

ORDINANCE NUMBER 2024-101

AN ORDINANCE AMENDING AND ADOPTING THE SUGAR CITY MUNICIPAL CODE.

WHEREAS, the Board of Trustees of the Town of Sugar City, Colorado wants to update the Municipal Code to be electronically accessible and readily available; and

WHEREAS, the Board of Trustees wants to be transparent in its actions; and

WHEREAS, the Board of Trustees desires to create a working set of codes for the betterment of the citizens.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUGAR CITY, COLORADO:

THE SUGAR CITY MUNICIPAL CODE

Table of Contents

Title 1 General Provisions

- Chapter 1.01 Code Adoption
- Chapter 1.04 General Provisions
- Chapter 1.08 General Penalty
- Chapter 1.12 Useful Public Service

Title 2 Administration and Personnel

- Chapter 2.04 Mayor
- Chapter 2.08 Board of Trustees
- Chapter 2.12 Town Clerk
- Chapter 2.16 Town Treasurer
- Chapter 2.20 Town Attorney
- Chapter 2.28 Police Department
- Chapter 2.32 Municipal Court of Record
- Chapter 2.36 Planning Commission
- Chapter 2.40 Personnel

Chapter 2.40 Article II Employee Handbook as Revised and Adopted on June 3, 2015

Chapter 2.44 Rules of Procedure

Chapter 2.48 Salaries

Chapter 2.52 Social Security

Chapter 2.56 Cemetery

Chapter 2.64 Emergency Protection

Chapter 2.68 Municipal Elections

Chapter 2.72 Unclaimed Property

Chapter 2.76 Safety Committee

Chapter 2.80 Water Activity Enterprise

Chapter 2.81 Sewer Activity Enterprise

Chapter 2.82 Trash Activity Enterprise

Chapter 2.84 Cemetery Committee

Chapter 2.88 Library Committee

Chapter 2.96 Parks and Recreation Committee

Title 3 Revenue and Finance

Chapter 3.04 Sales Tax

Chapter 3.08 Fine Surcharge

Chapter 3.12 USE Tax

Title 4 Reserved

Title 5 Business Licenses and Regulations

Chapter 5.04 Telephone Companies

Chapter 5.08 Optional Premises Licenses

Chapter 5.12 Business Licenses

Chapter 5.16 Transient Dealers and Solicitors

Title 6 Animals

- Chapter 6.04 Animals Generally
- Chapter 6.05 Vicious Dogs
- Chapter 6.08 Animals at Large
- Chapter 6.12 Fowl and Cattle
- Chapter 6.14 Hen and Rabbit
- Chapter 6.16 Cruelty to Animals
- Chapter 6.20 Miscellaneous Regulations
- Chapter 6.24 Dangerous Dogs

Title 7 Reserved**Title 8 Health and Safety**

- Chapter 8.04 Nuisances
- Chapter 8.08 Noise
- Chapter 8.12 Weed Control
- Chapter 8.16 Fireworks
- Chapter 8.20 Abandonment
- Chapter 8.28 Open Fires and Burning

Title 9 Public Peace, Morals and Welfare

- Chapter 9.04 General Provisions
- Chapter 9.08 Offenses by or Against Public Officials
- Chapter 9.12 Offenses Against the Person
- Chapter 9.16 Offenses Against Public Morals
- Chapter 9.20 Offenses Against Public Peace
- Chapter 9.24 Offenses Against Property
- Chapter 9.28 Consumer Protection (Reserved)

Chapter 9.32 Offenses Against Minors

Chapter 9.36 Weapons

Chapter 9.44 Marijuana

Title 10 Vehicles and Traffic

Chapter 10.04 Model Traffic Code Adoption

Chapter 10.08 Trains and Railway Crossings

Chapter 10.12 Automobile Insurance

Chapter 10.16 Use of Motorized Golf Carts

Chapter 10.20 Off-Highway Vehicles

Chapter 10.24 Recreational Vehicles

Title 11 Reserved

Title 12 Streets, Sidewalks and Public Places

Chapter 12.04 Parks

Chapter 12.08 Curbs and Gutters

Chapter 12.12 Signs

Chapter 12.16 Trees

Title 13 Public Service

Chapter 13.01 Restrictions

Chapter 13.04 Water

Chapter 13.08 Sewer System

Chapter 13.16 Private Water Mains

Chapter 13.20 Cross Connection and Back Flow

Title 14 Reserved

Title 15 Building and Construction

Chapter 15.02 Adopted Codes

Chapter 15.04 Dangerous Buildings

Chapter 15.08 Modular and Manufactured Homes

Chapter 15.12 Flood Damage Prevention

Title 16 Subdivisions

Chapter 16.04 Definitions

Title 17 Zoning

Chapter 17.08 Definitions

Chapter 17.12 Designation

Title 18 Mobile Home Parks

Sugar City Municipal Code as Revised and Adopted _____, 2024

Title 1 - GENERAL PROVISIONS

Chapters:

Chapter 1.01 - CODE ADOPTION

Sections:

1.01.010 - Adoption.

Pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes, as amended, here is adopted the Sugar City Municipal Code.

1.01.020 - Title-Citation-Reference.

This code shall be known as the "Sugar City Municipal Code" and it shall be sufficient to refer to said code as the Sugar City 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 Sugar City Municipal Code. Further reference may be had to the titles, chapters, sections and subsections of the Sugar City Municipal Code and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

1.01.030 - Ordinances passed prior to adoption of the code.

The previous ordinances are hereby repealed and replaced.

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 Sugar City, Colorado, codified pursuant to the provisions of Sections 31-16-201 through 31-16-208 of the Colorado Revised Statutes.

1.01.050 - Reference applies to all amendments.

Whenever a reference is made to this code as the Sugar City Municipal Code or to any portion thereof, or to any ordinance of the town, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

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.

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.

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 Sugar City Municipal Code 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 provisions applicable to any violation thereof, nor to affect the 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.

1.01.090 - Effective date.

This code shall become effective on the date the ordinance adopting this code as the Sugar City Municipal Code becomes effective.

1.01.100 - Constitutionality.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 1.04 - GENERAL PROVISIONS

Sections :

1.04.010 - Definitions.

The following words and phrases, whenever used in the code of the Town of Sugar City, Colorado, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "City" and "town" each mean the town of Sugar City, Colorado, and such territory outside of the town over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" or "trustees" means the board of trustees of the town of Sugar City, Colorado.
- C. "County" means the county of Crowley.

- D. "Law" denotes applicable federal law, the constitution and statutes of the state of Colorado, the ordinances of the town of Sugar City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- E. "May" is permissive.
- F. "Month" means a calendar month.
- G. "Must" and "shall" are each mandatory.
- H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases when words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- I. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- L. "Preceding" and "following" mean next before and next after, respectively.
- M. "Property" includes real and personal property.
- N. "Real property" includes lands, tenements and hereditaments .
- O. "Sidewalk" means that portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.
- P. "State" means the state of Colorado.
- Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- R. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- S. "Written" includes printed, typewritten, mimeographed, multigraph, or otherwise reproduced in permanent visible form.
- T. "Year" means a calendar year.

1.04.020 - Title of office.

Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the town of Sugar City.

1.04.030 - Interpretation of language.

All words and phrases shall be construed 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.

1.04.040 - Grammatical interpretation.

The following grammatical rules shall apply in the code of the town of Sugar City unless it is apparent from the context that a different construction is intended:

- A. Gender. Each gender includes the masculine, feminine and neuter genders.

- B. Singular and Plural. The singular number includes the plural and the plural includes the singular.
- C. Tenses. Words used in the present tense include the past and the future tenses and vice versa unless manifestly inapplicable.

1.04.050 - Acts by agent.

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent.

1.04.060 - Prohibited acts include causing and permitting.

Whenever in the ordinances of the town of Sugar City any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission.

1.04.070 - Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. If the last day of any such time period falls on a weekend or holiday, then the next business day shall be the final day of the prescribed time period.

1.04.080 - Construction.

The provisions of the ordinances of the town of Sugar City, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice.

1.04.090 - Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby.

Chapter 1.08 - GENERAL PENALTY

Sections:

1.08.010 - Generally.

No person shall violate any of the provisions of the ordinances of the town of Sugar City.

1.08.020 - Violation—Penalty.

Except in cases where a different punishment is prescribed by an ordinance of the town of Sugar City, whenever any ordinance of the town prohibits an act or declares an act to be unlawful or to be an offense or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, any person who shall be convicted of any such provision of any ordinance of the town shall be punished by imposition of a fine of not more than one thousand dollars, for each stated offense.

1.08.030 - Imprisonment.

No person who is under the age of eighteen years at the time of the violation of any ordinance of the town shall be imprisoned as a sentence therefor upon conviction of such violation.

1.08.040 - Designated.

A person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the town is committed, continued, or permitted by such person, and he shall be punished accordingly.

1.08.050 - Fine surcharge.

- A. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of the Town of Sugar City Municipal Code and the Model Traffic Code adopted by the Town of Sugar City shall, in addition to any other fine or penalty be assessed a surcharge in the amount of twenty-five dollars. This surcharge shall apply whether the defendant acknowledges the defendant's guilt or liability or is found guilty by the municipal court.
- B. The funds from all surcharges assessed under this section shall be conveyed to the town treasurer at least monthly, deposited in the general fund and used solely for the following purposes:
 - 1. The acquisition of equipment used by the police department and/or code enforcement officer;
 - 2. As matching funds for grants to obtain police equipment or training;
 - 3. For police officer and police employee training, and/or code enforcement officer, including civilian employee training; or
 - 4. To train volunteers who assist with Town of Sugar City code enforcement.

Chapter 1.12 - USEFUL PUBLIC SERVICE AND HOME DETENTION PROGRAMS

Sections:

1.12.010 - Purpose and intent.

The purpose and intent of this chapter is to establish, authorize, and set forth the terms and conditions of a useful public service program and home detention program as sentencing alternatives to the Sugar City municipal court and the municipal court judge.

1.12.020 - Definitions.

As used in this chapter:

"Defendant" means and includes any adult or juvenile convicted of or placed on a deferred sentence or deferred prosecution of a municipal ordinance violation, whether that conviction results following a trial or voluntary plea negotiation.

"Home detention" is defined as an alternative to a sentence of incarceration in any jail, wherein the defendant is allowed to serve his or her sentence or term of incarceration or supervision, or some portion thereof, within his or her home or other appropriate residence.

1.12.030 - Authorization and establishment.

There is authorized and established within the town of Sugar City a useful public service program and home detention program as sentencing alternatives, which are available and may be utilized by the municipal court of the town of Sugar City. Hereafter, the municipal judge for the town of Sugar City shall be authorized and entitled to consider as alternative sentencing provisions, that any defendant who is convicted of a town of Sugar City municipal ordinance violation may be required to participate in useful public service within the town of Sugar City, or may be required to participate in home detention as a further requirement of any sentence imposed by the municipal court. Said useful public service sentence shall not exceed seventy-five hours and said home detention shall not exceed fourteen days.

1.12.040 - Specific conditions or requirements for useful public service.

For the purpose of this section, useful public service shall mean any work which is beneficial to the public, which work involves a minimum of direct supervision or other public costs in which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work. All such work to be performed must be of a public nature, and no work shall generate profit for any individual or have a direct benefit to any private business, organization, or individual.

No person shall be required to perform community service subject to the terms and conditions of this subject; however, any person who fails or refuses to participate in or complete community service as ordered by the municipal court shall be subject to further punishment, resentence, or incarceration, as deemed appropriate by the municipal judge.

1.12.050 - Factors to be considered in useful public service work.

The municipal court will take into account the defendant's health and physical condition, the defendant's emotional condition and needs, the defendant's ability to do or complete the work to be assigned based on the capabilities and training of the defendant, and the hazards or dangers associated with any particular type of work. The municipal court shall be authorized to appoint a useful public service coordinator to assist in locating and assigning useful public service to defendants. Any work to be assigned shall not be of a religious nature, or encourage or express a particular religious belief, and the work to be done shall not be considered to be political in nature, supporting or opposing any particular candidate for office, or referendum or ballot question.

1.12.060 - Costs of useful public service.

Each individual defendant who is sentenced as an alternative sentence to useful public service shall be required to pay to the municipal court as a cost of the useful public service the amount of fifteen dollars per person.

1.12.070 - Conditions and criteria of in-home detention.

The municipal court shall be entitled to impose, as a sentence for any municipal ordinance violation, non-payment of fine, or contempt of court, a term of supervision within his or her home or other approved residence. Such sentence or term of supervision shall cause the defendant to remain within such defendant's approved residence at all times, except for approved employment, education or related events, court-ordered activities, or medical needs. Supervision of the defendant shall include personal monitoring by an agent or designee of the municipal court, or monitoring by electronic devices which are capable of detecting and recording the defendant's absence or presence within the approved residence.

1.12.080 - Fees and costs of in-home detention.

The defendant shall be required to pay to the municipal court, any and all fees or costs associated with in-home detention including, but not limited to the costs of any electronic devices to monitor the defendant's whereabouts or the additional costs imposed by supervision of the defendant's in-home detention.

The board of trustees of the town of Sugar City is authorized to develop specific policies and procedures concerning the useful public service program and the in-home detention program. These policies and procedures would include, but not be limited to coordinating, listing, contacting, making arrangements for community service at various locations and/or for various non-profit organizations, handling of the costs and payment of those costs for the useful public service program and in-home detention program, and making arrangements for monitoring performance by defendants in both of these programs.

1.12.090 - Severability.

If any section, paragraph, clause, or provision of this chapter shall for any reason be held to be invalid or unenforceable, such decision shall not affect any of the remaining provisions of this chapter.

Title 2 - ADMINISTRATION AND PERSONNEL

Chapters:

Chapter 2.04 - MAYOR

Sections:

2.04.010 - Duties.

The mayor shall preside over the meeting of the board of trustees of the town of Sugar City, and shall perform such duties as may be required of him by statute or ordinance.

- A. Insofar as required by statute, and for all ceremonial purposes, the mayor shall be the executive head of the town. He shall be the presiding officer of the board of trustees and shall have the same voting privileges as any member of the board of trustees.
- B. He shall execute and authenticate by his signature such instruments as the trustees, or any statutes or ordinances, shall require.
- C. Except as may be required by statute, the mayor shall exercise only such powers as the trustees shall specifically confer upon him.
- D. The mayor shall act in the best interest of the town at all times.

2.04.020 - Mayor pro tem.

At its first meeting following each biennial election, the board shall choose 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 his inability to act, shall perform the duties of mayor. When performing the mayor's duties, the mayor pro tem shall vote as a trustee.

2.04.030 - 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.

Chapter 2.08 - BOARD OF TRUSTEES

Sections:

2.08.010 - Corporate authority—Residency requirement.

The corporate authority of the town of Sugar City is by state law vested in a board of trustees, consisting of one mayor and six trustees, who shall be qualified 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; except that in case of annexation, any person who has resided within the annexed territory for the prescribed time shall be deemed to have met the residence requirements. Specific authority is given to the board to appoint such other officers as it may deem necessary for the good government of the corporation, prescribe their duties.

2.08.020 - Power and authority.

The board of trustees, including the mayor, shall constitute the legislative body of the town of Sugar City and shall have power and authority, except as otherwise provided by statute, to exercise all power conferred upon or processed by the town, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

2.08.030 - Qualifications.

- A. Each trustee, including the mayor, shall be a resident of the town of Sugar City. If any trustee moves from, or becomes, 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 of a resolution declaring such vacancy to exist by a public and recorded vote of at least four trustees.
- B. Every trustee, and the Mayor must be over the age of twenty-one, (21).

2.08.040 - Filling vacancies.

In case of death, resignation, or removal for cause of any of the town officers or trustees 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, a suitable person to fill the vacancy, who shall hold the office until the next biennial town election.

