

MANCOS

MUNICIPAL

CODE

2010

A Codification of the General Ordinances
of the Town of Mancos, Colorado.

Published by

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TOWN OF MANCOS

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SUPPLEMENT NO. 1

MANCOS MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 636, effective January 1, 2011.**

Remove old pages

xxxi—xxxiv
6-iii
6-37
8-i—8-2
16-ix
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16-141, 16-142
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I-11—I-27

Insert new pages

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16-21—16-24
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16-141—16-146
T-29—T-102
I-3—I-7
I-11—I-28

Insert this instruction sheet behind the Supplementation Tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

April 2011

SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Mancos Municipal Code" is amended by the addition thereto of a new Section 2-2-90, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Mancos Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 2-2-90 of the "Mancos Municipal Code" is repealed in its entirety and readopted to read as follows:

(Set out section number, title and entire contents of the readopted code section)

or as follows:

Section 2-2-90 of the "Mancos Municipal Code" is amended to read as follows:

(Set out section number, title and entire contents of the amended code section)

Repeal: Sections, articles and chapters may be repealed as follows:

Section 2-2-90 of the "Mancos Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

PREFACE

The Town of Mancos, a statutory Town, has published its Municipal Code in a format which features the following:

The *Table of Contents* is the table containing each chapter and article title, with reference to page location. Preceding each chapter is a chapter table of contents, also identifying each article by the subject name provided.

The *three-place section numbering system* places the chapter number first, followed by the article number and section number, separated by hyphens. Each section may be cited by the chapter, article and section number which are in sequence within each chapter.

The *open chapter and page numbering system* creates reserved chapter and page numbers for expansion or revision of the code without undue complication when changes are made to the code by supplementation.

The *Code Comparison Table* and *Disposition of Ordinances Table* identify the sources for the contents of the code. The Code Comparison Table identifies prior code sections and their location in the new code. The Disposition of Ordinances Table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether a prior code section, an ordinance or a portion thereof, is contained within the code, the Code Comparison Table and Disposition of Ordinances Table will provide that information. The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

The *Index* provides references by common and legal terminology to the appropriate code sections. Cross references are provided with the Index when appropriate.

Supplements to the code provide regular updating of the code to maintain it as a current compilation of all the legislation which has general and continuing effect. Without regular supplementation, the code would soon lose its usefulness as a complete source of the general law of the municipality. Supplementation is accomplished by the periodic publication of additions and amendments to the code.

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STATE OF COLORADO

TOWN OF MANCOS, COLORADO

ORDINANCE NO. 634, Series 2010

AN ORDINANCE OF THE TOWN OF MANCOS, COLORADO, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF MANCOS; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Board of Trustees of the Town of Mancos, Colorado:

Section 1. The Code entitled the *Mancos Municipal Code*, published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, with Tables and Index, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the Mancos Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal established in this Section 2 shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 3. The following codes were previously adopted by reference and incorporated in the Mancos Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *Model Traffic Code for Colorado*, 2003 edition, published by the Colorado Department of Transportation, as adopted and amended in Section 8-1-10, et seq.;

(2) The *International Building Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10, et seq.;

(3) The *International Residential Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-2-10, et seq.;

(4) The *International Mechanical Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-3-10, et seq.;

(5) The *International Plumbing Code*, 2006 edition, published by the International Code Association of Plumbing and Mechanical Officials., as adopted and amended in Section 18-4-10, et seq.;

(6) The *International Fuel Gas Code*, 2006 edition, published by the International Code Council, Inc., and the Western Fire Chiefs Association, as adopted and amended in Section 18-5-10, et seq.;

(7) The *International Energy Conservation Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-6-10, et seq.;

(8) The *International Existing Building Code*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-7-10, et seq.;

(9) The *International Electrical Code Administrative Provisions*, 2006 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-8-10, et seq.; and

(10) The *National Electrical Code*, 2005 edition, published by the National Fire Protection Association, as adopted in Section 18-9-10.

Section 4. The penalties provided by the Municipal Code of the Town of Mancos are hereby adopted as follows:

(1) Sec. 1-4-20. General penalty for violation. (Chapter 1, Article 4, General Penalty)

Except in cases where a different punishment is prescribed by any ordinances of the Town, any person who violates or fails to comply with any provision of this Code shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day during any portion of which any violation of any provision of this Code is committed, continued or permitted by any person shall be considered a separate offense, and he shall be punished accordingly.

(2) Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, Article 4, General Penalty)

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the person so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) Sec. 2-4-80 Contempt power. (Chapter 2, Article 4, Municipal Court)

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of one (1) year.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

(4) Sec. 2-4-160. Admission to bail pending appearance. (Chapter 2, Article 4, Municipal Court)

(a) All cases of violation of this Code shall be eligible for bail, and the person arrested thereunder shall be admitted to bail in a reasonable sum as hereinafter set forth. Said bail may be taken and approved by the Town Clerk, the Municipal Judge or the Mayor. Bail may be in the form of cash security, tangible or intangible personal property, acceptable corporate surety bond, real property within the Town owned by the person charged or adequate and acceptable private sureties.

(b) In all cases where an accident has occurred, where the charge is reckless driving or where disturbance has occurred, said matters shall be heard before the Municipal Judge.

(c) In cases of violations as set forth in Section 2-4-170 below, when cash bail is deposited with the Town Clerk and the defendant fails to appear before the Municipal Judge, said bail shall be forfeited and the matter closed.

