seq.
and 31-25-601 et seq.

Business Taxes, Licenses and Regulations

Regulation of businesses

CRS § 31-15-501

Fermented malt beverages

CRS § 12-46-101 et seq.

Adult businesses

CRS § 31-15-401(1)(p)

Alcoholic beverages

CRS § 12-47-101 et seq.

Pawnbrokers

CRS § 31-15-401(1)(n) and
CRS § 12-56-101 et seq.

Animals

Authority to regulate and
control animals

CRS §§ 31-15-401(1)(i) and
31-15-401(1)(m)

Health and Safety

Authority to do all acts to
promote the public health

CRS § 31-15-401(1)(b)

Building and fire regulations

CRS § 31-15-601

Authority to declare and abate nuisances

CRS § 31-15-401(1)(c)

Noxious weeds

CRS § 31-15-401(1)(d)

Colorado Clean Indoor Air Act

CRS § 25-14-201 et seq.

Fireworks

CRS §§ 31-15-601(1)(j) and 12-28-101 et seq.

Hazardous substance incidents

CRS § 29-22-101 et seq.

Sanitary standards for jails

CRS § 31-15-711.5

Public Peace, Morals and Welfare

State criminal code

CRS title 18

Police powers of municipalities

CRS § 31-15-401

Gambling

CRS § 31-15-401(1)(o)

Firearms and weapons

CRS § 18-12-101 et seq.

Local ordinances on firearms in vehicles

CRS § 18-12-105.6

Vehicles and Traffic

Vehicles and traffic generally

CRS title 42

Municipal authority to regulate traffic

CRS § 42-4-103 et seq.

Driving while intoxicated

CRS § 42-4-1301 et seq.

Automated vehicle identification systems

CRS § 42-4-110.5

Streets, Sidewalks and Other Public Places

Streets and alleys

CRS § 31-15-702 et seq.

Public works

CRS § 31-15-711 et seq.

Establishment of parks in cities

CRS § 31-25-201 et seq.

Establishment of parks in towns

CRS § 31-25-301 et seq.

Urban renewal

CRS § 31-25-101 et seq.

Public Mall Act of 1970

CRS § 31-25-401 et seq.

Public Services

Municipal utilities

CRS § 31-15-707

Water and water systems

CRS § 31-15-708

Water rights and works

CRS § 31-35-101 et seq.

Sewers and sewer systems

CRS § 31-15-709

Water pollution control

CRS § 31-15-710

Miscellaneous public improvements

CRS § 31-15-711

Solid waste to energy systems

CRS § 31-15-1001 et seq.

Cemeteries

CRS § 31-25-701 et seq.

Underground conversion of utilities

CRS § 29-8-101 et seq.

Energy conservation measures

CRS § 29-12.5-101 et seq.

Water and wastewater treatment

CRS § 25-9-101 et seq.

Individual sewage disposal systems act

CRS § 25-10-101 et seq.

Radiation control

CRS § 25-11-101 et seq.

Noise abatement

CRS § 25-12-101 et seq.

Recreation land preservation

CRS § 25-13-101 et seq.

Buildings and Construction

Building and fire regulations

CRS § 31-15-601

City Housing Law

CRS § 29-4-101 et seq.

Subdivisions

Subdivision regulations

CRS § 31-23-214 et seq.

Plats of cities and towns

CRS § 31-23-101 et seq.

Zoning

Authority to enact zoning regulations

CRS § 31-23-301 et seq.

Environmental Protection

Air pollution control

CRS § 25-7-101 et seq.

Water quality control

CRS § 25-8-101 et seq.

PRIOR CODE CROSS-REFERENCE TABLE

This table provides users with the current disposition of the sections in the Columbine Valley prior municipal code.

Thus, prior code Section 1-1-1 currently appears in this code as Section 1.04.010.

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
1-1-1	1.04.010	2-6-12	2.48.120
1-1-2	1.04.020,	2-6-13	2.48.130
	1.04.030	2-7-1	2.40.010
1-1-3	1.04.040	2-7-2	2.40.020
1-1-4	1.04.070	2-7-3	2.40.030
1-1-5	1.04.050	2-7-4	2.40.040
1-1-6	1.04.060	2-7-5	2.40.050
1-1-7	1.08.010	2-7-6	2.40.060
2-1-1	Repealed by	2-7-7	2.40.070
	2-1990	2-7-8	2.40.080
2-1-2	2.08.010	2-7-9	2.40.090
2-1-3	2.08.020	2-7-10	2.40.100
2-1-4	2.08.030	2-7-11	2.40.110
2-1-5	2.08.040	2-7-12	2.40.120
2-2-1	2.04.010--	2-11-1	2.52.010
	2.04.030	2-11-2	2.52.020
2-2-2	2.04.040--	2-11-3	2.52.030
	2.04.140	2-11-4	2.52.040
2-2-3	2.04.150	3-1-1	3.04.010
2-2-4	2.04.160	3-1-2	3.04.020
2-2-5	Repealed by	3-1-3	3.04.030
	1-1994	3-1-4	3.04.040
2-3-1	2.16.010	3-1-5	3.04.050
2-3-2	2.16.020	3-1-6	3.04.060
2-3-3	2.16.030	3-1-7	3.04.070
2-4-1	2.20.010	3-2-1	3.20.010
2-4-2	2.20.020	3-2-2	3.20.020
2-4-3	2.20.030--	3-2-3	3.20.030
	2.20.050	3-2-4	3.20.040
2-5-1	2.24.010	3-2-5	3.20.050
2-5-2	2.24.020	3-2-6	3.20.080
2-6-1	2.48.010	3-2-7	3.20.060
2-6-2	2.48.020	3-2-8	3.20.070
2-6-3	2.48.030	3-3-1	3.08.010
2-6-4	2.48.040	3-3-2	3.08.020
2-6-5	2.48.050	3-3-3	3.08.030
2-6-6	2.48.060	3-3-4	3.08.040
2-6-7	2.48.070	3-3-5	3.08.050
2-6-8	2.48.080	3-3-6	3.08.060
2-6-9	2.48.090	3-3-7	3.08.070,
2-6-10	2.48.100		3.08.080
2-6-11	2.48.110		