2.08.050 - Regular meetings.

- A. Regular Board of Trustees Meetings. The Town of Sugar City Board of Trustees will conduct its regular meetings on the first and third Wednesday of each calendar month commencing at 7:00 p.m. in the Town of Sugar City Town Hall located at 205 Colorado Street in Sugar City, Colorado, 81076 or wherever Town Hall may be located on the meeting date. Where a town holiday falls on a regular meeting date, the regular meeting shall be the next Wednesday immediately following the holiday.
- B. Holiday Schedule. The board of trustees will adopt the Town of Sugar City's official holiday schedule for the calendar year by resolution at any meeting held in December immediately prior to that calendar year or at the first meeting in January of the calendar year for which holidays are being adopted.
- C. Official Publications. The official publication, in which legal notices shall be published from time to time for the Town of Sugar City, is hereby designated as the Ordway New Era or Rocky Ford Daily Gazette. The Board of Trustees finds that each of these publications is a legal publication of general circulation within the Town of Sugar City.
- D. Official Posting Sites. The official posting sites for the Town of Sugar City is Town Hall located at 205 Colorado Street, Sugar City, CO 81076. The board of trustees may designate additional posting sites by resolution at any meeting held in December immediately prior to that calendar year or at the first meeting in January of the calendar year for which additional official posting sites are being adopted. Official posting may also be put on the town website.

2.08.060 - Special meetings.

- A. Calling a Special Meeting. The mayor may convene the board of trustees at any time, with the required public notice. If the mayor is unable to call a special meeting due to absence or incapacity, a special meeting may be called by four members of the board, with the required public notice.
- B. Notice of Special Meeting. Notice of a special meeting must be given at least twenty-four hours prior to the meeting. The notice shall be in writing and authorized by the mayor. The notice will be served upon each trustee by email using the most recent email address on file with the clerk, in person or by a notice left at the trustee's place of residence. The notice shall include the date and hour of the meeting and the agenda for the meeting. Only business stated in the notice shall be transacted at the special meeting.

2.08.070 - Quorum.

No action shall be taken unless a quorum is present. A majority of the trustees who have taken the oath of office shall constitute a quorum. For purposes of this section, the mayor is considered a trustee. A lesser number may adjourn from time to time and compel the attendance of the absent members, which demand shall be entered on the record by the clerk, who shall notify the absent trustees of the time and place of the meeting. In cases where the clerk is notified by a majority of trustees prior to a meeting that the members are unable to attend a meeting, the clerk shall promptly notify the mayor who may vacate the meeting due to the inability to obtain a quorum. If the mayor vacates the meeting due to the inability to

obtain a quorum, the clerk shall promptly notify all trustees and provide each trustee with the names of those trustees unable to attend the meeting. The clerk will post a notice of the vacated meeting on the town hall primary door and at the official posting sites.

2.08.080 - Agenda.

The mayor shall determine all items to be placed on the agenda, in consultation with the town's clerk/administrator. All reports, communications, ordinances, resolutions, contracts, documents, or other matters to be submitted to the board shall 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.

2.08.090 - Order of business.

The order of business of a board of trustees' meeting is as follows:

- A. Call to Order. The mayor shall take the chair 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, and decide all questions of order.
- B. Pledge of Allegiance. The mayor leads the board in the Pledge of Allegiance
- C. Roll Call. Before proceeding with the board's business, the clerk will call the roll of the trustees. The names of trustees present shall be entered in the minutes.
- D. Public Hearings. The mayor shall call any noticed public hearings to order, conduct and close the public hearings.
- E. Consent Agenda. The mayor shall announce the consent agenda and that any trustee may request that a consent agenda item be removed from the consent agenda and placed on the regular agenda for discussion.
- F. Agenda Approval. Prior to agenda approval, the mayor will entertain motions to delete or add agenda items for discussion. The agenda will be approved by majority vote of the trustees present.
- G. Consent Agenda Approval. All items contained in the consent agenda will be approved in a single motion by majority vote of the trustees present.
- H. Public Comments. Any citizen may make comments to the board as a whole and not to any individual trustee on matters under the jurisdiction of the board. Such comments shall be limited to a reasonable time, to not exceed three (3) minutes, and such determination will be in the discretion of the presiding officer.
- I. Old Business. The board will consider any business that has been previously considered and which is still unfinished.
- K. New Business. The board will consider any business not considered previously including the introduction or readings of ordinances and resolutions.
- J. Reports. Town officials and committees shall present reports as may be required by the board.
- L. Adjournment. The board may adjourn from time to time to a specific date and hour upon majority vote of the trustees present. If no specific date and hour is set forth in the motion to adjourn, the meeting shall adjourn to the next scheduled regular board meeting. A motion to adjourn is always in order and will be decided without debate.

2.08.100 - Resolution or motion required—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. A resolution or motion shall only pass upon receipt of a majority of the quorum present.

2.08.110 - Adoption of ordinances.

- A. A trustee will introduce each ordinance. The ordinance will then be read aloud in full unless printed copies of the ordinance are available for all present at the meeting in which case only the title must be read aloud. After the reading, the ordinance may be adopted upon motion, second and affirmative majority vote of the quorum present unless the law requires a greater number.
- B. Ordinances and resolutions for the appropriation of money must be adopted by affirmative majority vote of all trustees who have taken the oath of office.
- C. Ordinances adopting a uniform code or other provision by reference, or adopting a franchise agreement, must be adopted following the procedures set forth in Colorado law.

2.08.120 - Vote required when.

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 trustees 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 trustees. For the purposes of this section, the mayor shall be considered a trustee. On the adoption of every ordinance and of every resolution authorizing the expenditure of money or the entering into of a contract by the board, the yeas and nays shall be called and recorded. All appointment of officers by the board shall be by ballot, and the names of those who voted and the vote each candidate received upon the vote resulting in an appointment shall be recorded.

2.08.130 - Reserved.

2.08.140 - Publication of ordinances.

All ordinances, as soon as may be possible after their passage, shall be recorded in a book kept for that purpose, and authenticated by the signature of the mayor and clerk. All ordinances of a general or permanent nature, and those imposing any fine, penalty, or forfeiture, shall be published in the Ordway New Era or Rocky Ford Times. Unless said ordinance is so large that publication would be cost prohibitive. In which case the ordinance shall be published on the Sugar City town website and the link to review the ordinance shall be published in the Ordway New Era or Rocky Ford Daily Gazette, thereby allowing the community notice of where to find the proposed ordinance. Such ordinances shall not take effect until thirty days after such publication, except for ordinances calling for special election or necessary for the immediate preservation of the public peace, health or safety which shall take effect upon publication. The reasons making the ordinance necessary for the immediate preservation of the public peace, health or safety shall be set forth in a separate section. Codes may also be adopted by reference as provided by state law.

2.08.150 - Committees.

Any question pending before the board may be referred to the appropriate committee for review and recommendation, 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. All committees shall report to the board of trustees, and all committee actions shall be recommendations that require a majority vote of the quorum of the board of trustees.

2.08.160 - Suspension of the rules.

Any of the provisions of this section 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.

2.08.170 - 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.

2.08.180 - Oath and bond.

All officers elected or appointed in any capacity shall take an oath to support the Constitution of the United States and the Constitution of the state of Colorado, and shall provide such bonds, with or without security, as the board may require. The board of trustees may provide that the payment of premiums on surety bonds of any officer of the town shall be made by the town treasurer from funds so designated by the board.

2.08.190 - Removal from office.

Any trustee, officer or employee appointed by the board of trustees may be removed from office according to statute or suspended for a specific time, with or without pay, by a vote of three-fourths majority of all board members whenever such officer, trustee or employee is, after a hearing before the board, found guilty of a dereliction or violation of his duty or conduct unbecoming an officer or incompetency.

Any trustee, maybe removed from office if they miss three consecutive meeting by a three-fourths vote of the remaining trustees.

2.080.200 - Term for board of trustee.

Trustees of the Town of Sugar City Board of Trustees shall serve consecutive four-year terms without limit.

Elections shall be held every two years. Only three trustees shall be elected at any election.

The Mayor shall run for re-election once every four years.

2.08.210 - Term for mayor.

The Mayor of the Town of Sugar City shall be limited to serve only two consecutive four-year terms.

2.08.220 - Vacancies.

The board of trustees shall have power by appointment to fill all vacancies in the board or in any other elected office, and the person so appointed shall hold office until the next regular election and until his successor is elected and qualified. If the term of the person creating the vacancy was to extend beyond the next regular election, the person elected to fill the vacancy shall be elected for the unexpired term. Where a vacancy or vacancies exist in the office of trustee and a successor or successors are to be elected at the next election to fill the unexpired term or terms, the three candidates for trustee receiving the highest number of votes shall be elected to four-year terms and candidates receiving the next highest number of votes, in descending order, shall be elected to fill the unexpired term of terms.

2.08.230 - Signors on Town of Sugar City checks.

Checks of the Town of Sugar City drawn on official checks, and orders for transfer or withdrawal of funds of the Town of Sugar City on deposit in said bank, in whatever form, shall be signed by at least two of the following: (1) mayor and one trustee; (2) mayor pro-tem and one trustee; and/or (3) two trustees when the mayor or mayor pro tem are not available.

The said bank is hereby authorized and directed to honor and pay any checks so drawn as above set forth, whether or not such checks be payable to the order of one of the foregoing persons either in his individual or official capacity or deposited to his individual credit.

Chapter 2.12 - TOWN CLERK

Sections:

2.12.010 - Appointment.

The board of trustees at its first regular meeting after each biennial election shall appoint some qualified person as town clerk. In case a vacancy should occur in the office of clerk, the board shall appoint a clerk for the unexpired term.

2.12.020 - Oath and bond.

Before entering upon the duties of the office, the clerk shall take an oath of office.

2.12.030 - 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 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 be custodian of all bonds of all officers or employees of the town.
- F. He shall perform such other duties as may be prescribed for him by law or by the board of trustees.
- G. He shall perform additional duties as the board of trustees may require.

Chapter 2.16 - TOWN TREASURER

Sections:

2.16.010 - Appointment.

The board of trustees at its first regular meeting after each biennial election shall appoint some 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.

2.16.020 - 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 an amount to be approved by the board of trustees, conditioned upon the faithful performance of his duties as town treasurer and that when he vacates 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.

2.16.030 - Duties.

The town treasurer shall perform the following duties:

- A. The treasurer shall give all moneys belonging to the town and give receipts therefor; shall keep his books and accounts in such manner as may be prescribed by the board; shall keep a separate account of each fund or appropriation and the debts and credits belonging thereto; and shall report to the board, at each regular monthly meeting thereof, the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany the statement of accounts with a statement of all moneys received in the treasury and on what account, during the preceding month, together with all warrants redeemed and paid by him, and such warrants and their supporting vouchers shall be delivered and filed in the clerk's office upon every day of such statement. All books and accounts of the treasurer shall always be subject to inspection of any member of the board.
- B. If there are no funds in his hands for the payment of any town warrant presented to him for such payment, it shall be his duty to register such warrants in a book to be kept by him for that purpose, he shall endorse upon all such warrants so presented to him the time and date of such registry. Whenever he pays such warrant, he shall enter the payment and the amount of interest allowed or paid on such warrant in the registry.
- C. He shall perform all other duties, keep all records, and make all reports that are required by other provisions of this code or by the statutes of the state.
- D. He shall perform additional duties as the board of trustees may require.

Chapter 2.20 - TOWN ATTORNEY

Sections:

2.20.010 - 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. The attorney need not be a resident of the town.

2.20.020 - 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.
- F. He shall perform additional duties as the board of trustees may require.

Chapter 2.28 - POLICE DEPARTMENT

Sections:

2.28.010 - Creation—Composition.

There may be created a police department for the town which may consist of one town marshal, who may also be known as the chief of police, and as many policemen deputies as may from time to time be deemed necessary for the safety and good order of the town, as determined by the board of trustees.

2.28.020 - Department 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 of trustees by resolution.

2.28.030 - Appointment—Powers and duties of chief/marshal.

At its first regular meeting following each biennial election, the board of trustees shall appoint a chief of police/marshal who shall be the head of the police department. It shall be the duty of the chief of police/marshal to:

- A. See that the ordinances of the town are duly enforced and the rules and regulations of the police department obeyed, and to perform such duties as may be required by the board;
- B. Direct the operations of the police 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. Take charge of the town jail and all prisoners confined therein, and all those who are sentenced to labor on the streets or public works of the town, and see that orders and sentences with reference to such are fully executed and complied with;
- E. Render such accounts of the police department, his 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;
- F. Before entering upon the duties of such office, the chief of police/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.

2.28.040 - Duties of police officers.

All members of the police 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 enforcement officers of the town and shall see that the town ordinances 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 town ordinance or laws 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.
- E. They shall execute and return all writs and process to them directed by the municipal judge in any case arising under the town code, and they may serve the same in any part of the county in which such town is situated.
- F. They shall observe the condition of 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.

2.28.050 - Oath and bond.

Before entering upon the duties of his office, each 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 the ordinances of the town, and that he will faithfully perform the duties of the office upon which he is about to enter.

2.28.060 - Uniforms.

Every police officer shall wear at all times while on duty a uniform of the type and quality prescribed by the chief of police/marshal, and authorized by the Board of Trustees.

2.28.070 - 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.

2.28.080 - Extraterritorial duty.

The chief of police/marshal may in his discretion, upon request of the chief of police or persons exercising the functions thereof in any other jurisdiction, assign police officers under his control together with such equipment as he shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

2.28.090 - Reserved.

Chapter 2.32 - MUNICIPAL COURT

Sections:

2.32.010 - Definitions.

As used in this chapter the following terms shall have the following meanings:

- A. "Municipal court" means the police magistrate's court or police court created or existing under previous laws.
- B. "Municipal judge" means police magistrate or police judge as used in previous laws.

2.32.020 - Created.

A municipal court in and for the town of Sugar City is created and established to hear and try all alleged violations of ordinance provisions of the town.

2.32.030 - Appointment of judge.

The municipal court shall be presided over by a municipal judge who shall be appointed by the board of trustees of the town for a specified term of not less than two years and who may be reappointed for a subsequent term; except that the initial appointment under this section may be for a term of office which expires on the date of the next election of the board of trustees. Any vacancy in the office of municipal judge shall be filled by appointment by the board of trustees for the remainder of the unexpired term.

2.32.040 - Powers and duties.

The municipal court and the municipal judge shall have those powers and duties as conferred upon them by state law.

2.32.050 - Procedures.

All proceedings in the municipal court shall be in accordance with state law and with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court, as those laws and rules may be amended from time to time.

2.32.060 - Compensation of judge.

The board of trustees shall provide by ordinance for the salary of the municipal judge. Such salary shall be a fixed annual compensation and payable on a monthly or other periodic basis.

2.32.070 - Court clerk.

The position of the clerk of the municipal court is established, except that the municipal judge shall serve as ex officio clerk if the business of the court, in his discretion, is insufficient to warrant a separate clerk. The clerk of the municipal court shall be appointed by the municipal judge and shall have such duties as are delegated to him by law, rule, or by the municipal judge. The board of trustees shall provide for the salary of the clerk by ordinance; however, if the municipal judge serves as ex officio clerk, he shall not receive any additional compensation.

2.32.090 - Contempt of court.

The municipal judge shall have full power and authority to punish for contempt on his/her court; provided, however, that no imprisonment for contempt shall exceed five days, and no fine for contempt shall exceed three hundred dollars.

Chapter 2.34 - MUNICIPAL COURT OF RECORD

Sections:

2.34.010 - Ordination.

Pursuant to 1973, CRS 13-10-101, et seq., as amended, the Sugar City Municipal Court is ordained to be a qualified municipal court of record.

2.34.020 - Recordkeeping.