(d) When any person has been arrested for the violation of this Code, and a continuance or postponement of the trial has been granted, the Municipal Judge before whom the accused is brought shall have the power to accept a bail bond for the appearance of the defendant at the time and place to which such trial may be so continued or postponed, in such amount not to exceed one thousand dollars (\$1,000.00), as may be fixed by the Municipal Judge, and with sureties to be approved by the Municipal Judge.

(5) Sec. 2-4-170. Traffic violations. (Chapter 2, Article 4, Municipal Court)

Traffic violations shall be based on the schedule of fines found in the state statutes at Section 42-4-1701, C.R.S. The Municipal Judge may, at his discretion, fine at a higher or lower rate in accordance with the gravity of the situation.

(6) Sec. 4-3-110. Violation; penalty. (Chapter 4, Article 3, Sales Tax)

Any person who violates any of the provisions of this Article shall be guilty of a violation and, upon conviction, shall be punished in accordance with the provisions of Section 1-4-20 of this Code, and by penalty interest as provided in Section 39-26-207, C.R.S.

(7) Sec. 6-1-300. Sealing of unsanitary or unsafe conditions. (Chapter 6, Article 1, Adult Entertainment Establishment License)

A licensed premises, or any part thereof, may be sealed by order of the licensing officer on his findings of a violation of this Article resulting in an unsanitary or unsafe condition. Prior to sealing, the licensing officer shall serve on the licensee, by personal service on him or by posting in a conspicuous place on the licensed premises, a notice of the violation and an order to correct it within twenty-four (24) hours after service. If the violation is not so corrected, the licensing officer may physically seal that portion of the licensed premises causing the violation and order the discontinuance of use thereof until the violation has been corrected and the seal removed by the licensing officer. The licensing officer shall affix to the sealed premises a conspicuous sign labeled "Unclean" or "Unsafe," as the case may be.

(8) Sec. 6-1-380. Civil penalties. (Chapter 6, Article 1, Adult Entertainment Establishment License)

In addition to or in lieu of the penalties that may be otherwise imposed, the licensing officer may assess the following civil penalties:

(1) A person who operates or attempts to operate an adult bookstore, adult cabaret, adult motel, adult arcade, massage parlor, adult motion picture theater, adult theater or peep booth without having first obtained a license under this Article may be assessed a civil penalty of up to one thousand dollars (\$1,000.00).

(2) An applicant for a license under this Article, and any officer, director, partner, agent or attorney of such an applicant, who knowingly makes a false statement or provides false information on any document or paper accompanying and forming a part of such application, shall be assessed a civil penalty of up to one thousand dollars (\$1,000.00) for each such false statement or false item of information.

(3) A licensee or employee who fails or refuses to renew his license within the period granted herein may be assessed a civil penalty of up to fifty dollars (\$50.00) for each day beyond said period that such refusal or failure continues, but not to exceed one thousand dollars (\$1,000.00) for each refusal or failure.

(4) A licensee, and any agent, officer, servant or employee of a licensee, who maintains a nuisance on the licensed premises or permits the licensed premises to be unsanitary or unsafe may be assessed a civil penalty of up to one thousand dollars (\$1,000.00) for each day that the nuisance or unsafe or unsanitary condition continues.

(5) A licensee who moves his licensed premises without approval by the licensing officer or who changes the name of his business without notifying the licensing officer may be assessed a civil penalty up to one thousand dollars (\$1,000.00).

(6) A licensee or employee who does not keep the records and make the reports required by any of the agencies herein may be assessed a civil penalty of up to one thousand dollars (\$1,000.00) for each violation.

(7) A licensee, any agent, officer, servant or employee of a licensee who fails to correct violations of the general and applicable special requirements for the licensed premises may be assessed a civil penalty of up to one thousand dollars (\$1,000.00) for each violation observed and not corrected within the period prescribed by the licensing officer, the Building Inspector or the Fire Chief, as the case may be.

(8) Any person who aids or participates in a violation for which a civil penalty may be assessed under this Article shall be considered a principal in the violation and may be assessed a civil penalty of up to the maximum amount prescribed for that violation.

(9) Nothing contained in this Article shall prevent or restrict the Town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but not be limited to, an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for in this Article shall be cumulative and

independently available to the Town, and the Town shall be authorized to pursue any and all remedies set forth in this Section to the full extent of the law.

(9) Sec. 6-1-400. Criminal penalties. (Chapter 6, Article 1, Adult Entertainment Establishment License)

If any person fails or refuses to obey or comply with or violates any of the criminal provisions contained in this Article, such person upon conviction of such offense shall be guilty of a misdemeanor and shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Each violation of noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation shall be considered a separate offense.

(10) Sec. 6-1-410. Prohibitions. (Chapter 6, Article 1, Adult Entertainment Establishment License)

(a) No retail license for a premises that allows consumption of alcoholic beverages shall suffer or permit any person to appear on said licensed premises displaying anatomical areas or non-live performance or entertainment exhibiting specified sexual activities as defined in Section 6-1-10 of this Article.

(b) Any person who violates any provision of this Section shall be guilty of an offense against the Town, punishable as provided in Sections 6-1-380 and 6-1-400 above.

(c) If the owner, operator, licensee, lessor, lessee, manager, employee or any other person participating in the operation of a commercial establishment located within the Town at which alcoholic beverages are offered for sale for consumption on the premises shall be convicted of any of the offenses in this Article, then the Town Clerk shall revoke the occupational license for said establishment after giving reasonable notice thereof to the holder of said license and affording the holder an opportunity to be heard at the next Board of Trustees meeting as to why the revocation should not be issued.