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
3-3-8	3.08.090	5-3-4	2.36.380
3-3-9	3.08.100	5-3-5	2.36.390
3-4-1	5.04.010,	5-3-6	2.36.400
	5.04.020	5-3-7	2.36.410
3-4-2	5.04.030	5-3-8	2.36.420
3-4-3	5.04.040	5-3-9	2.36.430
3-4-4	5.04.050	5-3-10	2.36.440
3-4-5	5.04.060	5-3-11	2.36.450
4-1-1	2.32.010	5-3-12	2.36.460
4-1-2	2.32.020	5-3-13	2.36.470
4-1-3	2.32.030	6-1-1	15.04.020
5-1-1	2.36.020	6-1-2	15.04.030
5-1-2	2.36.010	6-1-3	15.04.040
5-1-3	2.36.080	6-1-4	15.04.050
5-1-4	2.36.030	6-2-1	15.08.020
5-1-5	2.36.050	6-2-2	15.08.050
5-1-6	2.36.060,	6-2-3	Not codified
	2.36.070	6-2-4	15.08.060
5-1-7	2.36.090	6-2-5	15.08.070
5-1-8	2.36.100	6-2-6	15.08.080
5-1-9	2.36.110	6-2-7	15.08.090
5-1-10	Repealed by 77-1977	6-2-8	Not codified
5-1-11	2.36.120	6-2-9	15.08.100
5-1-12	2.36.040	6-2-10	15.08.110
5-1-13	2.36.130,	6-3-1	Repealed by 8-1994
	2.36.140	6-3-2	Repealed by 8-1994
5-1-14	2.36.150	6-3-3	Repealed by 8-1994
5-1-15	2.36.160	6-3-4	Repealed by 8-1994
5-2-1	2.36.170	6-3-5	Repealed by 8-1994
5-2-2	2.36.180	6-3-6	Repealed by 8-1994
5-2-3	2.36.190	6-3-7	Repealed by 8-1994
5-2-4	2.36.200	6-4-1	Repealed by 7-1996
5-2-5	2.36.210	6-4-2	15.16.020
5-2-6	2.36.220	6-4-3	15.16.030
5-2-7	2.36.230	6-5-1	Repealed by 7-1996
5-2-8	2.36.240	6-5-2	15.20.030
5-2-9	2.36.250	6-5-3	15.20.020
5-2-10	2.36.260	6-5-4	15.20.040
5-2-11	2.36.270	6-5-5	15.20.050
5-2-12	2.36.280		
5-2-13	2.36.290		
5-2-14	2.36.300		
5-2-15	2.36.310		
5-2-16	2.36.320		
5-2-17	2.36.330		
5-2-18	2.36.340		
5-3-1	2.36.350		
5-3-2	2.36.360		
5-3-3	2.36.370		

<u>Prior</u> <u>Code §</u>	<u>Herein</u>
6-5-6	15.20.060
6-5-7	15.20.070
6-5-8	15.20.080
6-5-9	15.20.090
6-5-10	15.20.100
6-6-1	Repealed by 7-1996
6-6-2	Repealed by 7-1996

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
6-6-3	15.24.030	7-1-6	2.44.060
6-6-4	15.24.040	7-1-7	2.44.070
6-6-5	15.24.050	7-1-8	2.44.080
6-6-6	15.24.060	7-1-9	2.44.090
6-8-1	15.40.010	7-2-1	17.04.010
6-8-2	15.40.020	7-2-2	17.04.010,
6-8-3 (1)	15.40.030		17.08.010--
6-8-3 (2)	15.40.040		17.08.120,
6-8-3 (3)	15.40.050		17.08.140--
6-8-3 (4)	15.40.060		17.08.170
6-8-3 (5)	15.40.070	7-2-3	17.04.030
6-8-3 (6)	15.40.080	7-2-4	17.04.040
6-8-3 (7)	15.40.090	7-2-5	17.12.010
6-8-9	15.40.100	7-2-6	17.12.020
6-9-1	15.04.060	7-2-7 (A)	17.12.030
6-9-2	Not codified	7-2-7 (B)	17.12.040
6-9-3	Not codified	7-2-8	17.12.050
6-9-4	15.04.010	7-2-9 (A)	17.16.010
6-9-5	15.04.070	7-2-9 (B)	17.16.020
6-10-1	Repealed by 14-1999	7-2-9 (C)	17.16.030
6-10-2	Repealed by 14-1999	7-2-9 (D)	17.16.040
6-10-3	Repealed by 14-1999	7-2-10 (A) (1) (a--f)	17.20.010
6-10-4	Repealed by 14-1999	7-2-10 (A) (1) (g)	Repealed by 6-1997
6-10-5	Repealed by 14-1999	7-2-10 (A) (2)	17.20.030
6-10-6	Repealed by 14-1999	7-2-10 (A) (3) (a)	17.20.040
6-10-7	Repealed by 14-1999	7-2-10 (A) (3) (b)	17.20.050
6-10-8	Repealed by 14-1999	7-2-10 (A) (3) (c)	17.20.060
6-10-9	Repealed by 14-1999	7-2-10 (A) (3) (d)	17.20.070
6-10-10	Repealed by 14-1999	7-2-10 (A) (4)	17.20.080
6-10-11	Repealed by 14-1999	7-2-10 (A) (5)	17.20.090
6-10-12	Repealed by 14-1999	7-2-10 (A) (6)	17.20.100
6-10-13	Repealed by 14-1999	7-2-10 (A) (7)	17.20.110
		7-2-10 (B) (1)	17.24.010
		7-2-10 (B) (2)	17.24.020
		7-2-10 (B) (3)	17.24.030
		7-2-10 (C) (1)	17.28.010
		7-2-10 (C) (2)	17.28.020
		7-2-10 (C) (3)	17.28.030
		7-2-10 (D) (1) (a)	Repealed by 2-1993
		7-2-10 (D) (1) (b)	Repealed by 2-1993
		7-2-10 (D) (1) (c)	Repealed by 2-1993
7-1-1	2.44.010		
7-1-2	2.44.020		
7-1-3	2.44.030		
7-1-4	2.44.040		
7-1-5	2.44.050		