The clerk of the municipal court is directed to keep a verbatim record of all municipal court proceedings and evidence by either an electronic device or stenographic means.

2.34.030 - Authority—Qualifications.

The municipal judge shall be authorized to administer oaths and is required to be admitted to and currently licensed in the practice of law in the state.

Chapter 2.36 - PLANNING COMMISSION AND BOARD OF ADJUSTMENT

Sections:

2.36.010 - Created.

A planning commission is created for the town.

2.36.020 - Membership.

The planning commission shall consist of five members consisting of the mayor and one member of the Sugar City board of trustees who shall serve as voting ex-officio members and three bona fide residents of the town of Sugar City who shall be recommended by the mayor and approved by the Board of Trustees.

2.36.021 - Residency.

All members of the planning commission shall be bona fide residents of the town of Sugar City. If any member ceases to reside in the town of Sugar City, that person's membership on the commission shall automatically terminate.

2.36.022 - Compensation.

All members of the planning commission shall serve without compensation.

2.36.023 - Office held limited.

Appointed members of the planning commission shall not hold any other municipal office.

2.36.024 - Term of office.

The mayor during his term of office. The board of trustee member shall serve the duration of the term of office during which the trustee is appointed to the planning commission. The appointed members shall each serve for a term of six years except during the first term of office subsequent to the adoption of this chapter which first term one member shall be appointed for a two-year term, one member shall be appointed for a four-year term and one member shall be appointed for a six-year term.

2.36.030 - Officers.

The planning commission members shall select one of the appointed members as chairman during its first meeting each calendar year, and another member as vice-chairman. The vice-chairman shall serve as chairman pro-tem in the absence of the chairman. The town clerk shall serve as the recording secretary for the planning commission.

2.36.040 - Powers and duties.

The planning commission shall have such powers and duties as delegated by the laws of the state set forth in C.R.S. Section 31-23-201 et seq., and those powers and duties delegated by state law to a municipal board of adjustment.

2.36.050 - Regulations of subdivisions.

As it is essential that subdivisions be regulated and that proper zoning be provided for mobile homes and that comprehensive planning for the town be initiated, it is declared that an emergency exists and that this section is necessary to the immediate preservation of the public peace, health and safety, and that this section shall therefore become effective after the expiration of five days following the publication in the Sugar city Tribune, the official newspaper of the town.

2.36.060 - Board of adjustment.

- A. The authority of the board of adjustment is hereby transferred to the town of Sugar City planning commission.
- B. The planning commission sitting as the board of adjustment ("board") shall have the authority, duties and responsibilities as set forth below and all authority, duties and responsibilities set forth in Colorado law.
 - 1. The board shall hear and decide appeals from and review any order, requirements, decision, or determination made by any administrative official charged with the enforcement of any ordinance adopted pursuant to the city zoning code.
 - 2. The board shall hear and decide all matters referred to it or upon which it is required to pass under the city zoning code.
 - 3. Vote Required to Determine an Issue.

- a. The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant any matter upon which the board is required to pass under the town zoning code or to affect any variation in such ordinance.
4. Appeals to the Board.
 - a. An appeal to the board shall be filed with the officer from whom the appeal is taken within ten town business days of the final written decision of the officer.
 - b. The officer shall at once transmit to the board all the papers constituting the record upon which the action appealed from was taken.
 - c. An appeal stays all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the board after the notice of appeal has been filed with the officer that by reason of facts stated in the certificate, a stay would, in the officer's opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise then by a restraining order which may be granted by the board or by the Otero County district court on application, on notice to the officer from whom the appeal is taken and on due cause shown.
 - d. The board shall fix a reasonable time for the hearing of the appeal, give due notice thereof to the parties, and decide the same within a reasonable time.
 - e. Any party may appear in person, by agent or through an attorney at the hearing.
 - f. The board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises and to that end has all the powers of the officer from whom the appeal is taken.
5. Appeals from the Board.
 - a. Decisions of the board may be reviewed by the district court of the county of Crowley where the appeal is filed with the court not later than thirty days from the final action taken by the board. Persons aggrieved, and an officer, department, board or bureau of the town of Sugar city shall have standing to appeal.
6. Variances.
 - a. The board has the power, in passing upon appeals, to vary or modify the application of the regulations or provisions of the zoning code relating to the use, construction, or alteration of buildings or structures, or the use of land or for the purpose of considering access to sunlight for solar energy devices upon a finding of all of the following:
 - i. There are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning code;
 - ii. The practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the zoning code were not created by the applicant;
 - iii. The granting of the variance will observe the spirit of the zoning code;
 - iv. The granting of the variance will not adversely impact public safety;
 - v. The granting of the variance will not adversely impact the welfare of the neighborhood within which the variance will occur or the town of Sugar City; and
 - vi. The granting of the variance will promote substantial justice.

Chapter 2.40 - PERSONNEL

Sections:

ARTICLE I. - GENERALLY

2.40.010 - Regulations-Policies-Pay schedule.

Employees of the town shall receive such compensation as the board may from time to time determine by resolution, and they shall be subject to such personnel policies, practices and regulations as the board may adopt by resolution.

2.40.015 - Reporting of criminal acts by city official or employee to law enforcement.

1. Each town employee and official has a legal duty to report and shall immediately report any allegations of wrongdoing by any town official or employee to the appropriate law enforcement agency as set forth in this ordinance.
2. Pursuant to Colorado law, the Sugar City Board of Trustees adopted Ordinance 2.10.010 on or about _____ establishing the office of town administrator/clerk.
3. Ordinance Number 2.10.090 states as follows:
 - a. "i. The town administrator shall be the chief administrative officer of the town government. The duties and authority of the town administrator shall be:
 - i. "1. To enforce the laws, ordinances and policies of the town and contracts to which the town is a party;
 - ii. "2. To be responsible to the mayor and board of trustees for the efficient administration of all departments of the town;
 - iii. "3. To superintend and generally manage all town departments and their personnel;"
4. Ordinance Number 2.10.090 states as follows:
 - a. "12. To administer and be responsible for all departments and divisions of the town which are under the direction of the mayor and board of trustees, including, but not limited to, the administration department, public works department, water department, sewer department and the police department. The offices of the town attorney and municipal judge shall be responsible to the mayor and board of trustees;"
5. The Crowley County Sheriff has concurrent jurisdiction with the Sugar City Police Department with respect to criminal investigations in the Town of Sugar City.
6. To avoid any real or perceived conflict of interest all town officials and employees, including but not limited to employees working in the Sugar City Police Department, who come into knowledge of any alleged or actual criminal act by any member of the board of trustees or the town administrator during their performance or attempted performance as an official of the town shall immediately report the act to the Crowley County Sheriff with a request for investigation of the reported act and any further action deemed appropriate by the Crowley County Sheriff.
 - a. Example 1: Police stop a trustee at 2:00 a.m. after the bars closed. Evidence exists that the trustee was driving under the influence of alcohol. No conflict of interest exists because the trustee was not acting as a trustee at 2:00 a.m. while drinking and driving.
 - b. Example 2: Police receive a report that a trustee took cash while assisting the office staff at the town hall after normal work hours. The trustee was acting as a trustee when the wrongful act occurred and a conflict of interest exists.
7. To avoid any conflict of interest among certified peace officers employed in the Sugar City Police Department any criminal act or alleged criminal act by a Sugar City certified peace officer other than the police chief shall be reported to the police chief who will then request assistance from the law enforcement agency the police chief deems appropriate.
8. To avoid any conflict of interest between a certified peace officer in the position of Sugar City Police Chief and other certified peace officers employed by the Town of Sugar City any criminal act or alleged criminal act by the certified peace officer employed as the Sugar City Police Chief shall be reported to

the town Mayor who shall immediately request assistance from the Crowley County Sheriff or Colorado Bureau of Investigation for investigation and any appropriate action.

9. Reports of criminal acts or alleged criminal acts by all town officials and employees other than the mayor, members of the town of Sugar City Board of Trustees or town Mayor shall be made to the Sugar City Police Department.
10. Where any police department employee becomes aware of an allegation of a criminal act performed by the mayor, a member of the board of trustees or the town administrator, that employee shall immediately report the criminal act or allegation to the Crowley County Sheriff and shall request mutual assistance with the Crowley County Sheriff assuming responsibility for any investigation and action the sheriff deems appropriate. The employee shall also immediately notify the police chief.
11. In the case where any police department employee reports alleged criminal wrong doing by the mayor, any member of the board of trustees or the town administrator, the Sugar City Police Chief or the senior law enforcement official at the time shall report the action to the board of trustees in executive session sitting without the person being investigated at its next regular or special meeting as required under Sugar City Municipal Code section 2.28.040(D) and the police department and all its employees shall cease any investigation or action in the matter deferring such acts to the Crowley County Sheriff. Alternatively, where the investigation must remain confidential, the report shall be made privately and jointly to the mayor and mayor pro-tem or where one of these officials is under investigation then to the remaining official.
12. This policy serves the ends of justice by providing for proper process of law while avoiding actual or apparent conflicts of interest. Failure to follow this policy by any town employee shall result in disciplinary action up to and including termination.
13. It is intended that this resolution shall be appropriately calendared and re-adopted at each board of trustees meeting where trustees take the oath of office following each municipal election.

ARTICLE II. - PERSONNEL POLICY

2.40.020 - Handbook adopted.

There is adopted as the personnel policies of the town the personnel handbook attached to the ordinance codified in this article as Exhibit "A" and incorporated by reference herein as if more fully set forth herein.

2.40.030 - Repeal of prior inconsistent ordinances.

All prior inconsistent ordinances or policies of the town relating to personnel issues, are repealed.

2.40.040 - Amendments, modifications and additions to handbook.

The board of trustees is authorized to amend, modify, or add to the personnel handbook by written resolution at any time without the necessity of an amending ordinance.

2.40.050 - Emergency clause.

An emergency exists in that the board of trustees has determined that the existing policies are not in the best interest of the town and so, therefore, the ordinance codified in this chapter and the personnel handbook and policies shall be effective immediately upon passage of said ordinance.

2.40.060 - Copies of personnel handbook.

Copies of the personnel handbook shall be provided to each employee upon the adoption of the ordinance codified in this chapter.

2.40.070 - At-will employment.

The town maintains employment at-will for its employees. This chapter and the personnel policy adopted herein do not create an express or implied contract of employment for any employee or an expectation of continued employment for any employee.

Chapter 2.44 - RULES OF PROCEDURE

Sections:

2.44.010 - 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, 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 provisions of this chapter by any board, commission or official shall be reduced to writing and copies thereof shall be made available to the public.

2.44.020 - Quasi-judicial hearings.

The provisions of this section and Sections 2.44.030 through 2.44.070 shall be applicable only to those hearings where the board of trustees, board, commission or official is called upon to exercise a power of 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 or marijuana, 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. Hearing 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. Hearing before any board, commission or official respecting the issuance, suspension or revocation of any license issued by the town.

2.44.030 - Rights of participants.

All quasi-judicial hearings shall be conducted under procedures designed to ensure 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 factual bases and reasons for the decisions rendered.

2.44.040 - 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.

2.44.050 - 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.

2.44.060 - Deliberation and notice of decision.

Each hearing body is authorized to deliberate upon the issuances 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 the same.

2.44.070 - 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 appeal to have the decision reviewed by a court of competent jurisdiction, in accordance with the provisions of the Colorado Rules of Civil Procedure.

2.44.080 - 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 hearing shall be conducted in compliance with the provisions of Sections 2.44.090 and 2.44.130 of this chapter, and in such a manner so as to enable any person desiring to be heard a reasonable opportunity for the presentation of his view.

2.44.090 - 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.

2.44.100 - 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.

2.44.110 - Public notice.

Public notice of the date, time and place of the public hearing shall be given in the manner provided by 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 seven days prior to the date of the hearing.

2.44.120 - 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 duplicate or cumulative presentations, it may impose reasonable time restrictions on any person.

2.44.130 - 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.

Chapter 2.48 - SALARIES

Sections:

2.48.010 - Elected officials.

The board of trustees shall fix the salaries and compensation of all officers of the town. An elected official shall not be an employee of the town, and only a vote of the residents may begin or increase pay of an elected official.

2.48.020 - Mayor.

The mayor of the town may be paid any expense money that he may incur as a result of his duties as Mayor. The mayor of Sugar City shall not receive any compensation for his service.

2.48.030 - Board of trustees.

The members of the Board of Trustees of the town may be paid any expense money that they may incur as a result of their duties as a Trustee. The Trustees of Sugar City shall not receive any compensation for their service.

2.48.040 - Appointed officers and employees.

All appointed officers and employees of the town shall receive such salary as shall be established by the salary schedule as adopted in accordance with Chapter 2.40.

Chapter 2.52 - SOCIAL SECURITY

Sections:

2.52.010 - Extension.

It is the considered opinion of the town board of trustees that the extension of the Social Security system to employees and officers of the town will be of great benefit, not only to the employees of the town by providing that the employees and officers may participate in the provision for the Old-Age and Survivors' Insurance System, and will also be of great benefit to the town by enabling it to attract and retain in employment the best of personnel and thus increase the efficiency of its government.

2.52.020 - Adopted.

The 35th General Assembly of the state, in regular session, enacted a statute, known as House Bill No. 291, which is the enabling Act provided for in Section 218 of Public Law 734, 81st Congress, which designated the Department of Employment Security of the state to act as the department to implement the coverage of employees and officers under the Old-Age and Survivors' Insurance System. The town is authorized to execute and deliver to the Department of Employment Security of the state a plan, or plans, and agreement, required under Section 5 of said enabling Act and the Social Security Act, to extend coverage to employees and officers of the town and to do all other necessary things to effectuate coverage of employees and officers under the Old-Age and Survivors' Insurance System.

2.52.030 - Designation.

The clerk is authorized to establish a system of payroll deduction to be matched by payments by the town to be made into the contribution fund of the Social Security Act through the Department of Employment Security, and to make charges of this tax to the fund, or funds, from which wage or salary payments are issued to employees of the town. Such payments are to be made in accordance with the provisions of Section 1400 of the Federal Insurance Contribution Act on all services which constitute employment within the meaning of that Act. Payments made to the Department of Employment Security of the state shall be due and payable on or before the eighteenth day of the month immediately following the completed calendar quarter, and such payments which are delinquent shall bear interest at the rate of one-half of one percent per month until such time as payments are made.

2.52.040 - Appropriation.

Appropriation is made from the proper fund, or funds, of the town in the necessary amount to pay into the contribution fund as provided in Section 3 (c) (1) of the enabling Act and in accordance with the plan, or plans, and agreement. Authority is given to the mayor and the clerk of the town to enter into an agreement with the Department of Employment Security of the state which agreement shall be in accordance with House Bill No. 291 and with paragraph 218 of the Social Security Act. Such plan and agreement shall provide that the participation of the town shall be in effect as of March 2, 1954.

Chapter 2.56 – CEMETERY

Sections:

2.56.010 - Administration and supervision.

The administration and supervision of the Sugar City cemetery shall be by direction of the town trustees through a superintendent appointed by them, who will employ such other persons as may be necessary for the care and maintenance of the Sugar City cemetery.

2.56.020 - Rules and regulations.

The board shall adopt rules and regulations not inconsistent with the provisions of this section governing the cemetery, which rules and regulations shall be on file and available for public examination in the office of the town clerk. Failure to comply with any rule or regulation promulgated under this section shall be deemed a violation of this code.

2.56.030 - Duties of superintendent.

It shall be the duty of the superintendent to dig graves, supervise funerals, set monuments or markers, supervise all decorations of lots and graves, plant and care for all vegetation, maintain and repair driveways and walks, endeavor to prevent the defacing, destruction or damage of monuments, markers and other property in the cemetery and carry out and enforce the rules and regulations of the cemetery. After each burial the superintendent shall report to the town clerk in writing in detail the location of the grave.