(11) Sec. 6-2-50. Suspension or revocation; fine. (Chapter 6, Article 2, Alcoholic Beverages)

(a) Whenever a decision of the Board of Trustees, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having his retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had

the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the Town Clerk and shall be deposited in the General Fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

(12) Sec. 6-3-20. License issuance; compliance required. (Chapter 6, Article 3, Billiard, Pool and Bowling Establishments)

The license issued for the keeping of any such table, alley or gallery shall be deemed to be issued for one (1) room only situated upon the ground floor and fronting upon the street mentioned in the application therefor; and such room shall be provided with front window lights of not less than one-half ($\frac{1}{2}$) of the entire front thereof, and of a height beginning not more than four (4) feet above the level of the sidewalk upon which such room fronts. Such window lights shall at all times be kept clear, and such room shall at all times be kept free from all partitions, screens, curtains or other obstructions to a clear and unobstructed view from the street front of all parts of the room and so lighted as clearly to permit such view. Any person keeping or in charge of any room or place for which any such license has been issued who fails to comply with or violates or permits to be violated any of the provisions of this Section shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Upon conviction thereof, such license may be revoked by the Board of Trustees.

(13) Sec. 7-4-40. Collection; lien. (Chapter 7, Article 4, Weeds and Brush)

All costs assessed under Section 7-4-30 above shall be a lien in the amounts against each lot or tract of land until paid and shall be binding over all other liens except general taxes or prior special assessments. In the event that such assessment is not paid within thirty (30) days

after notice to the landowner at his last known address, the same may, at any time after such failure, be certified by the Town Clerk to the County Treasurer or to the officer of the county having custody of the tax list at the time of such certification, to be placed by him upon the tax rolls for the current year and to be collected in the same manner as other taxes are collected, with a ten-percent penalty thereon to defray the costs of collection, and with all the remedies available to him by law for the assessment and collection of general taxes.

(14) Sec. 7-6-160. Penalties. (Chapter 7, Article 6, Trees)

(a) Any person found to be in violation of any provision of this Article shall be served with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(b) Any person who continues any violation beyond the time limit stated above shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in accordance with the provisions set forth in Section 1-4-20 of this Code.

(c) Any person violating any of the provisions of this Article shall be liable to the Town for any such expense, loss or damage occasioned by the Town by reason of such violation.

(15) Sec. 7-7-30. Penalties. (Chapter 7, Article 7, Animals)

(a) Violation of any of the provisions of this Article is punishable by such fines as set out in this Section.

(1) Licensed dogs:

- a. First offense: Twenty-five dollars (\$25.00).
- b. Second offense: Fifty dollars (\$50.00).
- c. Third offense: One hundred dollars (\$100.00).
- d. Fourth offense: Two hundred dollars (\$200.00).

Any and all fines shall be in addition to related costs for transportation to the authorized animal shelter, labor cost for impounding and any related costs as levied for care at the authorized animal shelter.

(2) Unlicensed dogs:

a. First offense: All owners of unlicensed dogs will be required to obtain licenses and vaccinations on the first offense. A fine of fifty dollars (\$50.00) will be assessed on all offenses concerning unlicensed dogs.

b. All offenses will require a mandatory court appearance.

(b) The fine schedule contained herein may be amended by resolution of the Board of Trustees in a regular meeting.

(16) Sec. 7-7-330. Disposition of impounded animals. (Chapter 7, Article 7, Animals)

(a) As soon as practicable after impoundment, notice shall be given to the owner if the owner is known or can be located. Any impounded animal not otherwise required to be held (i.e., pending vicious dog charges, etc.) shall be released to the owner upon payment of the impoundment fee, care and feeding charges, veterinarian charges, licensing and inoculation charges and such other costs as may have been incurred; provided, however, that, in addition to the payment of the foregoing fees, costs and expenses, no impounded dog shall be released until a license has been issued for such dog pursuant to the terms and provisions of this Article, including proof of vaccination for rabies or, alternatively, until the owner of said dog has been issued a citation or a summons and complaint for failure to license said animal in accordance with the requirements of this Article. If an impounded animal is not redeemed within four (4) days after impoundment and during which the impounding facility is open to the public, the impounded animal shall be considered abandoned and may be placed for adoption, humanely euthanized or otherwise disposed of, at the discretion of the impoundment facility.

(b) If a complaint concerning a vicious animal has been filed in the Municipal Court against the owner, the animal may not be released except on the order of the Court, which shall also direct the owner to pay any penalties for violation of this Article in addition to all impoundment fees, care and feeding charges, veterinarian charges and such other costs. Upon making a finding that such animal is vicious or that it represents a clear and present danger to the citizens or other animals in the community, the Court may order such animal to be euthanized in a humane manner.

(17) Sec. 7-7-360. Unauthorized release of an animal; penalty; restitution. (Chapter 7, Article 7, Animals)

(a) Any person who intentionally releases any animal which is lawfully confined for scientific, research, commercial, legal sporting or educational purposes or for public safety purposes because the animal has been determined to be dangerous to people, has an infectious disease, is quarantined to determine whether or not it has an infectious disease or is impounded for any other reason under this Article, without the consent of the owner or custodian of such animal, commits the offense of unauthorized release of an animal.

(b) Any person who is convicted of unauthorized release of an animal shall be ordered to pay restitution for any damages resulting from such release, including the cost of restoring any animal to confinement, the cost of restoring the health of any animal which is released, the cost of any damage to real or personal property which is caused by a released animal or any cost of an unauthorized release which causes the failure of an experiment, replacement of any animal released and the cost of labor and materials associated with such experiment.