<u>Prior</u> <u>Code §</u>	<u>Herein</u>
7-2-10 (E) (1)	17.36.010
7-2-10 (E) (2)	17.36.020
7-2-10 (E) (3)	
(a, b)	17.36.030
7-2-10 (E) (3)	
(c)	17.36.040
7-2-10 (E) (3)	
(d)	17.36.050
7-2-10 (E) (4)	17.36.060
7-2-10 (E) (5)	17.36.070
7-2-10 (E) (6)	17.36.080
7-2-10 (E) (7)	17.36.090

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
7-2-10 (E) (8)	17.36.100	7-2-16	17.04.050
7-2-11	Not codified	7-2-17	Repealed by 6-1995
7-2-12	17.40.010		
7-2-12 (A) (1)	15.36.010	7-2-18 (A)	17.52.010
7-2-12 (A) (2)	15.36.020	7-2-18 (B)	
7-2-12 (A) (3)	15.36.030	(1--6)	17.52.020
7-2-12 (A) (4)	15.36.050	7-2-18 (B)	
7-2-12 (B)	15.36.040	(7)	17.52.030
7-2-12 (C) (1)	15.36.060	7-2-18 (C)	17.52.040
7-2-12 (C) (2)	15.36.070	7-2-18 (D)	17.52.050
7-2-12 (C) (3)	15.36.080	7-2-18 (E)	17.52.060,
7-2-12 (C) (4)	15.36.090		17.52.070
7-2-12 (C) (5)	15.36.100	7-2-19	17.60.010
7-2-12 (C) (6)	15.36.110	8-1-1	Repealed by 2-1990
7-2-12 (D) (1)	15.36.120	8-1-2	Repealed by 2-1990
7-2-12 (D) (2)	15.36.130		
7-2-12 (D) (3)		8-1-3	Repealed by 2-1990
(part)	15.36.140	8-1-4	Repealed by 2-1990
7-2-12 (D) (3-1)	15.36.150	8-1-5	Repealed by 2-1990
7-2-12 (D) (3-2)	15.36.160	8-1-6	Repealed by 2-1990
7-2-12 (D) (3-3)	15.36.170	8-1-7	Repealed by 2-1990
7-2-12 (D) (3-4)	15.36.180	8-1-8	Repealed by 2-1990
7-2-12 (D) (3-5)	15.16.190	8-1-9	Repealed by 2-1990
7-2-12 (D) (4-1)	15.36.200	8-1-10	Repealed by 2-1990
7-2-12 (D) (4-2)	15.36.210	8-1-11	Repealed by 2-1990
7-2-12 (D) (4-3)	15.36.220	8-1-12	Repealed by 2-1990
7-2-12 (E)		8-1-13	Repealed by 2-1990
(part)	15.36.230	8-1-14	Repealed by 2-1990
7-2-12 (E) (1-1)	15.36.240		
7-2-12 (E) (1-2)	15.36.250	9-1-1	12.04.010
7-2-12 (E) (1-3)	15.36.260	9-1-2	12.04.020
7-2-12 (E) (1-4)	15.36.270	9-1-3	12.04.030
7-2-12 (E) (2)	15.36.280	9-1-4	12.04.040
7-2-12 (E) (2-1)	15.36.290	9-1-5	12.04.050
7-2-12 (E) (2-2)	15.36.300	9-1-6	12.04.060
7-2-12 (E) (2-3)	15.36.310	9-1-7	12.04.070
7-2-12 (E) (2-4)	15.36.320		
7-2-12 (F) (1)	15.36.330		
7-2-12 (F) (2)	15.36.340		
7-2-13	17.40.020		
7-2-14 (A)	17.44.010		
7-2-14 (B)	17.44.020		
7-2-14 (C)	17.44.030		
7-2-15 (A)	17.48.010		
7-2-15 (B)	17.48.020		
7-2-15 (C)	17.48.030		
7-2-15 (D)	17.48.040		
7-2-15 (E)	17.48.050		
7-2-15 (F)	17.48.060		

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
9-1-8	12.04.080	10-2-9	Repealed by
9-1-9	12.04.090		8-1990
9-1-10	12.04.100	10-2-10	8.08.140
9-1-11	12.04.110	10-3-1	9.04.010
9-1-12	12.04.120	10-3-2	9.04.020
9-1-13	12.04.130	10-3-3	Not codified
9-1-14	12.04.140	10-3-4	9.04.040
9-1-15	12.04.150	10-3-5	9.04.050
9-1-16	12.04.160	10-3-6	9.04.060
9-1-17	12.04.170	10-3-7	9.04.070
9-2-1	12.08.010	10-3-8	9.04.080
9-2-2	12.08.020	10-3-9	9.04.090
9-2-3	Repealed by 4-1995	10-3-10	9.04.100
		10-4-1	Repealed by
9-2-4	12.08.040		2-1990
9-2-5	12.08.050	10-4-2	Repealed by
9-2-6	12.08.060		2-1990
9-2-7	12.08.070	10-4-3	Repealed by
9-2-8	12.08.080		2-1990
9-2-9	12.08.090	10-4-4	9.08.010
9-2-10	12.08.100	10-5-1	8.08.100
9-2-11	12.08.110	10-5-2	8.08.110
9-2-12	12.08.120	10-5-3	8.08.120
9-3-1	12.12.010	10-5-4	8.08.130
9-3-2	12.12.020	10-5-5	9.16.010
9-3-3	12.12.030	10-5-6	9.12.010
9-3-4	12.12.040	10-5-7	Not codified
9-3-5	12.12.050	10-5-8	Repealed by
9-3-6	12.12.060		2-1990
9-3-7	12.12.070	10-5-9	Repealed by
9-3-8	12.12.080		2-1990
9-3-9	12.12.090	10-5-10	9.12.020
10-1-1	8.04.010	10-5-11	Not codified
10-1-2	8.04.020	10-5-12	9.12.040
10-1-3	8.04.030	10-5-13	9.12.050
10-1-4	8.04.040	10-5-14	9.12.060
10-1-5	8.04.050	10-5-15	Not codified
10-1-6	8.04.060	10-5-16	Repealed by
10-1-7	8.04.070		2-1990
10-1-8	8.04.080	10-5.1-1	2.56.010
10-1-9	8.04.090	10-5.1-2	2.56.020
10-2-1	8.08.010	10-5.1-3	2.56.030
10-2-2	8.08.020	10-5.1-4	2.56.040
10-2-3	8.08.030	10-5.1-5	2.56.050
10-2-4	8.08.040	10-5.1-6	2.56.060
10-2-5	8.08.050	10-5.1-7	2.56.070
10-2-6	8.08.060	10-5.1-8	2.56.080
10-2-7	8.08.070	10-5.1-9	2.56.090
10-2-8	8.08.080		