2.56.040 - Maps and records.

It shall be the duty of the town clerk to keep a map and the records of the cemetery and issue required permits. No permits shall be issued without the name and address of the lot owner and the lot and block number for which application is made. Burial permits shall be addressed to the superintendent giving the lot and block number for burial and the time of the funeral. The town clerk shall require application for all burial permits to be made at least two working days before the funeral and shall not issue permits and funerals less than two hours apart.

2.56.050 - Applications for burial spaces.

Applications for the purchase of burial spaces shall contain a description of the space, purchase price and method of payment, and when executed by the purchaser and the town it shall become a binding contract of purchase and sale. Upon payment of the full purchase price to the town, a cemetery deed by the town, executed by the mayor conveying the space free and clear of all encumbrances shall be executed and delivered to the purchaser.

2.56.060 - Fees for burial spaces.

The sale price of grave spaces, including perpetual care of all spaces, shall be governed by the rules and regulations of the cemetery.

2.56.070 - Transfer assignment or conveyance of property right.

No transfer, assignment or conveyance of any property right or interest in the town cemetery shall be valid without the consent in writing of the town. The town shall not consent to the transfer of any property right or interest in the town cemetery upon which there is indebtedness due the town.

2.56.080 - Selling lots or spaces for resale.

No lot or space shall be sold to or purchased by a funeral director or other persons for purposes of resale or speculation.

2.56.090 - When rights and interest in lot revert to town.

In the event a lot or space is vacated by reason of bodies being removed therefrom with intent to abandon the lot or space, all right and interest in the lot or space shall revert to the town.

2.56.100 - Interments.

Applications and permission for interment, interment charges and payment, and permissible use of burial space shall be governed by the rules and regulations of the cemetery. It shall be conclusively presumed, unless written notification to the contrary is filed with the town clerk, that the purchaser of any space in the town cemetery is being acquired for family use, and the town shall have the right, without obtaining any interment permit from the owners, to allow interment in such space of any member of the family of the owners.

2.56.110 - Erection of monuments.

All monuments or markers shall be placed at least six inches inside the space lines and shall be made of granite, marble or real bronze and shall be erected upon a foundation. Erection, construction, specifications, materials and placing of marker foundations, monuments, vaults and corner stones shall be governed by the rules and regulations of the cemetery.

2.56.120 - Fences—Railings—Decorations—Planting vegetation.

Fences, railings, hedges and other obstructions and decorations other than flowers, vases, wreaths and flags are prohibited, and will be removed without notice. All decoration of lots or spaces and planting

of vegetation within the cemetery shall be under the control, supervision and direction of the superintendent, who will be governed by the rules and regulations of the cemetery.

2.56.130 - Fees for disinterring bodies.

Fees for opening graves, disinterring bodies, and use of equipment shall be governed by the rules and regulations of the cemetery.

2.56.140 - Prohibitions.

No person in the town cemetery shall:

- A. Drive or ride any machine or animal on lots, lawns or walks;
- B. Drive an automobile or other vehicle in excess of twenty miles per hour or such lesser speed as shall be prudent under the conditions and circumstances then existing;
- C. Litter or discard paper boxes and other unsightly articles in the cemetery;
- D. Cause any employee to do work for lot owners without an order from the superintendent or give to any employee any valuable consideration to do work for a lot owner;
- E. Do work on the grounds;
- F. Perform or cause to be performed a burial in the cemetery on Sunday without a special permit therefor issued by the town administrator on written recommendation of the health officer;
- G. Hunt or in any way disturb the birds or fowl or discharge any firearms, fireworks or other missiles within or over any portion of the cemetery or around the gates, fences or roads adjoining the same, except as a part of military funerals or similar occasions;
- H. Deface, damage, destroy or injure any monuments, markers or other property or thing in the town cemetery.
- I. The Sugar City cemetery is open from sunrise to sunset. Violation of said restriction is a misdemeanor.

2.56.150 - Closing driveways.

The town shall have the right to close any walk or driveway in the cemetery heretofore existing or hereafter constructed and to establish grades.

2.56.160 - Liabilities.

The town shall not be liable for any act of lot owners, visitors, licensees or trespassers within the cemetery or for any damage to person or property while within the town cemetery.

Chapter 2.64 - EMERGENCY PROTECTION

2.64.010 - 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 the town to exercise certain emergency police powers necessary to and incidental to the maintenance of the safety, health and welfare of the citizens of the town.

2.64.020 - Emergency police powers—Limitation.

Emergency police powers shall be placed in the hands of the mayor of the town and that these powers should be exercised only in the event of an emergency as herein contemplated and shall only be exercised for such periods of time as the actual emergency exists and further that the powers shall only be involved after a declaration and proclamation of an emergency.

2.64.030 - Emergency powers of the Board.

In addition to any and all powers enumerated in the town code, the Board shall have further emergency powers necessary to preserve the peace and order of the town set forth in Sections 2.64.040 through 2.64.080.

2.64.040 - Conditions constituting emergency.

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

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

2.64.050 - Procedure for declaring proclamation.

The emergency shall be declared in a proclamation of the Board, which proclamation shall be delivered to the chief of police/marshal, 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.

2.64.060 - Authority of mayor.

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

- A. 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;
- B. To close streets and sidewalks and to delineate areas within the town wherein an emergency exists;
- C. To impose a curfew upon all or any portion of the town whereby 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;
- D. 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;
- E. To do any and all acts necessary and incidental to the preservation of life, limb and property within the town.

2.64.070 - Area of emergency.

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.

2.64.080 - Termination of emergency.

- A. Any emergency proclaimed in accordance with the provisions of this title 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 second or further emergencies to exist, the emergency powers set forth in this section may be exercised during such further emergency period or periods, but never for more than forty-eight hours in one declared emergency period.
- B. 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.

2.64.090 - Penalties.

Any person who willfully fails or refuses to comply with the order of duly authorized law enforcement officers or personnel charged with the responsibility of enforcing the proclamation of emergency authorized in this title, shall be deemed guilty of a misdemeanor.

Chapter 2.68 - MUNICIPAL ELECTIONS

Sections:

2.68.010 - Write-in votes for municipal offices.

No write-in vote for any municipal 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 election indicating that such person desires the office and is qualified to assume the duties of that office if elected.

2.68.020 - Cancellation when no contest for elective positions-Notification of electors.

If in a municipal election the only matter before the voters is the election of persons to office and if, at the close of business nineteen days before the election, there are not more candidates than offices to be filled at such election, including candidates filing affidavits of intent, the town clerk shall certify such fact to the board of trustees, and the board of trustees shall hold a meeting and may cancel the election and by resolution declare the candidates elected. Upon such declaration the candidates shall be deemed elected. Notice of such cancellation shall be published, if possible, in order to inform the electors of the municipality, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

Chapter 2.72 - UNCLAIMED PROPERTY

Sections:

2.72.010 - Purpose.

The purpose of this chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the town.

2.72.020 - Definitions.

Unless otherwise required by context or use, words and terms shall be defined as follows:

"Administrator" means the town administrator or designee thereof.

"Owner" means a person or entity, including a corporation, partnership, association, governmental entity other than the town, or a duly authorized legal representative or successor in interest of same, which owns unclaimed property held by the town.

"Unclaimed property" means, except as provided in any other ordinance of the town, any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges that is

held by or under the control of the town and which has not been claimed by its owner for a period of more than one year after it became payable or distributable.

2.72.030 - Procedure for disposition of property.

- A. Prior to disposition of any unclaimed property having an estimated value of fifty dollars or more, the administrator shall send a written notice by certified mail, return receipt requested, to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the administrator with a written claim for the return of the property within sixty days of the date of the notice, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.
- B. Prior to the disposition of any unclaimed property having an estimated value of less than fifty dollars or having no last known address of the owner, the administrator shall cause a notice to be published in a newspaper of general circulation in the town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall also state that if the owner fails to provide the administrator with a written claim for the return of the property within sixty days of the date of the publication of the notice, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.
- C. If the administrator receives no written claim within the above sixty-day claim period, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.
- D. If the administrator receives a written claim within the sixty-day claim period, the administrator shall evaluate the claim and give written notice to the claimant within ninety days thereof that the claim has been accepted or denied in whole or in part. The administrator may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.
- E. In the event that there is more than one claimant for the same property, the administrator may, in the administrator's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.
- F. In the event that all claims filed are denied, the property shall become the sole property of the town and any claim of the owner of such property shall be deemed forfeited.
- G. Any legal action filed challenging a decision of the administrator shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within thirty days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the administrator pursuant to the order of the court having jurisdiction over such claim.
- H. The administrator is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this chapter, including compliance requirements for other municipal officer and employees in the identification and disposition of such property.

Chapter 2.76 - SAFETY COMMITTEE

Sections:

2.76.010 - Established.

- A. A Town of Sugar City safety committee is hereby established.
- B. The committee shall be a standing committee.

- C. Membership in the safety committee shall consist of all full time employees and permanent part time employees together with one elected official appointed by the Board of Trustees.
- D. Employees shall remain members for the duration of their employment.
- E. The elected official shall serve during the official's tenure in office at the pleasure of the board of trustees.
- F. The committee shall meet at least one time each calendar month during regular working hours and shall maintain minutes of each meeting.
- G. The duties of the safety committee shall be as follows:
 - 1. To promote a safe working environment for all employees;
 - 2. To establish appropriate safety training and emergency training for all employees on a regular basis;
 - 3. To review safety hazards within the work environment and propose remedies for the safety hazards;
 - 4. To report on their activities to the Board of Trustees.

Chapter 2.80 - WATER ACTIVITY ENTERPRISE

Sections:

2.80.010 - Established.

The Town of Sugar City Water Activity Enterprise is hereby established pursuant to C.R.S. § 37-45.1-103(1).

2.80.020 - Water activity enterprise purpose.

The purpose of the water activity enterprise is to pursue and continue water activities, including, but not limited to water diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange, or discharge of water, the provision of wholesale or retail water, the acquisition of water or water rights, and water project or facility activities, including the construction, operation, repair, and replacement of water facilities including, but not limited to, dams, storage reservoirs, compensatory or replacement reservoirs, canals, conduits, pipelines, tunnels, power plants, water treatment facilities and any and all works, facilities, improvements and property necessary or convenient for the purpose of conducting a water activity.

Enactment of this provision will disband all previous water boards.

2.80.030 - Governing body.

The governing body of the water activity enterprise shall be the governing body of the district. Whenever, the governing body of the district is in session, the governing body of the water activity enterprise shall be in session without the need to give separate notice or to distinguish between the acts of the governing body of the district and acts of the governing body of the water activity enterprise.

Representatives of the water pipelines associated with the city will meet with the board of trustees as need and at the request of the board of trustees.

2.80.040 - Exercise of legal authority.

The governing body of the water activity enterprise shall exercise the district's legal authority relating to water activities but shall not levy a tax subject to Colorado Const. Art. X, Sec. 20(4).

2.80.060 - Authority to issue revenue bonds.

The water activity enterprise, through its governing body, may issue or reissue revenue bonds in accordance with and through the provisions of C.R.S. § 37-45.1-104(2)

2.80.070 - Power to contract.

The water activity enterprise shall have all the power to contract set forth in C.R.S. § 37-45.1-106 including, but not limited to, the power to contract with the Colorado Water Conservation Board or any other governmental source of funding for loans and grants related to water activity enterprise functions and to contract with the Colorado Water Resources and Power Development Authority for loans or other available financial assistance related to water activity enterprise functions.

Chapter 2.81 - SEWER ACTIVITY ENTERPRISE

Sections:

2.81.010 - Established.

The Town of Sugar City Sewer Activity Enterprise is hereby established pursuant to C.R.S. § 37-45.1-103(1).

2.81.020 - Sewer activity enterprise purpose.

The purpose of the sewer activity enterprise is to pursue and continue sewer activities, including, but not limited to water diversion, storage, carriage, delivery, distribution, collection, treatment, use, reuse, augmentation, exchange, or discharge of water, the provision of wholesale or retail water, the acquisition of water or water rights, and water project or facility activities, including the construction, operation, repair, and replacement of water facilities including, but not limited to, dams, storage reservoirs, compensatory or replacement reservoirs, canals, conduits, pipelines, tunnels, power plants, water treatment facilities and any and all works, facilities, improvements and property necessary or convenient for the purpose of conducting a water activity.

2.81.030 - Governing body.

The governing body of the sewer activity enterprise shall be the governing body of the district. Whenever, the governing body of the district is in session, the governing body of the sewer activity enterprise shall be in session without the need to give separate notice or to distinguish between the acts of the governing body of the district and acts of the governing body of the water activity enterprise.

The town clerk shall maintain a roster of committee members with the commencement date of the committee member's term and the date upon which the term expires.

2.81.040 - Exercise of legal authority.

The governing body of the sewer activity enterprise shall exercise the district's legal authority relating to sewer activities but shall not levy a tax subject to Colorado Const. Art. X, Sec. 20(4).

2.81.050 - State and local grant limitation.

The sewer activity enterprise shall not receive more than ten percent of its annual revenues.

2.81.060 - Authority to issue revenue bonds.

The sewer activity enterprise, through its governing body, may issue or reissue revenue bonds in accordance with and through the provisions of C.R.S. § 37-45.1-104(2)

2.81.070 - Power to contract.

The sewer activity enterprise shall have all the power to contract set forth in C.R.S. § 37-45.1-106 including, but not limited to, the power to contract with the Colorado Water Conservation Board or any other governmental source of funding for loans and grants related to water activity enterprise functions and to contract with the Colorado Water Resources and Power Development Authority for loans or other available financial assistance related to water activity enterprise functions.

Chapter 2.82 - TRASH ACTIVITY ENTERPRISE

Sections:

2.82.010 - Established.

The Town of Sugar City Trash Activity Enterprise is hereby established pursuant to C.R.S. § 37-45.1-103(1).

2.82.020 - Trash activity enterprise purpose.

The purpose of the trash activity enterprise is to pursue and continue trash collection activities, including, but not limited to trash collection and trash transportation.

2.82.030 - Governing body.

The governing body of the trash activity enterprise shall be the governing body of the district. Whenever, the governing body of the district is in session, the governing body of the trash activity enterprise shall be in session without the need to give separate notice or to distinguish between the acts of the governing body of the district and acts of the governing body of the water activity enterprise.

The town clerk shall maintain a roster of committee members with the commencement date of the committee member's term and the date upon which the term expires.

2.82.040 - Exercise of legal authority.

The governing body of the trash activity enterprise shall exercise the district's legal authority relating to trash activities but shall not levy a tax subject to Colorado Const. Art. X, Sec. 20(4).

2.82.050 - State and local grant limitation.

The trash activity enterprise shall not receive more than ten percent of its annual revenues.

2.82.060 - Authority to issue revenue bonds.

The trash activity enterprise, through its governing body, may issue or reissue revenue bonds in accordance with and through the provisions of C.R.S. § 37-45.1-104(2)

2.82.070 - Power to contract.

The trash activity enterprise shall have all the power to contract set forth in C.R.S. § 37-45.1-106 including, but not limited to any other governmental source of funding for loans and grants related to trash activity enterprise functions and to contract with the state of Colorado for loans or other available financial assistance related to trash activity enterprise functions.

Chapter 2.84 - CEMETERY COMMITTEE

Sections:

2.84.010 - Cemetery committee duties.

The cemetery committee shall advise the board of trustees regarding cemetery infrastructure improvements, grounds maintenance, record maintenance, and equipment. The town administrator, foreman and cemetery sexton shall advise the committee and provide support services.

2.84.020 - Membership.