(18) Sec. 7-7-450. Disposition of vicious dogs. (Chapter 7, Article 7, Animals)

Any vicious dog found running at large may be destroyed by the Town Marshal or any of his sworn deputies. Upon any prosecution of the owner for a violation of the provisions of this Article, the Court may, upon entry of conviction of the keeping of a vicious animal, order the animal destroyed. This will not relieve the owner of any fine levied by the Court.

(19) Sec. 7-7-470. Responsibility of owner. (Chapter 7, Article 7, Animals)

The Court shall order any owner of a dangerous dog who has been convicted of a violation of this Article to:

(1) Confine the dangerous dog in a building or enclosure designed to be escape-proof and, whenever the dog is outside of the building or enclosure, keep the dog under the owner's control by use of a leash. The owner shall post a conspicuous warning sign with at least three-inch letters declaring a dangerous dog to be on the premises, conspicuously placed on the property, on the building or on the enclosure notifying others that a dangerous dog is housed in the building or enclosure. In addition, if the conviction is for a second or subsequent offense, the dangerous dog shall also be muzzled whenever it is outside of the building or enclosure. The building or enclosure will be made available for inspection upon request by the Town Marshal and/or animal control officer, to ensure that it is secure and humane. Notwithstanding, the building or enclosure must be at least six (6) feet in height, with a secure top attached to the sides and an entrance thereto secured by a chain and padlock. In addition to confinement, the owner or keeper of a dangerous dog must license the dog as such with the Town. In addition thereto, a fee for registration of a dangerous dog is five hundred dollars (\$500.00) per year, which amount may be amended by the Board of Trustees from time to time by resolution. The owner or keeper of a dangerous dog must also maintain a minimum of a one-hundred-thousand-dollar liability insurance policy for the premises upon which the dog is located to provide coverage for injury to or death of any person or for other damage that results from the dog. Proof of such current insurance must be shown to the Town Marshal or animal control officer upon request.

(2) Immediately report to the Town in writing any material change in the dangerous dog's situation, including but not limited to a change, transfer or termination of ownership, change of address, escape or death.

(3) Prior to the dangerous dog receiving any service or treatment, disclose in writing to any provider of the service or treatment, including but not limited to a veterinary health care worker, dog groomer, humane agency staff person, pet animal care facility staff person, professional dog handler or dog trainer, each acting in the performance of his respective duties, that the dangerous dog has been the subject of a conviction of a violation of this Article.

(4) Prior to a change, transfer or termination of ownership of a dangerous dog, disclose in writing to the prospective owner that the dangerous dog has been the subject of a conviction of a violation of this Article.

(20) Sec. 7-7-480. Action by Court. (Chapter 7, Article 7, Animals)

(a) In addition to the penalties set forth in Section 7-7-510 of this Article, upon an owner's entry of a guilty plea, the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in serious bodily injury to a person or death to a person or domestic animal, or for a second or subsequent violation of Section 7-7-510 resulting in a conviction, a deferred judgment or a deferred prosecution involving the same dog of the same owner, the Court shall order that the dangerous dog be immediately confiscated and placed in a public animal shelter and shall order that, upon exhaustion of any

right an owner has to appeal a conviction based on a violation of this Subsection, the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian. In addition to any penalty set forth in Section 7-7-510, for a second or subsequent violation of Section 7-7-510 resulting in a conviction, a deferred judgment or a deferred prosecution involving the same dog of a different owner, the Court may order that the dangerous dog be immediately confiscated and placed in a public animal shelter and that, upon exhaustion of any right an owner has to appeal a conviction based on a violation of this Subsection, the owner's dangerous dog be destroyed by lethal injection administered by a licensed veterinarian.

(b) Upon taking an owner into custody for an alleged violation of this Section or the issuing of a summons and complaint to the owner, the owner's dangerous dog may be taken into custody and placed in a public animal shelter, at the owner's expense, pending final disposition of the charge against the owner. The owner shall be liable for the total cost of board and care for a dog placed in a public animal shelter pursuant to this Subsection.

(21) Sec. 7-7-510. Ownership of dangerous dog. (Chapter 7, Article 7, Animals)

(a) Ownership unlawful.

(1) A person commits ownership of a dangerous dog if such person owns, possesses, harbors, keeps, has a financial or property interest in or has custody or control over a dangerous dog.

(2) Any owner who violates Paragraph (1) above whose dog inflicts bodily injury upon any person or whose dog inflicts serious bodily injury to a person commits a further violation.

(3) Any owner who violates Paragraph (1) above whose dog injures or destroys any domestic animal commits a further violation.

(b) Restitution.

(1) The Court shall order the convicted owner and any owner who enters into a deferred judgment or deferred prosecution to make restitution to the injured or dead domestic animal's owner.

(2) Restitution shall be equal to the greater of the fair market value or the replacement cost of the domestic animal on the date, but before the time, the animal was injured or destroyed, plus any reasonable and necessary medical expenses incurred in treating the animal and any actual costs incurred in replacing the injured or destroyed animal.

(3) Any owner whose dog destroys property shall make restitution to the owner of such property in an amount equal to the greater of the fair market value or the replacement cost of such property before its destruction, plus any actual costs incurred in replacing such property.

(4) In addition to any other penalty set forth in this Article, upon an owner's entry of a guilty plea, the return of a verdict of guilty by a judge or jury or a deferred judgment or deferred prosecution for a violation that results in bodily injury or serious bodily

injury, the Court shall order the defendant to make restitution in accordance with said provisions.