<u>Prior Code §</u>	<u>Herein</u>	<u>Prior Code §</u>	<u>Herein</u>
10-5.1-10	2.56.100	11-2-7	6.08.120
10-6-1	9.04.130	11-2-8	6.08.130
10-6-2	9.04.120	11-2-9	6.08.140
10-6-3	9.12.080	11-2-10	6.08.150--
10-6-4	9.04.030		6.08.170
10-6-5	9.12.100	11-2-11	6.08.180--
10-6-6	9.12.030		6.08.230
10-6-7	9.16.020	11-2-12	6.08.240
10-6-8	9.12.090	12-1-1	8.12.010
10-6-9	9.04.110	12-1-2	8.12.020
10-6-10	9.12.070	12-1-3	8.12.030
10-6-11	9.08.020	12-1-4	8.12.040
10-6-12	9.08.030	12-1-5	8.12.050
10-6-13	9.20.010	12-1-6	8.12.060
10-7-1	8.20.010--	12-1-7	8.12.070
	8.20.050	12-1-8	8.12.080
10-7-2	Repealed by	12-1-9	8.12.090
	2-1996	12-2-1	8.16.010
10-7-3	9.04.140	12-2-2	8.16.020
10-7-4	9.16.030	12-2-3	8.16.030
10-7-5	9.16.040	12-2-4	8.16.040
10-7-6	9.16.050	12-2-5	8.16.050
10-7-7	9.16.060	12-2-6	8.16.060
10-7-8	12.04.180	12-2-7	8.16.070
10-7-9	12.04.190	12-2-8	8.16.080
10-7-10	12.04.200	12-2-9	8.16.090
10-7-11	6.04.080	13-1-1	3.12.010
10-7-12	Not codified	13-1-2	3.12.020
10-7-13	5.08.020	13-1-3	3.12.030
10-7-14	1.08.020	13-1-4	3.12.040
11-1-1	6.04.020--	13-1-5	3.12.050
	6.04.040	13-1-6	3.12.060
11-1-2	6.04.050	13-1-7	3.12.070
11-1-3	6.04.060	13-1-8	3.12.080
11-1-4	6.04.070	13-1-9	3.12.090
11-1-5	6.04.080	13-1-10	3.12.100
11-1-6	6.04.090	13-1-11	3.12.110
11-1-7	6.04.100	13-1-12	3.12.120
11-1-8	6.04.110	13-1-13	3.12.130
11-1-9	6.04.120	13-2-1	3.12.140
11-1-10	6.04.010	13-2-2	3.12.150
11-1-11	6.04.130	13-2-3	3.12.160
11-2-1	6.08.010	13-2-4	3.12.170
11-2-2	6.08.020--	13-2-5	3.12.180
	6.08.050		
11-2-3	6.08.060--		
	6.08.080		
11-2-4	6.08.090		
11-2-5	6.08.100		
11-2-6	6.08.110		

ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 2, this table will be replaced with the "Code Comparative Table and Disposition List."

Ordinance Number

21A-1964	Peddlers, solicitors and itinerant merchants (Repealed by 1-2005)
52-1972	Adopts prior code; uniform codes; floodplain regulations; general penalty (Not codified)
53-1972	Annexation (Special)
54-1972	Model Traffic Code (Repealed by 2-1990)
55-1972	Budget (Special)
56-1973	Traffic study requirement (15.44)
57-1973	(Number not used)
58-1973	Zones annexed property (Special)
59-1973	Annexation (Special)
60-1973	Annexation (Special)
61-1973	Appropriation (Special)
62-1973	Budget (Special)
63-1973	Repeals and replaces prior code §11-2-3, dogs (Repealed by 1-1985)
64-1973	Amends prior code §7-2-3 and subsection (B)(3) of prior code §7-2-10, zoning (Re- pealed by 3-1980)
65-1974	Annexation (Special)
66-1974	Annexation (Special)
67-1974	Adds subsection (D) to; and amends prior code §7-2-12, zoning (Repealed by 70-1975)
68-1974	Budget (Special)
69-1974	Model Traffic Code; repeals Ord. 51-1972 (Re- pealed by 85-1977, 3-1987)
70-1975	Repeals and replaces prior code §7-2-12, zon- ing (Repealed by 1-1978)
71-1975	Annexation (Special)

Ordinance
Number

72-1975	Budget (Special)
73-1976	Repeals and replaces prior code Ch. 4, elections (2.32)
74-1976	Budget (Special)
75-1976	Amends prior code §5-2-10, municipal court (2.36)
76-1976	Uniform codes (Not codified)
77-1977	Adds prior code §5-1-13; amends prior code §§5-1-4, 5-1-5 and 5-1-6, municipal court; repeals prior code §5-1-10 (2.36)
78-1977	Uniform Fire Code (Title 15)
79-1977	Amends subsections (2) and (4) of prior code §7-2-10, zoning (Repealed by 3-1980)
80-1977	Adds subsection (C)(3) of prior code §7-2-11; amends subsection (A)(3)(b) of prior code §7-2-10, zoning (Repealed by 3-1980)
81-1977	Annexation (Special)
82-1977	Zones annexed property (Special)
83-1977	Budget (Special)