- A. The committee shall consist of not less than five members.
- B. One trustee shall be appointed to the committee by the board of trustees to represent the board of trustees.
 - 1. The trustee shall have full voting rights and may serve as an officer.
 - 2. The trustee's term shall terminate at the first meeting following the bi-annual municipal election.
- C. Four or more members of the committee shall be residents of the geographical area served by the cemetery nominated by the mayor and approved by a majority of the members of the board of trustees.
 - 1. Resident committee members shall serve staggered terms of four years with all terms terminating June 30.
 - 2. Each member shall serve until a successor is appointed where the mayor fails to timely nominate a successor.
- D. Any member with three or more consecutive absences from committee meetings shall be deemed to have submitted a resignation.
- E. All members serve at the pleasure of the board of trustees and may be removed from the committee by majority vote of the board of trustees with or without cause.
- F. Committee vacancies shall be replaced using the same procedure as the initial appointment. Appointments to fill vacancies shall be for the unexpired term of the committee member being replaced.
- G. The town clerk shall maintain a roster of committee members with the commencement date of the committee member's term and the date upon which the term expires.

2.84.030 - Committee operations.

- A. The committee shall choose its own officers, keep minutes of its meetings and provide the board of trustees with a report at least annually in June.
- B. The committee shall meet a minimum of one time each calendar quarter. The schedule of regular meetings shall be adopted by the board of trustees annually in January.
- C. All meetings shall be posted and conform with the requirements of the Colorado Open Meetings Act.
- D. The committee may recommend policies, resolutions or ordinances to the board of trustees for adoption and shall provide input to the town administration on cemetery operations.

Chapter 2.96 - PARKS AND RECREATION COMMITTEE

Sections:

2.96.010 – Parks and recreation committee duties.

The committee shall advise the board of trustees regarding parks and recreation infrastructure improvements, grounds maintenance, rules, fees and equipment. The public works employees shall advise the committee and provide support services.

2.96.020 - Membership.

- A. The committee shall consist of not less than five members.

- B. One trustee shall be appointed to the committee by the board of trustees to represent the board of trustees.
 - 1. The trustee shall have full voting rights and may serve as an officer.
- C. Four or more members of the committee shall be residents of the geographical area served by the, parks and recreation areas nominated by the mayor and approved by a majority of the members of the board of trustees.
 - 1. Resident committee members shall serve staggered terms of four years with all terms terminating June 30.
 - 2. Each member shall serve until a successor is appointed where the mayor fails to timely nominate a successor.
- D. All members serve at the pleasure of the board of trustees and may be removed from the committee by majority vote of the board of trustees with or without cause.
- E. Committee vacancies shall be replaced using the same procedure as the initial appointment. Appointments to fill vacancies shall be for the unexpired term of the committee member being replaced.
- G. The town clerk shall maintain a roster of committee members with the commencement date of the committee member's term and the date upon which the term expires.

2.96.030 - Committee operations.

- A. The committee shall choose its own officers, adopt any procedural rules desired, keep minutes of its meetings and provide the board of trustees with a report at least annually in June.
- B. The committee shall meet a minimum of one time each calendar quarter. The schedule of regular meetings shall be adopted by the board of trustees annually in January.
- C. All meetings shall be posted and conform with the requirements of the Colorado Open Meetings Act.
- D. The committee may recommend policies, resolutions or ordinances to the board of trustees for adoption and shall provide input to the town administration on Swimming Pool, Parks and Recreation operations.

Title 3 - REVENUE AND FINANCE

Chapters:

Chapter 3.04 - SALES TAX

Sections:

3.04.010 - Purpose.

The purpose of this chapter is to impose a sales tax on the sale of tangible personal property at retail, and the furnishing of services as provided in subpart (1d) of Part 105, Article 2, Title 29, Colorado Revised Statutes, 1973, upon every retailer in the town.

3.04.020 - Definitions.

For the purpose of this chapter, the definitions of words herein contained shall be defined in Part 102, Article 26, Title 39, Colorado Revised Statutes, 1973, and said definitions are incorporated herein by this reference.

3.04.030 - Retailer's license-Required.

It is unlawful for any person to engage in the business of selling tangible personal property at retail without first having obtained a license therefor. Such license shall be granted and issued by the town clerk and shall be in force and effect until the thirty-first day of December of the year in which it is issued, unless sooner revoked.

3.04.040 - Retailer's license-Separate license for separate locations.

In case business is transacted at more than one premises by one person, a separate license for each separate place of business shall be required.

3.04.050 - Retailer's license-Application required.

Such licenses shall be granted and renewed only upon application stating the name and address of the person desiring such a license, the name of such business, and the location and such other facts as the town clerk may require.

3.04.060 - Retailer's license-Renewal.

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

3.04.070 - Retailer's license-Fees.

For each license issued under this chapter a fee of fifty dollars shall be paid by each licensee who is doing business within the town. A further fee of fifty dollars shall be paid for each year or fraction thereof for which the license is renewed.

3.04.080 - Retailer's license-Contents-Posting-Nontransferability.

Each license shall be numbered and shall show the name, residence, 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.

3.04.090 - Retailer's license—Exempt businesses.

No license shall be required for any person engaged exclusively in the business of selling commodities which are exempt from taxation under this chapter.

3.04.100 - Retailer's license—Violation.

Any person engaged in the business of selling tangible personal property at retail in the town, without having secured a license therefor, except as specifically provided herein, shall be guilty of a violation of this chapter.

3.04.110 - Collection, administration and enforcement—Applicable rules and regulations.

For the purpose of collection, administration and enforcement of this chapter by the Executive Director of Revenue, the provisions of Colorado Revised Statutes, 1973, Section 39-26-114, shall be deemed applicable and incorporated into this chapter.

3.04.120 - State sales and use tax.

The amount subject to tax under this chapter shall not include the state sales and use tax imposed by Article 26, Title 39, Colorado Revised Statutes, 1973.

3.04.130 - Consumption of sale—Delivery outside city.

For the purpose of this chapter, all retail sales shall be considered 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 town or to a common carrier for delivery to a destination outside the limits of the town.

3.04.140 - Gross receipts include delivery charges.

The gross receipts from sales shall include delivery charges, when such charges are subject to the state sales and use tax imposed by Article 26 of Title 39, Colorado Revised Statutes, 1973, regardless of the places to which delivery is made.

3.04.150 - Consummation of sale—Determination of location.

In the event a retailer has no permanent place of business in the town, or more than one place of business, the place or places at which the retail sales are consummated for the purpose of this sales tax shall be determined by the provisions of Article 26, Title 39, Colorado Revised Statutes, 1973, and by the rules and regulations promulgated by the Department of Revenue.

3.04.160 - Exemptions.

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

- A. The purchaser is a nonresident of, or has its principal place of business outside the town; and
- B. Such personal property is registered or required to be registered outside the limits of the town under laws of the state.

3.04.170 - Imposition—Amount.

There is imposed on all sales of tangible personal property at retail and the furnishing of services as provided in Colorado Revised Statutes, 1973, Section 39-26-104, as amended, a tax equal to two percent of the gross receipts. The tangible personal property and services taxable by this chapter shall be the same as the tangible personal property and services taxable pursuant to Colorado Revised Statutes, 1973, Section 39-26-104, as amended, and subject to the same exemptions as those specified in Colorado Revised Statutes, 1973, Section 39-26-114, as amended, and the exceptions thereto. The exemptions as set forth in Colorado Revised Statutes, 1973, Section 39-26-114 (11) for purchase of machinery or machine tools, or sales and purchases of those items detailed in Colorado Revised Statutes, 1973, Section 39-26-114(1)(a) (XXI), shall apply to this chapter. The imposition of the tax on individual sales shall be in accordance with schedules set forth in the rules and regulations promulgated by the Department of Revenue or by separate ordinance of the town. If any vendor, during any reporting period, shall collect as a tax an amount in excess of two percent of his total taxable sales, he shall remit to the Director of Revenue the full amount of the tax herein imposed and also such excess.

3.04.180 - Collection, administration, enforcement— Authority—Method.

The collection, administration and enforcement of this sales tax shall be performed by the Director of Revenue of the state in the same manner as the collection, administration and enforcement of the state sales tax. The provisions of Article 26, Title 39, Colorado Revised Statutes, 1973, as amended hereafter, and all rules and regulations promulgated by the Director of Revenue shall govern the collections, administration and enforcement of the sales tax imposed by this chapter.

3.04.190 - Vendor's fee.

The vendor (retailer) shall be entitled as collection agent for the town to withhold a collection fee in the amount of three-and-one-third percent from the total amount remitted by vendor to the town each month. If any vendor is delinquent in remitting the tax, other than in unusual circumstances shown to the satisfaction of the executive director, the vendor shall not be allowed to retain any amounts to cover his expense in

collecting and remitting the tax, and an amount equivalent to the full three-and-one-third percent shall be remitted to the executive director by any such delinquent vendor.

3.04.200 - Amendments.

The board of trustees may amend, alter or change the ordinance codified in this chapter, except as to the two-percent rate of tax herein imposed, subsequent to adoption by a majority vote of the board of trustees. Such amendment, alteration, or change need not be submitted to the electors of the town for their approval.

3.04.210 - Violation-Penalty.

Any person convicted of violating any of the provisions of this chapter shall be punished by a fine of not to exceed three hundred dollars, or by imprisonment for not more than ninety days, or by both such fine and imprisonment.

Chapter 3.08 - FINE SURCHARGE

Sections:

3.08.010 - Purpose.

- A. This chapter appropriates a surcharge in the amount of twelve percent of the established penalty assessment fine schedule for all violations of the adopted Model Traffic Code, or town ordinances, as well as those fines assessed as a result of municipal court action.
- B. The town of Sugar City, wishing to increase the level of training and education for its police officers and members of our community, as well as the "in-school" awareness programs, dealing with substance abuse, and citizenship issues for our elementary, junior high and high school students, will utilize these funds for that purpose. In addition, these funds will be used to acquire law enforcement safety equipment as may be required, to safeguard the lives of our police officers and citizens.
- C. The areas to be supported by this surcharge are as follows:
 - 1. Police department training and education, to include any civilian employees, as well as those expenses relating to that training and education.
 - 2. The training and education of members of our community with regard to community policing programs, crime prevention programs, community relations programs, community problem solving programs and other educational programs dealing with community issues and concerns.
 - 3. The "in-school" training and educational programs designed to assist our children when faced with dealing with peer pressures and substance abuse, as well as programs designed to educate them in the areas of government, citizenship and community and youth oriented problem solving. In addition, this will support activities, such as "red ribbon," etc.
 - 4. The acquisition of law enforcement safety equipment as may be required to ensure the safety of our police officers and our citizens.

3.08.020 - Established.

The twelve percent surcharge is enacted, and will be expended on the areas listed in Section 3.08.010. Further, it shall be applicable to all fines assessed in violation of the town of Sugar City's ordinances and violations of the Model Traffic Code as adopted by the town of Sugar City, be those fines levied as part of the penalty assessment system, or levied in municipal court, by the municipal court judge.

3.08.030 - Suspension of fine not to invalidate.

Should the municipal court suspend the appropriate fine in any given situation, for whatever reason, the surcharge, like court costs, will be imposed.

3.08.040 - Deposit and expenditure of funds.

- A. It shall be the responsibility of the clerk of the court to ensure this surcharge is separated from other court funds and delivered to the town treasurer for deposit into a separate account that will allow these funds to be tracked and reported as may be required to the board of trustees, the courts, and chief of police.
- B. The request for use of these funds shall be through the chief of police or board of trustees for the town of Sugar City.
- C. The approval for the expenditure of these funds by the Sugar City police department shall first rest with the police committee of the board of trustees, acting on those requests with expenditures within the prescribed limits of that committee's authority. Those expenditures in excess of the committee's authority shall be presented to the full board of trustees.

Chapter 3.12 - USE TAX

Sections:

3.12.010 - Imposition.

There is imposed a use tax of two percent thereof, for the privilege of storing, using, or consuming in the town of Sugar City, Colorado, motor and other vehicles on which registration is required, purchased at retail.

3.12.020 - Applicability.

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 of Sugar City;
- B. To the storage, use, or consumption of any tangible personal property purchased for resale in the town of Sugar City 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 of Sugar City 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; 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 of Colorado, 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 processing 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 of Sugar City 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 of Sugar City and he purchased the vehicle outside of the town of Sugar City for use outside of the town of Sugar City and actually so used it for a substantial and primary purpose for which it was acquired and he registered, titled, and licensed such motor vehicle outside the town of Sugar City;
- I. To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase 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 this use tax ordinance;
- K. The town of Sugar City use tax shall not apply to the storage of construction and building materials.

3.12.030 - Motor and other vehicle use tax collection.

- A. The two percent use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the state of Colorado, 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 such use tax shall be paid to the town of Sugar City periodically in accordance with an agreement entered into by and between the town of Sugar City and the Department of Revenue.

3.12.040 - Alternate dispute resolution.

Deficiency notice or claim for refund. The taxpayer may elect a state hearing on the town of Sugar City final decision on a deficiency notice or claim for refund pursuant to the procedure set forth in this section.

- A. As used in this section, "state hearing" means a hearing before the executive director of the Department of Revenue or delegate thereof as provided in SS292-106.I(3), C.R.S.
- B. When the town asserts that use taxes are due in an amount greater than the amount paid by a taxpayer, the town shall mail a deficiency notice to the taxpayer by certified mail. The deficiency notice shall state the additional use taxes due. The deficiency notice shall contain notification, in clear and conspicuous type, that the taxpayer has the right to elect a state hearing on the deficiency pursuant to SS29-2-106.I(3), C.R.S. The taxpayer shall also have the right to elect a state hearing on the town's denial of such taxpayer's claim for a refund of use tax paid.
- C. The taxpayer shall request the state hearing within thirty days after the taxpayer's exhaustion of local remedies. The taxpayer shall have no right to such hearing if he has not exhausted local remedies or if he fails to request such hearing within the time period provided for in this subsection, "exhaustion of local remedies" means:
 - 1. The taxpayer has timely requested in writing a hearing before the town and such town has held such hearing and issued a final decision hereon. Such hearing shall be informal and no transcript, rules of evidence, or filing of briefs shall be required; but the taxpayer may elect to submit a brief, in which case the town may elect to submit a brief. The town shall hold such hearing and issue the final decision thereon within ninety days after the town's receipt

of the taxpayer's written request therefor, except the town may extend such period if the delay in holding the hearing or issuing the decision thereon was occasioned by the taxpayer, but, in any such event, the town shall hold such hearing and issue the decision thereon within one hundred eighty days of the taxpayer's request in writing therefor; or

2. The taxpayer has timely requested in writing a hearing before the town and the town has failed to hold such hearing or has failed to issue a final decision thereon within the time periods prescribed in subsection (C)(1) of this section.
- D. If a taxpayer has exhausted his local remedies as provided in subsection C of this section, the taxpayer may request a state hearing on such deficiency notice or claim for refund, and such request shall be made and such hearing shall be conducted in the same manner as set forth in SS29-2-106.1(3) through (7), C.R.S.
- E. If the deficiency notice or claim for refund involves only the town, in lieu of requesting a state hearing, the taxpayer may appeal such deficiency notice or denial of a claim for refund to the district court of the county of Otero as provided in SS29-2-106.1(8), C.R.S., provided the taxpayer complies with the procedures set forth in subsection C of this section.
- F. If the town reasonably finds that the collection of use tax will be jeopardized by delay, the town may utilize the procedures set forth in Section 39-21-111, C.R.S.

Title 5 - BUSINESS LICENSES AND REGULATIONS

Chapters:

Chapter 5.04 - TELEPHONE COMPANIES

Sections:

5.04.010 - Levy of tax.