(22) Sec. 7-7-520. Penalty. (Chapter 7, Article 7, Animals)

(a) Nothing in Subsection 7-7-30(a) of this Article to the contrary, any violation of the provisions of this Article by the owner of a vicious dog which does not result in the bodily injury to a person shall be subject to a fine not to exceed one thousand dollars (\$1,000.00).

(b) Any violation of the provisions of this Article with respect to vicious dogs which results in bodily injury to any person or injury to other animals shall constitute a misdemeanor and be punishable by a fine or imprisonment not to exceed one (1) year, or both such fine and imprisonment.

(c) Unless otherwise set forth in this Article, a person convicted of violating any provision of this Article shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(23) Sec. 7-7-650. Disabled persons or trainers. (Chapter 7, Article 7, Animals)

(a) It is unlawful for any person to:

(1) Withhold, deny, deprive or attempt to withhold, deny or deprive any person with a disability or trainer of any of the rights or privileges secured in Section 24-34-803, C.R.S.;

(2) Threaten to interfere with any of the rights of persons with disabilities or trainers secured in Section 24-34-803, C.R.S.

(3) Punish or attempt to punish any person with a disability or trainer for exercising or attempting to exercise any right or privilege secured by Section 24-34-803, C.R.S.; or

(4) Interfere with, injure, harm or cause another dog to interfere with, injure or harm an assistance dog.

(b) Any person who violates any provision of Subsection (a) above commits a violation of this Article.

(c) Any person who violates any provision of Subsection (a) above shall make restitution to the person with a disability or trainer whose rights were affected.

(24) Sec. 7-7-760. Sentencing. (Chapter 7, Article 7, Animals)

(a) Except as otherwise provided in Subsection (b) below, cruelty to animals is punishable in accordance with the provisions set forth in Section 1-4-20 of this Code.

(b) In addition to any other sentence imposed for a violation of this Section, the Court may order an offender to complete an anger management treatment program or any other appropriate treatment program.

(c) The Court may order an evaluation to be conducted prior to sentencing to assist the Court in determining an appropriate sentence. The person ordered to undergo an evaluation

shall be required to pay the cost of the evaluation. If the evaluation results in a recommendation of treatment and if the Court so finds, the person shall be ordered to complete an anger management treatment program or any other treatment program that the Court may deem appropriate.

(d) Upon successful completion of an anger management treatment program or any other treatment program deemed appropriate by the Court, the Court may suspend any fine imposed.

(e) In addition to any other sentence imposed upon a person for a violation of this Article, any person convicted of a second or subsequent conviction for any crime, the underlying factual basis of which has been found by the Court to include an act of cruelty to animals, shall be required to pay the maximum monetary fine allowed by Section 1-4-20 of this Code and shall be required to complete an anger management treatment program or any other appropriate treatment program.

(f) This Section does not apply to the treatment of pack or draft animals by negligently overdriving, overloading or overworking them or the treatment of livestock and other animals used in the farm or ranch production of food, fiber or other agricultural products when such treatment is in accordance with accepted agricultural animal husbandry practices; the treatment of animals involved in activities regulated pursuant to Article 60 of Title 12, C.R.S.; the treatment of animals involved in research if such research facility is operating under rules set forth by the state or federal government; the treatment of animals involved in rodeos; the treatment of dogs used for legal hunting activities; wildlife nuisances; or statutes regulating activities concerning wildlife and predator control in the State, including trapping.

(25) Sec. 7-8-30. Property maintenance. (Chapter 7, Article 8, Wildlife-Resistant Containers)

(a) It shall be unlawful for the owner or tenant of any property located within the Town, including properties used for special events and properties that are the site of construction activities, to permit the accumulation on the property of refuse edible by wildlife. Refuse or food edible by wildlife shall be collected from such properties at the end of each day and stored in accordance with the provisions of Section 7-8-20 above.

(b) Properties found to be in violation of this Chapter shall be deemed a nuisance and, in addition to fines as set forth below, may be subject to removal by and liens assessed by the Town under the provisions of Articles 1 and/or 2 of this Chapter and treated accordingly.

(26) Sec. 7-8-80. Penalties. (Chapter 7, Article 8, Wildlife-Resistant Containers)

Upon receipt of a complaint alleging improper storage or collection of refuse, the Town will investigate said complaint. Upon finding that provisions of this Article have been violated, a notice of violation will be issued to the responsible party, including a schedule for compliance. Said compliance schedule for removal of improperly stored refuse will be no less than twenty-four (24) hours and no greater than seventy-two (72) hours. For WPDE modification, the compliance schedule will be no less than five (5) days and no greater than fifteen (15) days. If compliance is not achieved within the designated time frame, a second notice of violation will be issued. Penalties will be assessed according to the following schedule, rather than in accordance with Section 1-4-20 of this Code:

- (1) First violation: fifty dollars (\$50.00).
- (2) Second violation: one hundred fifty dollars (\$150.00).
- (3) Third and subsequent violations: Three hundred fifty dollars (\$350.00) per violation.

Appropriate surcharges will be assessed on all penalty amounts.

(27) Sec. 10-6-60. Sale of cigarettes and tobacco products. (Chapter 19, Article 6, Minors)

(a) For purposes of this Section, the following words shall have the meanings ascribed hereafter:

Cigarettes means premanufactured cigarettes and/or hand-rolled cigarettes.