Ordinance
Number

84-1977	Cul-de-sac vacation (Special)
85-1977	Model Traffic Code; repeals Ord. 69-1974 (Repealed by 2-1990)
86-1977	Amends §1 of Ord. 81-1977, annexation (Special)
87-1977	Amends the first whereas clause of Ord. 82-1977, zoning annexed property (Special)
1-1978	Repeals and replaces prior code §7-2-12, zoning (Repealed by 3-1980)
2-1978	Amends title of Ord. 1-1978 and subsections (B)(1) and (G)(4) of prior code §7-2-12, zoning (Repealed by 3-1980)
3-1978	Adds prior code §§6-7-1 and 6-7-2, energy construction standards (Repealed by 5-1980)
4-1978	Adopts prior code; general penalty (Not codified)
5-1978	Budget (Special)
1-1979	(Not adopted)
2-1979	Tax on telephone utility companies (3.16)
3-1979	Swimming pools (Repealed by 2-1990)
4-1979	Repeals and replaces subsection (A)(4) of prior code §7-2-10, zoning (Repealed by 3-1980)
5-1979	Uniform Building Code (Repealed by 2-1990)
6-1979	Amends subsection (L)(1) of prior code §7-2-12, zoning (Repealed by 3-1980)
7-1979	Budget (Special)
8-1979	Adds subsection (A)(3)(c) of prior code §7-2-10; amends subsections (A)(3)(b) of prior code §7-2-10 and (C)(3) of prior code §7-2-11, zoning (Repealed by 3-1980)
9-1979	(Not adopted)
10-1979	Adds subsections (A)(3)(d) to prior code §7-2-10 and (C)(4) to prior code §7-2-11, zoning (Repealed by 3-1980)
1-1980	Repeals and replaces prior code §10-2-7, weed removal (8.08)
2-1980	Adds prior code §§10-5.1-1 through 10-5.1-10, lost or abandoned property (2.56)
3-1980	Repeals and replaces prior code Ch. 7, zoning (17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.28, 17.36, 17.40, 17.44, 17.48, 17.52, 17.60)
4-1980	Budget (Special)
5-1980	Repeals and replaces prior code Ch. 6, buildings and construction (15.04, 15.08, 15.16, 15.20, 15.24, 15.40)
1-1981	Model Traffic Code (Repealed by 2-1990)
2-1981	(Not adopted)
3-1981	Uniform codes (15.28, 15.32)

Ordinance
Number

4-1981	Repeals and replaces subsections (C)(2) and (D)(1)(b) of prior code §7-2-10, zoning (17.28)
5-1981	Adds subparagraph (9) to prior code §7-2-10(D)(1)(a); repeals and replaces subsections (A)(2)(a), (B)(2), (C)(3) and (E)(3)(b) of prior code §7-2-10, zoning (17.20, 17.24, 17.28, 17.36)
6-1981	Budget (Special)
7-1981	Model Traffic Code (Repealed by 2-1990)
8-1981	Adds prior code §§3-4-1 through 3-4-5, CATV systems (5.04)
9-1981	Adds prior code Ch. 13, sales and use tax (3.12)
1-1982	Rezone (Special)
2-1982	Model Traffic Code; repeals and replaces §1 of Ord. 7-1981 (Repealed by 2-1990)
3-1982	Repeals and replaces prior code §§5-1-2 and 5-1-5, municipal court (2.36)
4-1982	Grants nonexclusive cable communications system permit; repeals and replaces prior code §3-4-5, CATV systems (5.04)
5-1982	Budget (Special)
1-1983	Repeals and replaces subsection (a) of prior code §2-2-2, board of trustees (Repealed by 5-1984)
2-1983	Appropriations (Special)
3-1983	Annexation (Special)
4-1983	Zones annexed property (Special)
5-1983	(Not adopted)
6-1983	Repeals and replaces subsection (A)(4) of prior code §7-2-10, zoning (17.20)
7-1983	Amends subsection (A)(5) of prior code §7-2-10, zoning (17.20)
8-1983	Repeals and replaces prior code §10-2-8, nuisances (8.08)
9-1983	Budget (Special)
10-1983	Annexation (Special)
1-1984	Zones annexed property (Special)
2-1984	Repeals and replaces prior code §§6-2-1, 6-3-1, 6-4-1, 6-5-1, 6-6-1 and 6-6-2, buildings and construction (Repealed by 2-1985, 4-1987)
3-1984	Amends the introductory heading of Ord. 1-1984, zoning annexed property (Special)
4-1984	Adds subsection (B)(7) to prior code §7-2-18, zoning (Repealed by 2-1998)

Ordinance
Number

5-1984	Repeals and replaces subsection (a) of prior code §2-2-2, board of trustees (Repealed by 4-1988)
6-1984	Amends subsection (B)(7) of prior code §7-2-18, zoning (Repealed by 2-1998)
7-1984	Rezone (Special)
8-1984	Budget (Special)
1-1985	Repeals and replaces prior code Ch. 11, animals (6.04, 6.08)
2-1985	Repeals and replaces prior code §§6-2-1, 6-4-1, 6-5-1, 6-6-1 and 6-6-2, buildings and construction (Repealed by 1-1989)
3-1985	Budget (Special)
1-1986	Rezone (Special)
2-1986	Repeals and replaces §6 of Ch. 10 of prior code, offenses relating to minors (9.04, 9.08, 9.12, 9.16, 9.20)
3-1986	Street vacation (Special)
4-1986	Town administrator (2.12)
5-1986	Budget (Special)
1-1987	Repeals and replaces prior code §7-2-12, zoning (17.04)
2-1987	Traffic engineer (2.28)
3-1987	Model Traffic Code; repeals Ord. 69-1975 (Repealed by 2-2003)
4-1987	Repeals and replaces §3 of Ch. 6 of prior code, electrical code (Repealed by 8-1994)
5-1987	Adds prior code §10-2-10; repeals and replaces prior code §§10-1-8 and 10-2-9, nuisances (8.04, 8.08)
6-1987	Zoning (Repealed by 9-1987)
Unnumbered, dated	
4/21/87	Master plan (Not codified)
7-1987	Appropriation (Special)
8-1987	Uniform Building Code (15.08)
9-1987	Repeals and replaces §1 of Ch. 7 of prior code, zoning (2.44)
10-1987	Repeals and replaces prior code §2-2-1, board of trustees (2.04)