There is levied on and against each telephone utility company operating within the town a tax on occupation and business of maintaining a telephone exchange and liens connected therewith in the town, and of supplying local exchange telephone service to the inhabitants of the town. The amount of tax levied in this section shall be two thousand seven hundred thirty-three dollars and eight cents for 1978, and the amount of tax levied in this section for 1979 and subsequent years shall be nine hundred dollars for local exchange telephone service provided within the corporate limits of the town.

5.04.020 - Payment of tax.

The tax shall be payable in twelve equal monthly installments, each installment to be payable on the last business day of each calendar month.

5.04.030 - Filing statement.

On or before January 30, 1979, 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 the total telephone accounts for which local exchange telephone service was provided within the corporate limits of the town on the effective date. Such statement shall be filed within thirty days after each anniversary of the effective date showing such accounts on the anniversary date.

5.04.040 - Failure to pay.

If any telephone utility company subject to the provisions of this chapter fails 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 due and is 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 and action at law to collect the debt in the name of the people of the state.

5.04.050 - 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 company which are subject to the provisions of this chapter and to make copies of the entries or contents thereof.

5.04.060 - Local purpose.

The tax provided for 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 is construed to mean that any telephone company is issued a franchise by the town.

5.04.070 - Tax in lieu of other taxes.

The tax provided for in this chapter shall be in lieu of all other payments by or fees and taxes on any telephone utility subject to the provisions of this chapter, other than ad valorem taxes, and in addition shall be in lieu of any free service furnished the town by any telephone utility.

5.04.080 - Penalties.

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this chapter fails, neglects or refuses to make or file the annual statement of accounts provided in Section 5.04.030, the officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars nor more than three hundred dollars; provided, that each day after the statement becomes delinquent during which the officer, agent, manager or person so fails, neglects or refuses to make and file such statement shall be considered a separate and distinct offense.

Chapter 5.08 - OPTIONAL PREMISES LICENSES

Sections:

5.08.010 - Standards adopted.

- A. The following standards for the issuance of optional premises licenses or for optional premises for a hotel and restaurant license are adopted pursuant to the provisions of Section 12-47-135.5, C.R.S., as amended.
- B. These standards adopted herein shall be considered in addition to all other standards applicable to the issuance of licenses under the Colorado Liquor Code for optional premises license or for optional premises for a hotel and restaurant license. These two types of licenses for optional premises will collectively be referred to as "optional premises" in these standards unless otherwise provided.

5.08.020 - Eligible facilities.

An optional premises may only be approved when that premises is located on or adjacent to an outdoor sports or recreational facility as defined in Section 12-47-103 (22). The types of outdoor sports and recreational facilities which may be considered for an outdoor premises license include the following:

- A. Country club;
- B. Golf course and driving ranges;
- C. Swimming pools;
- D. Rodeo/roping arena.

There are no restrictions on the minimum size of the outdoor sports and recreational facilities which may be eligible for the approval of an optional premises license. However, the local licensing authority may consider the size of the particular outdoor sports or recreational facility in relationship to the number of optional premises requested for the facility.

5.08.030 - Number of optional premises.

There are no restrictions on the number of optional premises which any one licensee may have on his outdoor sports or recreational facility. However, any applicant requesting approval of more than one optional premises shall demonstrate the need for each optional premises in relationship to the outdoor sports or recreational facility and its guests.

5.08.040 - Submittal requirements.

When submitting a request for the approval of an optional premises, an applicant shall also submit the following information:

- A. A map or other drawing illustrating the outdoor sports or recreational facility boundaries and the approximate location of each optional premises requested;
- B. A legal description of the approximate area within which the optional premises shall be located;
- C. A description of the method which shall be used to identify the boundaries of the optional premises when it is in use;
- D. A description of the provisions which have been made for storing malt, vinous and spirituous liquors in a secured area on or off the optional premises for the future use on the optional premises;
- E. Advance Notification. Pursuant to Section 12-47-310(4), C.R.S., as amended, no alcoholic beverages may be served on the optional premises until the licensee has provided written notice to the state and local licensing authorities forty-eight hours prior to serving alcoholic beverages on the optional premises. Such notice must contain the specific days and hours on which the optional premises are to be used. In this regard, there is no limitation on the number of days which a licensee may specify in each notice.

Chapter 5.12 - BUSINESS LICENSES

Sections:

5.12.010 - Definitions.

- A. When not clearly otherwise indicated by the context, the following terms, words, and phrases, as used in this chapter, shall have the following meaning:
 - i. "Business" means any lawful business, trade, occupation, profession, avocation, or calling of any kind having a fixed or transitory situs within the Town of Sugar City.
 - ii. "Engaged in business" means performing or providing services as provided in Colorado Revised Statutes, 1973 as amended, Section 39-26-104, or selling, leasing, renting, delivering, installing or any activity in connection with the selling, leasing, renting, delivering, or installing in the Town of Sugar city tangible personal property by retail or wholesale sale for use, storage, distribution, or consumption within the Town of Sugar city. The term "engaged in business" does not include:
 - I. Any person who owns commercial or residential real property offered for lease or rent in the ordinary course of business that does not employ one or more employees who perform any services or other activities within the town in relation to the lease, rental, operation or maintenance of such property for any period of time in a calendar month;

- II. Any homeowners' association that does not employ one or more employees who perform any services or other activities within the town in relation to the operation or maintenance of such association and its property for any period of time in a calendar month;
- III. Any non-profit organization;
- IV. Any person engaged exclusively in the business of selling commodities which are exempt from taxation under this code;
- V. Conflicts. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed or amended to the extent necessary to conform with this chapter.
- VI. Severability. If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this chapter.

5.12.020 - License required.

No person who is engaged in a business within the Town of Sugar City shall be permitted to operate without a valid business license.

5.12.030 - Each establishment to be licensed.

In case business is transacted at two or more separate places by the same business entity, a separate license for each place of business shall be required. An owner or owners of different businesses located at the same location must obtain a separate license for each business.

5.12.040 - Application contents.

The business license shall be granted only upon application stating the name, address, and date of birth of the person desiring such license, the name of such business and the character thereof, the applicable federal identification number and State of Colorado license number of the business, the physical location of the business, the physical location phone number, and the applicable contact phone number, fax, and email address. Other facts may be required by the town such as, but not limited to, the date of birth, driver's license number, and Social Security Number of an officer or owner of the business. The application must be signed and dated under penalty of perjury by an owner or officer of the business. A valid digital signature or the equivalent thereof, on a license application transmitted electronically over the internet or transmitted via other similar means is accepted and held as a written signature. A signature on a license application sent via facsimile is accepted and held as a written signature. Any person doing business as a wholesaler shall obtain a retailer's license if any sales are made at retail as defined herein. Applications for such licenses shall be made to the town clerk. The town clerk shall issue and renew such licenses.

5.12.050 - Renewal.

The town clerk shall not renew a business license if the town clerk finds that the licensee has failed to obtain or does not possess each additional license, if any, which the licensee is required to possess under the ordinances, resolutions, rules or regulations of the Town of Sugar city.

5.12.060 - License form.

Each license shall be numbered and shall show the licensee name, physical location address, mailing address, and the expiration date of the license.

5.12.070 - License carrying or posting required.

No licensee shall fail to carry any license issued in accordance with the provisions of this chapter upon his or her person at all times when engaged in the operation, conduct, or carrying on of any trade, profession, or business for which the license was granted; except that where such trade or business is

operated, conducted, or carried on at a fixed place or establishment, such license shall be exhibited at all times in some conspicuous place in the place of business. Every licensee shall produce his or her license for examination when requested to do so by any Town of Sugar City police officer or by any person representing the Town of Sugar City.

5.12.080 - Non-transferable.

No license shall be transferable.

5.12.090 - License fee.

Each application for a new license or license renewal shall be accompanied by payment of an annual fee in the amount of thirty dollars, for license years subsequent to December 31, 2022. A tax exempt institution shall be exempt from this license fee.

5.12.100 - Expiration, renewal and renewal fees.

1. All licenses issued shall expire at midnight December 31 of each year. On or before December 31 of each year, the holder of a license may apply to the town clerk for a renewal license for the next calendar year. A license for a new business or for a transfer of ownership issued on or after November 15 of each calendar year shall be valid for the next complete calendar year subject to the renewal provisions of this section and subject further to the licensee's compliance with this chapter. All applications for renewal license shall be made on forms prescribed and furnished by the town clerk.
2. The licensee fee for timely renewals shall be thirty dollars.
3. Failure to obtain or renew a license by January 1, 2023 shall result in payment of an increased license fee according to the following schedule.
 - A. After February 1 \$5.00 late fee Total Due \$35.00
 - B. After March 1 \$10.00 late fee Total Due \$40.00
4. Failure to obtain a renewal license by the December 31 expiration date of the original license each year commencing with the renewal license due by December 31, 2022 shall result in payment of an increased renewal fee according to the following schedule.
 - A. Renewal after January 1 \$ 5.00 late fee Total Due \$35.00
 - B. Renewal after February 1 \$10.00 late fee Total Due \$40.00
 - C. Renewal after March 1 \$15.00 late fee Total Due \$45.00

5.12.110 - Modification of fees.

The Board of Trustees of the Town of Sugar City may amend the various fees set forth herein from time to time by resolution or ordinance.

5.12.120 - Engaged in business without license.

Any person engaged in business in the Town of Sugar City without having secured business license in advance, except as specifically provided herein, shall be guilty of a violation of this ordinance.

5.12.130 - License suspension.

1. A license may be suspended for any of the following reasons:
 - A. Failure to pay the town any town license fee, civil penalty, fine, penalty, taxes, impact fees or any other money owed to the town;
 - B. Conducting any activity in violation of federal, state or local law, ordinance, rule or regulation by the licensee or licensee employees or agents;

- C. Failure to comply when any term or condition of the business license.
- 2. Emergency suspension.
 - A. Where the town administrator reasonably believes that the health or safety of the public will be placed in imminent danger where a business license remains in effect prior to a hearing on suspension or revocation, the town administrator may give notice to the licensee by personal service and suspend the license immediately. An emergency suspension shall remain in force until the date and time of a hearing. In such case, the hearing shall occur forthwith but not more than three business days subsequent to the suspension. In case of a request for continuance by the licensee, the suspension shall remain effective until the date and time of the continued hearing.
- 3. License revocation.
 - A. A license may be revoked for any of the following reasons:
 - i. When it appears that the license was obtained by fraud, misrepresentation or false statements within the application;
 - ii. When it appears that the activity conducted pursuant to the license constitutes a public nuisance as defined by this Code or statute or violates any federal, state or local law, regulation or rule;
 - iii. Upon failure of the licensee to comply with the terms and conditions of the license;
 - iv. Upon conviction of the licensee for violation of any provision of this Code in relation to the manner of carrying on the licensed business.
- 4. Notice and hearing.
 - A. In cases other than emergency suspension, the licensee shall be given twenty days' written notice prior to any hearing on the suspension or revocation of a license under this Code. Notice may be given by certified mail return receipt requested addressed to the licensee's address provided on the application for the current business license or by personal service. Mailed notice shall be deemed delivered upon entry into the mail stream. The notice shall include the name, address and license number of the license at issue, the hearing time, date and location, the basis for the hearing, the signature of the town administrator.
- 5. Cease and desist.
 - A. The town clerk may issue a cease and desist order to any business not properly licensed under this Code. The order shall state that the business shall cease all business with the public immediately unless a town business license is obtained or the town is provided proof that a business license was previously obtained and is current under the Code or that the business is exempt under the code. The order shall also state that where a dispute exists regarding whether a license has been issued, is currently in effect, or whether the business is exempt, the business is entitled to an immediate hearing before the town administrator prior to closing the business.
- 6. Appeal. Any findings of fact and order of the town administrator revoking the license of any person or business entity may be appealed to the board of trustees. The determination of the board of trustees shall be the final decision of the town. The decision may be reviewed by the district court upon application of the aggrieved party, in accordance with Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

5.12.140 - Penalty.

- 1. Failure to comply with the terms of this article shall constitute a violation of this Code. Any person found guilty of, or pleads guilty or nolo contendere to a violation of any section of this Code shall be punished in accordance with the provisions of Section 1-08-020 of this Code.

Chapter 5.16 - TRANSIENT DEALERS, PEDDLERS, CANVASSERS AND SOLICITORS

Sections:

5.16.010 - Definitions.

- A. "Transient dealer" in this chapter shall mean and include any person whether a resident of the town or not, who engages in the temporary business of selling or selling and delivering goods or services within the town, and who, in furtherance of such purpose, hires, leases, uses or occupies any tent, room, structure, building, shop, lot or other real property, alley, street, road, right-of-way or any other place or temporary location within the town.
1. The term "transient dealer" includes those not selling from stock but exhibiting samples for the purpose of securing orders for future delivery. The person so engaged shall not be relieved from complying with the provisions of this chapter merely by reason of associating temporarily with a local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer.
 2. Excluded from the term transient dealer are manufacturers' representatives who supply wholesalers, dealers or merchants located in the town, merchants who have a permanent location within the town and who hold a current, valid Colorado sales tax license, local area farmers selling produce and persons, corporations, limited liability companies, firms, or associations who are invited into the Town of Sugar city by the town.
 3. Fireworks stands are exempt from this chapter, but must comply with the specific fireworks license regulation.
- B. "Temporary business" in this chapter means a person who establishes a business within the town with the intention and determination to remain within the town for a short period of time only, whether such period is definite or indefinite, or until disposition of a particular stock of merchandise has occurred.
- C. "Peddler" in this chapter shall mean any person, whether a resident of the town or not, traveling by any means from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, and merchandise offering and exposing the same for sale, or making sales and delivering articles to purchasers or selling or offering to sell services to be furnished or performed in the future.
- D. "Canvasser" or "solicitor" in this chapter shall mean any person, whether a resident of the town or not, traveling by any means from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares, and merchandise, or for services to be furnished or performed in the future, whether or not such person has carried or exposed for sale a sample of the subject of such sale or whether he is collecting advance payments for such sales or not; provided that such definition includes any person who, for himself, or for another person hires, leases, uses or occupies any room, structure, building, shop, lot or other real property, alley, street, road, right-of-way or any other place or temporary location within the town for the purpose of exhibiting any samples and taking orders for future delivery.
- E. "Person" in this chapter shall mean and includes the singular and the plural and also means and includes any firm, corporation, limited liability company, association, club, partnership, limited partnership, any society, or any other organization.

5.16.020 - Obstruction of street and sidewalks while conducting business.

It is unlawful for any person licensed or registered as specified in this chapter, to conduct business in such a manner as to attract a crowd which may cause the blockading or obstruction of any street, roadway, alley or sidewalk.

5.16.030 - Temporary food establishment.

No person shall operate, own, or maintain a temporary food establishment without a health department inspection.

5.16.040 - Conducting business without a license.

It is unlawful for any person to engage in the business of a peddler, solicitor, canvasser, or transient dealer as defined in this chapter within the corporate limits of the town without first obtaining a current and valid license as provided for in this chapter.

5.16.050 - Prohibitions on calling.

- A. Where premises is signed. It is unlawful for any peddler, solicitor, canvasser, or transient dealer to make an unsolicited call at a premises signed "No Solicitations" or words to that effect on or adjacent to the front door of the premises.
- B. Where occupant has placed premises on no visit list.
 - 1. The town clerk shall establish and maintain a list of addresses where the occupant or owner has requested that no peddler, solicitor, canvasser or transient dealer make an unsolicited visit at that address.
 - 2. The owner or occupant of any premises within the Town of Sugar City may request the town clerk in writing to place the address on a no visit list. The town clerk shall then place the address on the no visit list. Where the requesting owner or occupant moves, the owner or occupant has a duty to notify the town clerk so the address may be removed from the no visit list.
 - 3. The town clerk shall provide the no visit list of addresses to each peddler, solicitor, canvasser or transient dealer who indicates intent to solicit, peddle or canvass on a door to door basis.
 - 4. It is unlawful for any peddler, solicitor, canvasser or transient dealer to make an unsolicited call at a premises listed on the no visit list.