Minor means a person under the age of eighteen (18) years.

Tobacco products means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) Any person who knowingly furnishes to a minor, by gift, sale or any other means, any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00). It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being eighteen (18) years of age or older.

(c) Any minor who purchases or attempts to purchase any cigarettes or tobacco products, and/or is found to be in possession of any cigarettes or tobacco products, commits an offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00); except that, following a conviction or adjudication for a first offense under this Subsection, the Court in lieu of the fine may sentence the person to participate in a tobacco education program. The Court may allow such person to perform community service and be granted credit against the fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed, for up to fifty percent (50%) of the fine and court costs.

(d) No retailer shall sell or permit the sale of cigarettes or tobacco products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

- (1) Factories, businesses, offices or other places not open to the general public;
- (2) Places to which minors are not permitted access at any time during the day or night; or

(3) Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to establishments holding a valid liquor license issued pursuant to Article 47 of Title 12, C.R.S.

(e) Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified in this Subsection. Said warning sign shall be displayed in a prominent place in the building and on such machine at all times, shall have a minimum height of three (3) inches and a width of six (6) inches and shall read as follows:

WARNING
IT IS ILLEGAL FOR ANY PERSON UNDER 18 YEARS OF AGE TO PURCHASE
CIGARETTES AND TOBACCO PRODUCTS AND, UPON CONVICTION, A \$100.00 FINE
MAY BE IMPOSED

(f) Any violation of Subsection (e) above shall not constitute a violation of any other provision of this Section.

(28) Sec. 10-7-30. Illegal possession or consumption of alcoholic beverages by an underage person. (Chapter 10, Article 7, Alcoholic Beverages)

(a) Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere in the Town commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

(1) Upon conviction of a first offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine or penalty in accordance with the provisions of this Code. The Court, upon sentencing a defendant pursuant to this Paragraph, may, in addition to any fine or penalty, order that the defendant perform up to twenty-four (24) hours of useful public service, subject to the conditions and restrictions of Section 18-1.3-507, C.R.S., and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program or an alcohol treatment program at such defendant's own expense.

(2) Upon conviction of a second or subsequent offense, illegal possession or consumption of ethyl alcohol by an underage person shall be punished by a fine or penalty in accordance with the provisions set forth in this Code. In addition thereto, the Court shall order the defendant to submit to and complete an alcohol evaluation or assessment, an alcohol education program or an alcohol treatment program, at the defendant's own expense. The Court may further order the defendant to perform up to twenty-four (24) hours of useful public service, subject to the conditions and restrictions specified in Section 18-1.3-507, C.R.S.

(b) It shall be an affirmative defense to the offense described in Subsection (a) above that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) 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 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 (0.5%) of ethyl alcohol by weight.

(3) The person is a student who:

a. Tastes but does not imbibe an alcohol beverage only while under the direct supervision of an instructor who is at least twenty-one (21) years of age and employed by a post-secondary school;

b. Is enrolled in a university or a post-secondary school accredited or certified by an agency recognized by the United States Department of education, a nationally recognized accrediting agency or association or the "Private Occupational Education Act of 1981," Article 59 of Title 12, C.R.S.; or

c. Is participating in a culinary arts, food service or restaurant management degree program; and

d. Tastes but does not imbibe the alcohol beverage for instructional purposes as a part of a required course in which the alcohol beverage, except the portion the student tastes, remains under the control of the instructor.

(c) 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.

(d) An underage person and one (1) or two (2) other persons shall be immune from prosecution under this Section if they establish the following:

(1) One (1) of the underage persons called 911 and reported that another underage person was in need of medical assistance due to alcohol consumption;

(2) The underage person who called 911 and, if applicable, one (1) or two (2) other persons acting in concert with the underage person who called 911 provided each of their names to the 911 operator;

(3) The underage person was the first person to make the 911 report; and

(4) The underage person and, if applicable, one (1) or two (2) other persons acting in concert with the underage person who made the 911 call remained on the scene with the underage person in need of medical assistance until assistance arrived and cooperated with medical assistance and law enforcement personnel on the scene.

(e) Prima facie evidence of a violation of Subsection (a) above shall consist of:

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed ethyl alcohol anywhere in the Town; or

(2) Evidence that the defendant was under the age of twenty-one (21) years and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the Town.

(f) During any trial for a violation of Subsection (a) above, 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. The finder of fact 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," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima fade evidence that the contents of the bottle, can or other container were composed in whole or in part of ethyl alcohol.

(g) A parent or legal guardian of a person under twenty-one (21) 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 (21) years under the conditions described in Paragraph (b)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47 or 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 (21) years of age.

(h) The qualitative result of an alcohol test shall be admissible at the trial of any person charged with a violation of Subsection (a) above upon a showing that the device used to conduct such test has been approved as accurate in detecting alcohol by the Executive Director of the Colorado Department of Public Health and Environment.

(i) Official records of the Colorado 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 Colorado Department of Public Health and Environment, accompanied by a certificate bearing the official seal for said Department, which state that the Executive Director 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.

(j) In any judicial proceeding concerning a charge under Subsection (a) above, 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 Colorado 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.

(k) No law enforcement officer shall enter upon any private property to investigate any violation of this Section without probable cause.

(29) Sec. 10-8-20. Possession of marijuana. (Chapter 10, Article 8, Drugs)

(a) Any person who possesses not more than one (1) ounce of marijuana commits a municipal offense.

(b) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits a municipal offense.

(c) Any person who violates this Section is punishable by a fine of not more than one hundred dollars (\$100.00).