Ordinance
Number

1-1988	Authorizes transfer of nonexclusive CATV franchise (Special)
2-1988	Uniform Building Code (Not codified)
3-1988	Amends subsection (A) of prior code §7-2-15, zoning (17.48)
4-1988	Repeals and replaces subsection (a) of prior code §2-2-2, board of trustees (2.04)
5-1988	(Not adopted)
6-1988	Repeals and replaces subsection (i) of prior code §2-2-2, board of trustees (2.04)
7-1988	Adds §7 to Ch. 6 of prior code, vested property rights (Repealed by 14-1999)
8-1988	Amends subsection (9) of prior code §6-8-3, swimming pools (15.40)
9-1988	(Not adopted)
10-1988	Amends subsection (9) of prior code §6-8-3, swimming pools (15.40)
11-1988	Repeals and replaces subsection (D)(1)(a) of prior code §7-2-10, zoning (Repealed by 2-1993)
12-1988	1989 budget (Special)
1-1989	Repeals and replaces prior code §§6-2-1, 6-4-1, 6-5-1, 6-6-1 and 6-6-2, uniform codes (15.04, 15.08, 15.20)
2-1989	Amends §§7-1-2 and 7-1-5, planning and zoning commission (2.44)
3-1989	Adds prior code §6-3-7, electric code (Repealed by 8-1994)
4-1989	Repeals and replaces prior code §7-2-12, floodplain district (15.36)
5-1989	Emergency telephone service charge (3.24)
6-1989	Adds Art. V §2 and Art. VII; repeals and replaces Art. V §1 of Ord. 46, public service company franchise (Special)
7-1989	Speed limits (Repealed by 2-2003)
8-1989	Institutes capital mill levy (Special)
9-1989	Amends prior code §7-2-10-A.4(B), curbs and gutter repair and maintenance (17.20)
10-1989	(Not passed)
11-1989	Authorizes loan (Special)
12-1989	(Not passed)

Ordinance
Number

13-1989	1990 budget (Special)
1-1990	(Not passed)
2-1990	Repeals prior code §§2-1-1, 3-3-6, 8-1-1--8-1-14, 10-4-1, 10-4-2, 10-4-3, 10-5-8, 10-5-9, 10-5-11, 10-5-16 and 13-1-1 and Ords. 54-1972, 26-1977, 28-1977, 85-1977, 3-1979, 5-1979, §1 Part 7 of Ord. 5-1980, Ord. 1-1981, §1 Parts 1, 2, 3 and 4 of Ord. 3-1981, and Ords. 7-1981, 2-1982 and 6-1986 (Repealer)
3-1990	Amends prior code §§2-1-2, 2-1-3, 2-2-1, 2-2-2(i), 2-2-3, 2-2-4, 2-3-1, 2-3-2, 2-3-3(e), 2-4-1, 2-4-2, 2-4-3, 2-7-3, 2-7-4, 2-7-5, 2-7-8, 3-1-1, 3-1-2, 3-1-3, 3-1-4, 3-1-5, 3-1-6, 3-1-7, 3-3-5, 3-3-6, 3-3-8, 5-2-2, 5-2-3, 5-2-4, 5-2-14, 5-3-1, 5-3-2, 5-3-5, 5-3-8, 6-5-1, 7-2-2, 7-2-10(A)(1)(a), 7-2-10(A)(1)(e), 9-3-1, 10-3-1,

Ordinance
Number

10-3-2, 10-3-6, 10-5-6(b), 10-5-11, 10-5-12, 10-5-14 and §6 of Ord. 2-1986 (prior code §§10-6-1, 10-6-2, 10-6-3, 10-6-4, 10-6-5, 10-6-6, 10-6-7, 10-6-8, 10-6-9, 10-6-10, 10-6-11, 10-6-12) and Ord. 7-1988 (renumbers prior code §§6-7-1, 6-7-2, 6-7-3, 6-7-4, 6-7-5, 6-7-6, 6-7-7, 6-7-8, 6-7-9, 6-7-10, 6-7-11, 6-7-12, 6-7-13 as prior code §§6-10-1, 6-10-2, 6-10-3, 6-10-4, 6-10-5, 6-10-6, 6-10-7, 6-10-8, 6-10-9, 6-10-10, 6-10-11, 6-10-12 and 6-10-13, respectively), technical correction to various provisions (2.04, 2.08, 2.16, 2.20, 2.36, 2.40, 3.04, 3.12, 8.16, 9.04, 9.08, 9.12, 9.16, 9.20, 12.12, 17.20)

4-1990 Repeals and replaces prior code §10-6-12, offenses against public morals (9.08)

5-1990 Renumbers prior code §10-6-12 as 10-6-13, offenses against public morals (9.20)

6-1990 Amends prior code §6-2-6, Uniform Building Code (15.08)

7-1990 Amends §10-2-7, nuisances (8.08)

8-1990 Repeals and replaces §10-2-9, nuisances (8.08)

9-1990 1991 budget (Special)

10-1990 Adds prior code §10-2-10, nuisances (8.08)

11-1990 Code adoption; adds §§1.08.010, 2.36.260, 2.52.040, 3.12.180, 3.16.090, 3.20.080, 5.04.060, 6.04.130, 6.08.240, 8.04.090, 8.08.140, 9.20.010, 15.04.080, 15.36.340 and 17.60.020, general penalty (1.01, 1.08, 2.36, 2.52, 3.12, 3.16, 3.20, 5.04, 6.04, 6.08, 8.04, 8.08, 9.20, 15.04, 15.36, 17.60)