5.16.060 - Application for license.

- A. Every person desiring a town transient dealer's license or peddler's license shall first make written application with the town clerk and shall submit the written application to the town clerk together with a non-refundable application fee in the amount of twenty-five dollars. The application fee will be applied to the license fee where the town grants the license.
- B. The written application shall include at a minimum the following information:
 - 1. Applicant's name, residential address and telephone number;
 - 2. Whether the applicant transacts business on his own behalf or on the behalf of another person and, if so, the name, business address, residence address and telephone number of such other person;
 - 3. The kind, class or nature of the goods, wares and merchandise that the applicant proposes to sell under the license;
 - 4. The names, residential addresses, business addresses and telephone numbers of the suppliers of goods, wares and merchandise that the applicant proposes to sell under the license where the applicant does not own the goods, wares and merchandise the applicant intends to sell.
- C. Where appropriate, the application shall be accompanied by the following:
 - 1. Written verification from the landowner of the property from which sales are to be made authorizing said use of the property and said sales;
 - 2. Written verification of a sales tax license, branch sales tax license, or special events license as the case may be certifying and verifying that sales tax will be collected and remitted to the town.
- D. The application shall contain such other and further information and/or request for information as deemed appropriate by the town.

- E. Following submission of a complete application including all attachments and payment of the correct application fee the town clerk shall refer the application to the Sugar City Police Department or Crowley County Sheriff's Office for further investigation. The Sugar City Police Department or the Crowley County Sheriff's Office shall verify the information contained in the application and shall check all other references and/or information deemed appropriate under the circumstances. The Sugar City Police Department or Crowley County Sheriff's Office shall give written findings of its investigation to the town clerk.
- F. After the town clerk has received the completed application, appropriate application fee and a positive report from the Sugar City Police Department, the town clerk shall issue to the applicant a written license authorizing the applicant to engage in business within the Town of Sugar City.
- G. Appeals. In the event the town clerk fails or refuses to issue a license hereunder, or believes that the applicant is not required to have a license, the applicant shall be entitled to an immediate appeal to the town manager. Where the town manager affirms the decision of the town clerk, the applicant shall have ten days to file a written appeal to the board of trustees. The appeal shall be heard at the next regular board of trustees meeting that occurs at least ten days subsequent to the filing of the appeal with the town clerk at which time the applicant may present evidence and testimony as to why the license should be issued. The decision of the board of trustees shall be final.

5.16.070 - Printed license, fee and renewal.

Every person who desires to transact any business as a transient dealer, peddler, canvasser, or solicitor within the corporate limits of the town shall first obtain from the town clerk, during normal working hours, a written or printed license to engage in such business within the town, and shall pay to the town clerk the following fees for such license:

- A. Twenty-five dollars for a week or less license.
- B. Seventy-five dollars for a six-month license.
- C. One-hundred-dollars for a twelve-month license.
- D. Provided there have been no violations of this chapter, and the proper amount of sales tax has been collected and remitted to the town, a transient dealer, peddler or solicitor's license may be renewed for an additional term of the same length as the original license so long as the request for renewal is made prior to or within thirty days after the existing license expiration date. Where the correct license fee is remitted with the request for renewal, the town shall waive the application fee.
- E. The written licenses issued by the town clerk shall be consecutively numbered, state the time, location, and purpose for which it was issued, shall be sealed with the seal of the Town of Sugar City and shall further state that the license is non-transferable.
- F. Five or more transient dealers who desire to transact business within the corporate limits of the town for the same period not to exceed one week may obtain a group transient dealer license. The fee for the license shall be the same as set forth in subsection A above. The person obtaining the license shall complete an application form and provide all information required in this section for each transient dealer to be included under the town license.

5.16.080 - Registration of non-profit organizations.

- A. Any person engaged in short term fund raising door to door within the town on behalf of a non-profit or government related organization including but not limited to school organizations, Boy Scouts, Girl Scouts, Four-H, and church organizations does not require a license but shall register with the town clerk.
- B. Each person shall complete the same form as required for a license as set forth in this chapter but no fee shall be required. The registration for a non-profit fund raising event shall be effective for a limited period of time not to exceed ninety days. Where the registration is for a youth organization and the

youths participating in the fund raising are all less than eighteen years of age, an adult representing the organization may register on behalf of the organization in lieu of individual registration.

- C. As part of the registration, the organization shall provide the town clerk with written documentation demonstrating the non-profit status of the organization. Acceptable documentation shall include but not be limited to a copy of an I.R.S. determination of non-profit status or a letter from a government administrator such as a school superintendent stating that the organization is approved by and operates under the umbrella of that government organization.
- D. It shall be unlawful for any non-profit organization to engage in door to door fund raising without registering with the town clerk. Every person who unlawfully engages in door to door fund raising on behalf of a non-profit organization without registering with the town clerk as provided for in this chapter shall be punished by a fine of not more than three hundred dollars.

5.16.090 - Records of application.

The town clerk shall keep on file each application made for a license, a duplicate copy of each license issued and all papers filed in connection with any license issued, and shall keep a record of all license fees paid and shall keep a record of all licenses issued that may be canceled, and all such files and records shall at all times be open to public inspection.

5.16.100 - Examination of license.

Every person licensed as a transient dealer, peddler, canvasser, or solicitor, whenever his license is demanded of him by any police officer of the town shall forthwith exhibit his license for examination by such officer, and if he neglects or refuses so to do, he shall be subject to the same penalty as if he has no license.

5.16.110 - Cancellation of license.

The license or licenses of any person who may be convicted of a violation of any provision of this chapter shall be null and void from the date of such conviction and shall be canceled on the records of the town clerk.

5.16.120 - Unlawful engagement of business.

Every person who unlawfully engages in or allows another to unlawfully engage in, on or about their property, in the business of a transient dealer, peddler, canvasser, or solicitor in the Town of Sugar City, and every person who in said town transacts any business which would make him a transient dealer, peddler, canvasser, or solicitor, without having a valid license as provided for in this chapter shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars.

5.16.130 - Untrue statements in application.

No person shall make any false or untrue statement in an application for a license as a transient dealer, peddler, canvasser, solicitor and no transient dealer, peddler, canvasser, or solicitor shall commit any fraud in the transaction of his business as a transient dealer, peddler, canvasser, or solicitor, or sell any manufactured goods, wares, or merchandise by any false or short weight, or measure or sell any goods, wares, or merchandise as being composed or manufactured in whole or in part of a material different from which such manufactured goods, wares, or merchandise are actually composed or manufactured, or sell any manufactured goods, wares, or merchandise which are partly or entirely of a poisonous or injurious character or nature, for consumption of human beings, animals, or fowls, or for application to the body, hair, or skin or any human being or animal, and every person who shall be convicted of a violation of any provision of this Section shall be punished by a fine of not less than one hundred dollars and not more than one thousand dollars.

5.16.140 - Number of persons engaging in a business.

No more than one person shall engage in business or operate under the same transient dealer, peddler, canvasser, or solicitor's license whether as principal or agent or assistance to any principal or agent.

5.16.150 - Violation of a license.

Each day that any person shall engage in business or operate as a transient dealer, peddler, canvasser, or solicitor as defined in section 5.16.010, without first obtaining a license with the town clerk, shall be deemed a separate offense, and such person may be prosecuted accordingly.

Chapter 5.20 - ALCOHOLIC BEVERAGES

Section:

5.20.010 - Liquor tastings.

- A. The town hereby authorizes tastings to be conducted by retail liquor store and liquor-licensed drugstore licensees pursuant to Section 12-47-301, C.R.S. It is unlawful for any person or licensee within Sugar City Municipal limits to conduct tastings unless a permit has been obtained in accordance with this section. The local licensing authority is authorized to issue tasting permits in accordance with the requirements of this section.
- B. A retail liquor store or liquor-licensed drugstore licensee that wishes to conduct tastings shall submit an application for a tastings permit to the local licensing authority annually. The application shall be in the form required by the town clerk, and shall include a written control plan establishing how the applicant will conduct the tastings in compliance with the provisions of the Colorado Liquor Code and this section, and without creating a public safety risk to the neighborhood. The local licensing authority may reject the permit application if the applicant fails to establish by a preponderance of the evidence that the licensee is able to conduct tastings without violating the provisions of this section or creating a public safety risk to the neighborhood. The local licensing authority and the town clerk may establish application procedures for tastings permits.
- C. Each application for a liquor tastings permit shall be accompanied by an initial liquor tastings application fee in the amount of one hundred dollars and a fifty dollar annual renewal fee each year thereafter.
- D. Tastings shall be subject to the following limitations:
 - 1. Tastings shall be conducted only by a person who has completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue and who is either a retail liquor store or liquor-licensed drugstore licensee, or an employee of a licensee, and only on a licensee's licensed premises.
 - 2. The alcohol used in tastings shall be purchased through a licensed wholesaler, licensed brew pub, or winery licensed pursuant to Section 12-47-403, C.R.S., at a cost that is not less than the laid-in cost of such alcohol. Such suppliers shall have licenses from the town to the extent required by this section and Section 12-47-301, C.R.S.
 - 3. The size of an individual alcohol sample shall not exceed one ounce of malt or vinous liquor or one-half ounce of spirituous liquor.
 - 4. Tastings shall not exceed a total of five hours in duration per day which need not be consecutive.
 - 5. Tastings shall be conducted only during the operating hours in which the licensee, on whose premises the tastings occur, is permitted to sell alcohol beverages, and in no case earlier than 11:00 a.m. or later than 7:00 p.m.
 - 6. The licensee shall prohibit patrons from leaving the licensed premises with an unconsumed sample.

7. The licensee shall promptly remove all open and unconsumed alcohol beverage samples from the licensed premises or shall destroy the samples immediately following the completion of the tasting.
 8. The licensee shall not serve a person who is under twenty-one years of age or who is visibly intoxicated.
 9. The licensee shall not serve more than four individual samples to a patron during a tasting.
 10. Alcohol samples shall be in open containers and shall be provided to a patron free of charge.
 11. Tastings may occur on no more than four of the six days from a Monday to the following Saturday, not to exceed fifty-two days per year.
 12. No manufacturer of spirituous or vinous liquors shall induce a licensee through free goods or financial or in-kind assistance to favor the manufacturer's products being sampled at a tasting. The licensee shall bear the financial and all other responsibility for a tasting.
 13. The applicant for a tastings permit shall certify on the application that all persons serving alcohol at tastings have completed a server training program that meets the standards established by the Liquor Enforcement Division of the Colorado Department of Revenue.
- E. A violation of a limitation specified in this section or of Sections 12-47-301(10) or 12-47-801, C.R.S., by a retail liquor store or liquor-licensed drugstore licensee, whether by the licensee, the licensee's employees or agents, or otherwise shall be the responsibility of the licensee who is conducting the tasting.
- F. A licensee conducting a tasting shall be subject to the same revocation, suspension, and enforcement provisions as otherwise apply to the licensee and are imposed by the local licensing authority. The local licensing authority shall conduct a hearing with regard to any violations of this section in accordance with the requirements of this section and Section 12-47-601, C.R.S.

Title 6 - ANIMALS

Chapters:

Chapter 6.04 - ANIMALS GENERALLY

Sections:

6.04.010 - Definitions.

For the purpose of this chapter, the following definitions shall apply:

"Dog" means any member of the animal species *Canis Familiaris*.

"Humane trap" means a device to capture or contain an animal without causing injury to the animal.

"Inhumane trap" means a device designed to capture or contain an animal which causes injury to the animal as a result of the trap's operation.

"License" means that permit issued by the town, and represented by durable tag, stamped with an identifying number and the year of issuance, and recorded by the town clerk.

"Licensing authority" means the town council, or that body designated by the town council.

"Officer of the town" means any police officer, employee of the town or board member.

"Town" means the town of Sugar City, Colorado, a Colorado Municipal Corporation.

"Vaccination" means the injection of antirabies vaccine made subcutaneously or otherwise, as approved by the State Department of Health.

6.04.020 - Exemptions.

The provisions of this chapter shall not apply to K-9 or other dogs owned by the Sugar City police department, or other law enforcement agencies or privately owned by any law enforcement officer if said dog is regularly used in the performance of police work at the request of the law enforcement agency.

6.04.030 - Current vaccination of dogs required.

It is the duty of every person who owns or harbors any dog within the city limits of the town to have that animal vaccinated against rabies by a person legally authorized to do so. The owner of the dog and the agent he retains to perform the vaccination shall be solely responsible for the adequacy of the vaccine in preventing disease and sickness. The owner of such dog shall present a copy of the vaccination certificate when applying for a license as provided in Section 6.04.040.

6.04.040 - License tags required.

Every owner of a dog six months old or older shall securely cause the license tag to be attached to a collar, harness or other device worn by the vaccinated dog, and shall thereafter maintain the tag upon such dog. It is unlawful and a municipal offense for the owner of any dog six months old or older to permit or tolerate his dog not to wear a vaccination tag. If a tag is lost or destroyed, the license holder may obtain a duplicate tag from the town upon payment of a replacement fee of three dollars.

6.04.050 - Licensing authority to issue tags.

- A. An officer of the town shall prepare license certificates, and issue them for the required fee as adopted from time to time by resolution upon verification that the dog to be licensed has received its annual vaccination. Upon issuance of the license, the officer of the town shall record the following information:
 - 1. The name and address of the owner or harborer of the inoculated dog;
 - 2. The date of the inoculation;
 - 3. The year and series number of the dog tag; and
 - 4. The breed, age, color and sex of the inoculated dog.
- B. The town clerk shall maintain a record of all animal licenses and tags issued and may designate a place at which duplicate originals of those records shall be maintained. The tag shall be made of durable material suitable to be attached to the collar or harness of the inoculated dog. Such tag shall state the year for which issued and the series number of the certificate and tag.

6.04.060 - Unlawful possession of license tags.

Only those persons who own or harbor a dog duly licensed by the town in accordance with the provisions of this chapter shall be permitted to possess the certificates and tags provided for herein. No person shall affix a tag evidencing licensing as provided herein to the collar or harness of any dog except the tag issued for that dog at the time of licensing.

6.04.070 - Registration.

The clerk shall file and register copies of such triplicate certificates received and file the same as the official registry of all dogs inoculated with antirabic vaccine for the town. Such vaccination-registration shall be valid for the period of the current calendar year and January and February of the following year.

6.04.080 - Restrictions on use of vaccination tag and registrations.

- A. Only the tags and certificates provided by a licensed veterinarian will be accepted by the town clerk for the issuance of license tags. Possession or use of any other form or facsimile of tag or certificate, or of any altered, counterfeit or forged tag or certificate, shall be unlawful and a municipal offense.
- B. Vaccination certificates and license tags may only be used for, and worn by the animal for which the tag was issued. It is unlawful and a municipal offense for any person (1) to use any certificate as proof

of vaccination of any animal other than the one for which it was issued; (2) to affix a license tag to any animal other than the one for whom it was issued; or (3) as owner, to permit or tolerate his animal to wear any tag other than one validly issued for that animal.

6.04.090 - Imported dogs.

All dogs which are brought into the town shall be in compliance with the laws and rules and regulations of the state regarding the handling of the animal, and shall have been vaccinated not more than twelve months prior to importation. The durable tag denoting vaccination shall be firmly affixed to the collar or harness of the dog, and be evidence of compliance with this subsection. If the imported dog remains in the town more than thirty days, the animal shall be registered and licensed in accordance with the provisions of this title. Any acceptable certificate of vaccination, issued by a licensed veterinarian to the owner of the dog in any municipality, county or state, shall be exchanged for a current registration tag of the town.