(d) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Town Marshal's office shall be sent to the places designated by the Town Marshal's office. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention unless the person arrested or detained demands an earlier hearing. The arrested or detained person, in order to secure release from arrest or detention, shall promise in writing to appear in court by signing the notice or summons prepared by the arresting or detaining officer.

(e) The provisions of this Section shall not apply to any person who possesses or uses marijuana pursuant to the Dangerous Drugs Therapeutic Research Act.

(30) Sec. 11-1-30. Service of notice regarding construction. (Chapter 11, Article 1, Streets and Sidewalks)

(a) Whenever the Board of Trustees orders the construction or repair of any sidewalk, the Town Marshal shall forthwith serve a written or printed notice upon the owner or agent of each lot or parcel of land fronting upon such sidewalk, requiring such owner to construct or repair so much thereof as may be in front of such lots or parcels, within fifteen (15) days of the date of such service in case of construction, and within five (5) days in case of repair, according to the plans and specifications as provided by this Code, and under the direction and to the satisfaction and approval of the Town Marshal. In case of absence from his residence of any such resident owner, service of such notice may be made by leaving the same at such residence with some member of his family who is over the age of fifteen (15) years.

(b) In case the owner of any such lots or parcels of land shall be a nonresident, and shall have no agent in the Town upon whom such notice can be served, the Town Marshal shall publish such notice once a week for two (2) weeks in some newspaper published in the Town, and service shall be deemed complete after eight (8) days from the second of such publications.

(c) In case any such owner fails to comply with such notice, the Town Marshal shall cause such construction or repair to be done and shall, upon the completion thereof, complete and deliver to the Town Clerk a certificate showing the cost thereof, proof of service of such notice, a description of the property in front of which such work was performed, the names of the parties who performed such work or furnished material therefor and the amounts owing each. The Board of Trustees shall, at its next regular meeting, cause warrants to be drawn upon the Town Treasurer in payment for such labor and material and shall thereupon assess the cost of such construction or repair against such lots or parcels of land. Upon making such assessment, the Board of Trustees shall designate a time and place where such owner may appear before the Board of Trustees and be heard as to the justness and correctness of the amount so assessed against his land. Thereupon, the Town Clerk shall cause to be published in some newspaper published in the Town, for a period of ten (10) days, a notice of such assessment and of such opportunity to be heard as to the justness and correctness thereof. At the time and place so designated, the Board of Trustees shall meet and hear and consider any and all complaints of any owner affected by any such assessment and correct any and all errors complained of by any such owner as to any assessment. In case of nonpayment of such assessment within thirty (30) days after such meeting, the Town Clerk shall certify such assessment to the County Assessor, to be placed by him upon such tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty thereon to defray the cost of collection. Such assessment shall be a lien upon the property upon which it has been made until paid.

(31) Sec. 13-1-220. Meter readings; billing procedures; nonpayment; hearing. (Chapter 13, Article 1, Utility Regulations)

(a) Meters shall be read monthly and bills rendered monthly, except during the months of November through March, when the same may be impractical. During this period, users will be billed minimum rates, and an adjustment shall be made when readings are continued if necessary.

(b) Utility bills are the responsibility of the property owner. Utility accounts shall be posted in the property owner's name only. For a three-dollar monthly fee, a property owner may request a courtesy billing be sent to a renter in addition to the bill sent to the owner.

(c) Bills are payable at the office of the Town Clerk, and bills will become delinquent sixty (60) days after billing.

(d) A late fee of ten dollars (\$10.00) per account shall be assessed on any bill which is not paid by the due date. Any bill which is carried for more than two (2) consecutive billing cycles is subject to possible shut-off and a turn-off/turn-on penalty of twenty dollars (\$20.00) in addition to any late fees and past due amounts, all which shall be paid prior to reestablishment of service.

(e) In the event that a tapholder refuses to pay assessments for any reason, the minimum fee will be carried on the books for twenty-four (24) months. At any time during this period, the tapholder may pay all assessments and reconnect charges due and resume service. No interest will be charged if the tapholder requests a disconnect during this time period; however, all past-due charges and minimum monthly billings must be paid.

(f) After twenty-four (24) months of nonpayment, the tap may be declared in default by the Town after proper notification to the owner by certified mail, return receipt requested, stating a time and place where the Board of Trustees will hold a hearing to determine whether a default exists. The tapholder shall have an opportunity to be heard at such hearing. After said hearing, the Board of Trustees shall determine whether the tap of the holder shall be forfeited for the payment and satisfaction of the delinquent charges. In the event of default and forfeiture, a new tap fee shall be imposed before further water service will be furnished at the forfeited location.

(32) Sec. 13-1-320. Violation; penalty. (Chapter 13, Article 1, Utility Regulations)

(a) It is unlawful for any person to violate, disobey, omit, neglect, refuse or fail to comply with or resist enforcement of any section of this Chapter, and violations of any provision or section of this Chapter shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Unless otherwise indicated, each day or portion thereof in violation of this Chapter shall constitute a separate offense.

(b) The Town may, in its discretion, also proceed against any violation of this Chapter by any person in a civil action for abatement, injunction, damages, specific performance or by lien foreclosure or through other equitable remedies, and these remedies shall be in addition to the criminal penalties provided in this Section.

(33) Sec. 13-1-330. Water restrictions; violations. (Chapter 13, Article 1, Utility Regulations)

(a) If it is determined that the municipal water system is being drawn down to a level that would constitute a fire safety or other threat to the Town, the Board of Trustees may, at its discretion, in a regular or specially called meeting of the Board of Trustees, establish by resolution such emergency water regulations as to ensure the welfare and safety of the Town's citizens.