1-1991 Amends §2.44.020, planning and zoning commission (2.44)

2-1991 Repeals and replaces §§15.08.010, 15.12.010, 15.16.010, 15.20.010, 15.24.010 and 15.24.020, uniform codes (15.08)

3-1991 (Not passed)

4-1991 Amends §2.04.040, board of trustees (2.04)

5-1991 (Not passed)

1-1992 Repeals and replaces §17.20.090, zoning (17.20)

2-1992 Amends §17.52.050, zoning (17.52)

3-1992 Amends §§1.08.010(A), 2.36.260(C), 2.52.040, 3.12.180, 3.16.090, 3.20.080, 5.04.060(C), 6.04.130, 6.08.240(A), (B) and (C)(1), 8.04.090, 9.20.010(A) and (B), 15.04.080(B), 17.60.020 and subsection B of Ord. 7-1981, all pertaining to penalties for violations (1.08, 2.36, 2.52, 3.12, 3.16, 3.20, 5.04, 6.04, 6.08, 8.04, 9.20, 15.04)

Ordinance
Number

4-1992	Adds §10.04.040 and repeals and replaces §10.04.030, compulsory vehicle insurance and penalties (Repealed by 2-2003)
5-1992	Repeals and replaces §17.20.090, nuisance plants (8.08)
6-1992	Amends §17.20.010(D), zoning (17.20)
7-1992	Amends §17.48.010, zoning (17.48)
8-1992	Amends §8.08.070(A), weed removal (8.08)
9-1992	1993 Budget (Special)
10-1992	(Not passed)
11-1992	Adds Ch. 15.09, woodburning limitations and air pollution control (15.09)
1-1993	Adds Ch. 13.04, trees and shrubs (13.04)
2-1993	Repeals and replaces Ch. 17.32, park, open and recreational district (17.32)
3-1993	Repeals and replaces §12-2 of the Model Traffic Code (Repealed by 2-2003)
4-1993	Adds §17.20.120 and amends §17.36.020, zoning (17.20, 17.36)
5-1993	Amends §§17.20.010(F) and 17.36.020, zoning (17.20, 17.36)
6-1993	Amends §17.20.020(A), zoning (Repealed by 6-1997)
7-1993	Adds §§8.04.100 and 8.08.150; amends §§8.04.050, 8.04.070, 8.04.090, 8.08.090 and 8.08.140, nuisances (8.04, 8.08)
1-1994	Repeals and replaces §2.04.170, board of trustees (2.04)
2-1994	Adds Ch. 17.70 [17.38], PDE, planned development equestrian district (17.38)
3-1994	Amends §17.48.040, zoning (17.48)
4-1994	Amends §304(b) of Uniform Building Code (15.08)
5-1994	Licensing and registration of construction supervisors (15.50)
6-1994	Amends §§2.44.020(D) and 2.44.050, planning and zoning commission (2.44)
7-1994	Rezone (Special)
8-1994	Repeals and replaces Ch. 15.12, electric code (15.12)
9-1994	Annexation (Special)

Ordinance
Number

10-1994	Adds Ch. 9.17, curfew (9.17)
11-1994	Adds Ch. 10.04 [10.08], golf cart regulation (10.08)
1-1995	Adds subsection G to §17.20.010, zoning (17.20)
2-1995	Canceled and vacated final plat of Columbine Valley North Legrage (Special)
3-1995	Grants franchise to Public Service Company, gas and electricity (Special)
4-1995	Repeals and replaces §12.08.030, construction and repair (12.08)
5-1995	Amends §15.36.070, floodplain district (15.36)
6-1995	Adds §17.60.030; repeals and replaces §17.60.020, zoning (17.60)
7-1995	Adds subsection C to §17.20.090, zoning (17.20)
8-1995	Establishes Doral Park (Special)
9-1995	Establishes Village Park (Special)
10-1995	Adopts 1996 budget (Special)
11-1995	Adopts Model Traffic Code (Repealed by 2-2003)
12-1995	(Not passed)
13-1995	(Not passed)
14-1995	Right-of-way vacation (Special)
1-1996	Right-of-way vacation (Special)
2-1996	Repeals §9.08.040 and replaces with §9.08.060, lotteries (9.08)
3-1996	Adds §9.08.040, possession of drug paraphernalia (9.08)
4-1996	Adds §9.08.050, possession or consumption of ethyl alcohol by an underaged person (9.08)
5-1996	Amends §17.20.030, zoning (17.20)
6-1996	Adds §§2.32.040 and 2.32.050, elections (2.32)
7-1996	Adds Ch. 15.25 and repeals and replaces §§15.08.010, 15.16.010, 15.20.010, 15.24.010 and 15.24.020, buildings and construction (15.08, 15.16, 15.20, 15.24, 15.25)
8-1996	Annexation (Special)
1-1997	Moratorium on telecommunications (Special)

Ordinance
Number

2-1997	Establishes Villas Park (Special)
3-1997	Annexation (Special)
4-1997	Cancels and vacates subdivider improvement agreement (Special)
5-1997	Moratorium on telecommunications (Special)
6-1997	Repeals and replaces §17.20.020; repeals §17.08.140, zoning (17.20)
7-1997	Renumbers §9.08.060 to 9.08.070, offenses relating to public morals (9.08)
8-1997	Adds §9.08.060, offenses relating to public morals (Repealed by 2-2004)
1-1998	Amends §2.04.110, board of trustees (2.04)
2-1998	Repeals and replaces §§17.52.010 and 17.52.030, amendments (17.52)
3-1998	Adds Ch. 10.09, traffic infractions; amends §10.04.030(B), model traffic code adoption (10.04)
4-1998	Amends §§15.12.010, 15.12.020(A), 15.12.070 and 15.12.080, electric code (15.12)
5-1998	Adds §15.08.120 and amends §§15.08.020 and 15.08.070, Uniform Building Code (15.08)
6-1998	Amends §17.20.090, R-1 residential one district (17.20)
7-1998	Amends §2.04.040, board of trustees (2.04)
8-1998	(Not codified)
9-1998	Amends §§9.04.110--9.04.130, offenses against property (9.04)
10-1998	Amends §§17.36.010 and 17.36.030(A), zoning (17.36)
11-1998	Amends §10.09.010, traffic infractions (10.09)
12-1998	Amends §§17.02.010(D) [17.20.010(D)] and 17.36.020(A); deletes subsection E of §17.20.010 and reletters subsections F and G to be E and F, zoning (17.20, 17.36)
1-1999	Amends §10.09.210(A), traffic (10.09)
3-1999	Adds §9.08.080, public morals offenses (9.08)
4-1999	(Not codified)
5-1999	(Not codified)