(b) In the resolution directing water restrictions to go into effect, the Board of Trustees shall state the restrictions and advise the citizens of the Town that the penalties for violating the restrictions are the same as set forth in this Chapter. Penalties shall be as set forth in this Section, except that the penalty resolution can dictate a warning as opposed to a fine on the first offense.

(c) The penalty for violating any restrictions that the Town may set on the use of water shall be established in accordance with the provisions set forth in Section 1-4-20 of this Code.

(34) Sec. 13-2-90. Penalties. (Chapter 13, Article 2, Sewer Regulations)

(a) Any person found to be in violation of any provision of this Article shall be served with a written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violation.

(b) Any person who continues any violation beyond the time limit stated above shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code.

(c) Any person violating any of the provisions of this Article shall become liable to the Town for any expense, loss or damage occasioned by the Town by reason of such violation.

(35) Sec. 13-3-150. Violations. (Chapter 13, Article 3, Cross-Connection Control)

(a) The water purveyor shall deny or discontinue, after reasonable notice to the occupants thereof, the water service to any premises wherein any backflow prevention assembly required by this Article is not installed, tested and maintained in a manner acceptable to the water purveyor, or if it is found that the backflow prevention assembly has been removed or bypassed or if an unprotected cross-connection exists on the premises.

(b) Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with this Article to the satisfaction of the water purveyor.

(36) Sec. 16-24-10. Code violations. (Chapter 16, Article 24, Enforcement and Penalties)

Any person who violates any of the provisions of this Land Use Code or who fails to comply with any provisions hereof within the corporate limits of the Town shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine. Any person violating any of the provisions of this Land Use Code shall be fined a minimum of three hundred dollars (\$300.00), but not more than one thousand dollars (\$1,000.00), upon conviction, or imprisoned for a period of up to six (6) months, or both such fine and imprisonment per offense. Each day any violation or noncompliance continues shall constitute a separate and distinct offense for such violation or noncompliance.

(37) Sec. 16-24-20. Sale or offer to sell prior to subdivision approval. (Chapter 16, Article 24, Enforcement and Penalties)

Any person, being the owner or agent of the owner of any land located within a subdivision, who transfers, sells, agrees to sell or negotiates to sell any land by reference to or exhibition of or by use of a plat of a subdivision before such plat has been approved by the Board of Trustees and recorded or filed in the office of the County Clerk shall pay a penalty of to the Town of five hundred dollars (\$500.00) for each lot or parcel so transferred, sold or agreed or negotiated to be sold. Each day any violation or noncompliance continues shall constitute a separate and distinct offense.

(38) Sec. 16-24-30. Penalties. (Chapter 16, Article 24, Enforcement and Penalties)

The penalties provided herein shall be cumulative of other remedies provided by state law as provided in Section 31-23-216.5 or 31-23-308, C.R.S., and the power of injunction may be exercised in enforcing this Land Use Code, whether or not there has been a criminal complaint filed.

(39) Sec. 18-1-50. Penalties. (Chapter 18, Article 1, Building Code)

Any person violating any of the provisions of this Article, or suffering or permitting the same to be violated, shall be deemed guilty of a misdemeanor and, upon conviction, may be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. The imposition of one (1) penalty for one (1) violation shall not excuse the violation or permit it to

continue, and each day thereafter that prohibitive conditions are maintained shall constitute a separate and chargeable offense. Separate and additional complaints may be filed by the Building Inspector for such continuing violations.

(40) Sec. 18-11-40. Penalties. (Chapter 18, Article 11, Model Flood Damage Prevention Code)

The following penalty clause, as contained in the Model Flood Damage Prevention Code, is herewith set forth in full and adopted:

(1) No structure on land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of the initial ordinance codified herein, and any violation of any provision of this Article shall be actionable by the Town in a court of competent jurisdiction for injunction or abatement.

(2) A violation of any provision of this Article shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment for a term not exceeding ninety (90) days, or both such fine and imprisonment.

(41) Sec. 18-13-110. Enforcement and penalties. (Chapter 18, Article 13, Public Improvements)

(a) Any person who violates any of the provisions of the Standards and Specifications for Design and Construction of Public Improvements, or who fails to comply with the provisions thereof, within the Town shall be guilty of a misdemeanor and, upon conviction, shall be punished in accordance with the provisions set forth in Section 1-4-20 of this Code. Each day any such violation or noncompliance continues shall constitute a separate and distinct offense.

(b) The penalties provided herein shall be cumulative of other remedies provided by state law, and the power of injunction may be exercised in enforcing Chapter 16, Article 15 of this Code, whether or not there has been a criminal complaint filed.

Section 5. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 6. Ordinances enacted after December 31, 2009, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code, and ordinances enacted after December 31, 2009, that do not amend or refer to ordinances codified in the Code shall be construed as if they are a part of the code.

Section 7. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 13 day of October, 2010.

TOWN OF MANCOS , COLORADO

ATTEST:

/s/ _____
Mayor Michele Black

/s/ _____

Town Clerk/Treasurer Heather Rodriguez
(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 15 day of December, 2010.

TOWN OF MANCOS, COLORADO

ATTEST:

/s/
Mayor Michele Black

/s/
Town Clerk/Treasurer Heather Rodriguez
(SEAL)

APPROVED AS TO FORM:

/s/
Town Attorney

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