Ordinance
Number

6-1999	Adds §§17.40.020 and 17.40.030 [adds §§17.40.030, 17.40.040 and 17.40.050], zoning (17.40)
7-1999	Amends §9.08.060, public morals offenses (Repealed by 2-2004)
8-1999	Repeals and replaces §17.20.030(B), zoning (17.20)
9-1999	Amends §§15.08.020, 15.16.020, 15.25.010 and 15.26.010; repeals and replaces §§15.08.010, 15.16.010, 15.20.010, 15.24.010 and 15.24.020, uniform codes (15.08, 15.16, 15.20, 15.24, 15.25)
10-1999	Adopts model traffic code (Repealed by 2-2003)
11-1999	(Not codified)
12-1999	(Not codified)
13-1999	(Not codified)
14-1999	Repeals and replaces Ch. 17.56, zoning (17.56)
15-1999	(Not codified)
16-1999	Amends §§12.04.120 and 12.04.130, streets and sidewalks (12.04)
1-2000	Adds Ch. 5.05, wireless communications facilities (5.05)
2-2000	Amends §2.08.040, town office (2.08)
3-2000	Amends §17.20.020(A)(3), group homes (17.20)
4-2000	Amends §15.12.010; repeals and replaces §15.12.080, electrical code (15.12)
5-2000	Authorizes developer reimbursement payments (Special)
6-2000	(Not codified)
7-2000	(Tabled)
8-2000	Adds §17.40.040 [17.40.060], sign nuisance remedies (17.40)
9-2000	2001 budget (Special)
1-2001	Adds §3.12.170(F), use tax (3.12)
2-2001	(Not passed)
3-2001	(Not codified)

Ordinance
Number

4-2001	Amends §§17.40.030 [17.40.050] and 17.40.040; repeals and replaces §17.40.020 [17.40.030], signs (17.40)
5-2001	Amends §§8.08.070(B) and 8.08.080, weed removal (8.08)
6-2001	Amends §2.36.140, municipal court (2.36)
1-2002	Amends §10.04.020, model traffic code adoption (Repealed by 2-2003)
5-2002	(Pending)
1-2003	Adds Ch. 12.13, rights-of-way (12.13)
2-2003	Repeals and replaces Ch. 10.04, model traffic code adoption (10.04)
3-2003	Disconnection of certain property (Special)
2-2004	Repeals and replaces §9.08.060, offenses relating to public morals (9.08)
3-2004	(Pending)
1-2005	Repeals and replaces Ch. 5.08, solicitors, peddlers and itinerant merchants (5.08)
2-2005	Amends §10.04.020, model traffic code adoption (10.04)
3-2005	(Pending)
1-2006	(Pending)

Beginning with Supplement No. 2, this table will be replaced with the "Code Comparative Table and Disposition List."

CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Columbine Valley, Colorado beginning with Supplement No. 2, included in this Code.

Ordinance Number	Date	Description	Section	Section this Code
2-2007	6-19-2007	Nuisances	1 Rpld	8.04.010-- 8.04.100
			2 Added	8.04.010-- 8.04.130
			3 Rpld	8.08.150
			Added	8.08.150
			4, 5 Added	8.08.160, 8.08.170
			6	8.08.070.A.
			7 Rpld	8.08.080
			Added	8.08.080
			8 Added	8.08.083
			9 Added	8.08.085
3-2007	6-19-2007	Parking	1	10.04.020
3-2008	10-21-2008	Penalties for motor vehicle violations	1	10.04.030.C.
4-2008	11-18-2008	Weapons	1 Rpld	9.12.040
			Added	9.12.040
1-2009	4-21-2009	Penalties for motor vehicle violations	1	10.04.030.D.
2-2009	5-19-2009	Municipal court interpreter	1	2.36.140
4-2009	10-20-2009	Floodplain development permit	1, 2	15.36.120
1-2010	2-16-2010	Misuse of wireless telephone	1	10.04.020.B.
5-2010	7-20-2010	Medical marijuana		Not codified
7-2010	10-19-2010	Operation of golf carts	1	10.08.030
1-2011	3-15-2011	Administrative provisions for buildings and construction	1 Rnbd	15.04.020
			as	15.04.030

Ordinance Number	Date	Description	Section	Section this Code
			2 Added	15.04.020
			3 Rpld	15.04.030
			4, 5 Rnbd	15.04.040, 15.04.050
			as	15.04.100, 15.04.110
			6 Rpld	15.04.060
			7 Rnbd	15.04.070
			as	15.04.090
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			as	15.04.120
			9 Added	15.04.035
			10-- 14Added	15.04.040-- 15.04.080
			15	15.04.090
			16	15.04.120
2-2011	3-15-2011	Building code	1	ch. 15.08 (title)
			2, 3	15.08.060, 15.08.070
			4 Rpld	15.08.050
			Rpld	15.08.080-- 15.08.110
			5-- 8 Added	15.08.080-- 15.08.110
			9 Rnbd	15.08.120
			as	15.08.160
			10	15.08.120
			11-- 13Added	15.08.130-- 15.08.150
			14	ch. 15.24 (title)
4-2011	8-16-2011	Municipal contracts	1 Rpld	3.08.010-- 3.08.100
			Added	3.08.010-- 3.08.070

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