6.04.100 - Quantity of household pets restricted.

Household pets, including but not limited to dogs, which are generally kept at a residence are not permitted in quantities of more than three animals, per species, over the age of six months, per residence.

6.04.110 - Kennel and cattery licenses.

- A. It is declared to be a nuisance and it is unlawful for any person to have more than three dogs on a premises at any one time without having a kennel license. It is also declared to be a nuisance and it is unlawful for any person to have more than three cats on any premises, except upon land zoned agricultural, or for any person to operate a shelter for cats, without having obtained a cattery license.
- B. Application for a kennel or cattery license shall be submitted to the town clerk together with a petition in support of said kennel signed by not less than seventy-five percent of the residents living within three hundred feet of the premises proposed to be licensed. At the time of submission of the application, a nonrefundable fee in the amount of three hundred fifty dollars shall be paid. The clerk shall thereafter conduct a hearing, upon not less than fifteen days public notice posted upon the premises and published in a newspaper of general circulation. The clerk shall grant the license only upon finding each of the following:
 - 1. That the applicant has demonstrated he/she will operate the kennel or cattery in compliance with all applicable laws, including having any required state licensure and the requirements of this chapter;
 - 2. That the operation of a kennel or cattery on the premises will not result in undue disturbance of the neighborhood nor a public nuisance; and
 - 3. That the operation of a kennel or cattery on the premises would be compatible with existing uses of property in the neighborhood.
- C. An animal kennel license renewal fee of thirty-five dollars shall be due and payable to the town clerk on the first day of January of each year. The owner of the kennel under this section shall not be relieved from fully complying with all other requirements of this ordinance nor any state and county health department requirements for kennel licenses.

6.04.120 - Disturbance of peace and quiet prohibited.

No owner or keeper of an animal in the town shall permit such animal to disturb the peace and quiet of any person by barking, whining, howling or making any other noise in an excessive, continuous or untimely fashion. If any animal disturbs the peace and quiet, its owner or keeper shall be deemed guilty of a violation of this section, provided that, no such owner or keeper shall be charged with a violation of this section unless they or a member of their household over the age of eighteen years has received a warning from the town of a previous complaint at least once within the preceding twelve months.

6.04.130 - Removal of animal waste required.

A person owning, possessing or keeping any animal shall be responsible for the removal of any feces deposited by such animal on streets, sidewalks, parks and recreation areas, or other public or private property.

6.04.140 - Running at large prohibited.

It is unlawful for any owner, possessor or keeper of any dog, whether permanently kept within or without the limits of the town, to permit the same to run at large within the town. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof and not under the control of such owner, possessor or keeper or his agent or servant or a member of his immediate family, either by leash, cord or chain, or if the dog roams the public streets, alleys, thoroughfares or other public places within the town.

6.04.150 - Property damage.

It is unlawful for an owner to allow an animal to injure or destroy any real or personal property of any description belonging to another. A judge may, in addition to any other penalty, order the defendant to make restitution to the party injured.

6.04.160 - Vehicular accidents with animals-Duties.

Any person who, as the operator of a vehicle, strikes a domestic animal shall stop at once and immediately report any injury or death to the animal's owner or to the Sugar City town hall.

6.04.170 - Authorization for capture, impoundment and destruction.

Police officers and other officers or employees of the town are authorized to take or capture animals deemed by them to be included in the categories listed below and impound them at an appropriate location where the animals will be confined in a humane manner. Such officers or employees may use or authorize the use of a tranquilizer gun if necessary in order to capture an animal or destroy such animal if necessary to avoid physical threat to human beings.

- A. Animals at large, vicious animals, animals creating a disturbance, maltreated animals and nuisance animals;
- B. Wild or exotic animals kept in violation of state or federal law;
- C. Animals which will apparently be or have been left uncared for as a result of the death, injury, detention or other incapacitation of the owner or keeper;
- D. Animals not inoculated pursuant to the terms of this chapter;
- E. Animals which pose a threat to the peaceful enjoyment of residents of the town.

6.04.180 - Reclaiming fees.

- A. Any owner or keeper reclaiming an impounded animal shall pay an impound fee plus a daily boarding fee, both established by the Sugar City town administrator, or his designee. The amount of the impound fee may depend upon the type of animal involved, its age, its licensing status, and whether it has been impounded more than once in a twelve-month period.
- B. An owner or keeper reclaiming an impounded dog which is not validly licensed as required by this chapter must license the dog and present evidence thereof to the animal shelter prior to reclaiming the dog. If the dog does not have a current rabies tag, the owner or keeper shall present a current rabies vaccination certificate for such dog issued by a licensed veterinarian prior to reclaiming the dog. If the owner or keeper does not have a current rabies vaccination certificate, the owner or keeper may place a cash deposit of fifty dollars with the agent designated by the two to keep the animal, to be refunded upon presenting, within five days thereafter, proof of current rabies vaccination and license.

6.04.190 - Adoption or disposal of unclaimed animals.

Any animal not reclaimed by its owner within five days shall become the property of the town and may be placed up for adoption in a suitable home or humanely euthanized.

6.04.200 - Enforcement personnel.

The civil and criminal provisions of this chapter shall be enforced by those persons designated by the town.

6.04.210 - Notice of violation.

For the purpose of prosecution for violations of this chapter, it shall not be necessary in order to obtain a conviction to provide notice or knowledge on the part of the owner, possessor or keeper of the dog in question that such dog was violating any of the provisions of this chapter at the time and place charge, it being the purpose and intent of this chapter to impose strict liability upon the owner, possessor or keeper of any dog for the actions, conduct and condition of such dog.

6.04.220 - Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction, be fined in the sum of not more than one thousand and not less than three hundred dollars, or imprisoned not more than ninety days, or both so fined and imprisoned.

Chapter 6.05 - VICIOUS DOGS

Sections:

6.05.010 - Definition of terms.

As used in this chapter:

"Dog" means any domesticated animal related to the fox, wolf, coyote, or jackal.

"Domestic animal" means any dog, cat, pot bellied pig, horse or livestock.

"Owner" means any person, firm, corporation, organization or department owning, possessing, harboring, keeping, having a financial or property interest in or having the care or custody of a dog.

"Vicious dog" means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals;
2. Any dog which demonstrates to a trained, experienced or knowledgeable dog handler when placed in the presence, but not in the same pen, of another dog, a domestic animal or a person a propensity, tendency or disposition to attack unprovoked human beings or domestic animals;
3. Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
4. Any dog which, without provocation, attacks or bites, or has attacked, bitten or caused the death of a human being or domestic animal;
5. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
6. Nothing in this section shall be interpreted in such a manner as to define any specific dog breed as vicious.

A vicious dog is unconfined if the dog is not securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have minimum dimensions of

five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. This enclosure must provide protection from the elements for the dog, be adequately lighted and maintained in a clean and sanitary condition.

No dog may be declared vicious if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime.

6.05.020 - Confinement.

The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

6.05.030 - Leash and muzzle.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, not exceeding six feet in length, and under the physical restraint of a responsible person.

6.05.040 - Signs.

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. Such signs shall be in lettering clearly visible from either the curblin or a distance of fifty feet.

6.05.050 - Insurance.

Owners of vicious dogs must, within ten days of the determination that the dog is a vicious dog, provide proof to the town clerk of public liability insurance in the amount of at least fifty thousand dollars, insuring the owner for any personal injuries inflicted by his or her vicious dog. Proof of a home owners' insurance policy that provides specific coverage for damages caused by a dog(s) owned or kept by the insured party whether the dog is on or off the insured premises and not containing any exception for vicious dogs shall meet this requirement where the named insured party and the owner or keeper of the dog are the same person.

6.05.060 - Registration and identification photographs.

Any person having the custody, ownership or control of any vicious dog must, at the time the dog is determined to be vicious, register said dog with the town on a form to be provided by the town. Said form shall require the following information: name, address and telephone number of the dog's owner; the address where the dog is harbored if different from the owner's address; dog's sex, color, rabies certificate and tag number. At the time of the registration, said owner, keeper or harborer must provide the town clerk two photographs of the animal, clearly showing the color and approximate size of the animal.

6.05.070 - Reporting requirements.

All owners, keepers or harborers of a vicious dog must, within ten days of the incident (defined below), report the following information in writing to the town clerk as required hereinafter:

- A. The removal from the town or death of a vicious dog;
- B. The birth of offspring of a vicious dog;
- C. The new address of a vicious dog owner, should the owner move within the corporate town limits.

6.05.080 - Sale or transfer of ownership prohibited.

No person shall sell, barter or in any other way dispose of a vicious dog registered with the town to any person within the town unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a vicious dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the town.

6.05.090 - Animals born of registered dogs.

All offspring born of vicious dogs determined to be vicious must be registered in accordance with the requirements of Section 6.05.070 above.

6.05.100 - Confiscations.

- A. Any vicious dog shall be immediately confiscated by the town law enforcement officers if: (1) the dog is not validly registered as provided in this chapter; (2) the owner does not secure the liability insurance coverage required; (3) the dog is not maintained in the proper enclosure; or (4) the dog is outside of the dwelling of the owner or outside of the proper enclosure and not under the physical restraint of the owner. The owner of any dog so confiscated may within five days reclaim the dog upon providing satisfactory proof to the town law enforcement officers that the violation has been corrected and upon the payment of the appropriate impoundment fees. If the owner fails to reclaim the dog within five days, the dog shall be thereafter destroyed in an expeditious and humane manner.
- B. If the vicious dog of an owner with a prior conviction under this chapter attacks or bites a person or another domestic animal, the dangerous dog shall be immediately confiscated by the town and placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- C. Any dog that aggressively attacks and causes severe injury or death of any human being, whether the dog has previously been declared potentially vicious or vicious, shall be immediately confiscated by the town law enforcement officers, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

6.05.110 - Determination of a vicious dog.

- A. In the event that a law enforcement officer or animal control officer has reasonable suspicion to believe that a dog is vicious, the chief animal control officer or his or her immediate supervisor or code enforcement officer or the chief of police or the sheriff or his or her designee shall convene a hearing for the purpose of determining whether or not the dog in question should be declared vicious.
- B. The animal control officer, chief of police, or sheriff shall conduct or cause to be conducted an investigation and shall notify the owner or keeper of the dog that a hearing will be held, at which time he or she may have the opportunity to present evidence why the dog should not be declared vicious. During the investigation and prior to the hearing, the investigator shall cause the dog to be tested by a trained, experienced or knowledgeable dog handler, who is not the investigator, by placing the dog in the presence, but not in the same pen, of another dog or a person to observe whether the dog demonstrates a propensity, tendency or disposition to attack while unprovoked a human being or domestic animal. The test shall be conducted outside the presence of the person(s) who owns or keeps the dog. Following written notification to the hearing officer that names a witness and affirms under oath that the witness has not had any association with the dog being tested the witness may observe the test. No person shall be present at the test who has had a previous association with the dog. In this section an "association with the dog" shall mean a present or past owner, keeper or resident at the address where the dog resides or is kept from time to time or any person who visits the dog, play with the dog, works with the dog, handles the dog or has any other regular contact with the dog.
- C. The hearing shall be held promptly within no less than thirty nor more than sixty days after service of notice upon the owner or keeper of the dog. The hearing shall be informal and shall be open to the public. The hearing shall be held in the municipal court room. The town shall have no duty to give public notice of the hearing. The municipal judge or his designee shall serve as the hearing officer.

- D. After the hearing, the owner or keeper of the dog shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or keeper shall comply with the provision of this chapter in accordance with a time schedule established by the animal control officer or chief of police or sheriff, but in no case more than thirty days subsequent to the date of the determination. If the owner or keeper of the dog contests the determination, he or she may, within five days of such determination, bring a petition in the municipal court within the town wherein the dog is owned or kept, praying that the court conduct its own hearing on whether or not the dog should be declared vicious. After service of notice upon the dog officer, the court shall conduct a hearing de novo and make its own determination as to viciousness. Said hearing shall be conducted within seven days of the service of the notice upon the dog officer or law enforcement officer involved. The town must prove by a preponderance of the evidence that the dog is vicious. Where the court rules the dog to be vicious, the court shall establish a time schedule to insure compliance with this chapter, but in no case more than thirty days subsequent to the date of the court's determination.
- E. The court may decide all issues for or against the owner or keeper of the dog regardless of the fact that said owner or keeper fails to appear at said hearing.
- F. The determination of the municipal court shall be final and conclusive upon all parties thereto. However, any law enforcement officer shall have the right to declare a dog to be vicious for any subsequent actions of the dog.
- G. In the event that the an officer of the town has probable cause to believe that the dog in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the law enforcement officer may seize and impound the dog pending the aforesaid hearings. The owner or keeper of the dog shall be liable to the town where the dog is impounded for the costs and expenses of keeping such dog, if the dog is determined to be vicious.

6.05.120 - Penalties.

Whoever violates any provisions of this chapter shall be punished by a fine of not less than fifty dollars and not more than one thousand dollars, or imprisonment of not more than one year, or by both such fine and imprisonment. The court shall order appropriate restitution where a vicious dog caused personal or property damage.

6.05.130 - Exemptions.

The provisions of this chapter shall not apply to K-9 or other dogs owned by any police department or other law enforcement agency or privately owned by any law enforcement officer if said dog is regularly used in the performance of police work at the request of the law enforcement agency.

6.05.140 - Severability.

If any section, sentence, clause or phrase of this chapter is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this chapter.

Chapter 6.08 - ANIMALS RUNNING AT LARGE

Sections:

6.08.010 - Prohibited—Violation.

No fowl shall be permitted to run at large within the limits of the town, and any person being the owner of any such fowl who suffers the same to run or be loose contrary to the provision of this chapter shall be deemed guilty of a misdemeanor and shall on conviction be fined in any sum not more than twenty-five to three hundred dollars.

Chapter 6.12 - FOWL AND CATTLE

Sections:

6.12.010 - Designated.

It is unlawful for any person to harbor, keep or possess any horse, mule, cow, sheep, goat, pig or swine, or other hard-hoofed animal or rabbit, or chicken, goose, duck, turkey, peacock, pigeon, or guinea within the town except for display by entrants on any occasion authorized by the town-council.

6.12.020 - Generally.

It is unlawful for any person to ride, lead or drive horses, mules, or donkeys upon public parks or public sidewalks of the town.

6.12.030 - Exceptions.

- A. This chapter shall not be construed as prohibiting stockmen from driving herds through the town when necessary to transfer them from one pasture to another or for the purpose of shipping, but such stockmen so driving stock through the town shall be liable to property owners for all damages done to their property by such stock whether or not such damage is caused by the negligence of the stockmen or his authorized agents or servants.
- B. Such stock shall be driven through the town in as short a time as possible and under such rules and regulations and at such times of day as the police department shall determine.

6.12.040 - Time limit.

Any person, persons, firms, partnership, corporation, or association who is unlawfully harboring or keeping any horse, mule, cow, sheep, goat, pig or swine, or any other hard-hoofed animal, or rabbit, chicken, duck, goose, turkey, peacock, pigeon, or guinea, within the town at the time of the passage of this chapter shall cease to do so within thirty days after the ordinance codified in this chapter takes effect.

Chapter 6.14 - CHICKEN HEN AND RABBIT PERMIT

Sections:

6.14.010 - Definitions.

"Chicken" or "chicken hen" means any female chicken.

"Permit" means a chicken hen and rabbit permit.

"Premises" in this chapter means a lot or parcel of real property.

"Rooster" means any male chicken.

6.14.020 - Chicken and rabbit permit required.

- A. No person shall keep chicken hens or rabbits within the municipal limits of the Town of Sugar City without a permit issued by the Town of Sugar City.
- B. Roosters may not be kept within the municipal limits of the Town of Sugar City.
- C. No more than one chicken hen or rabbit permit ("permit") shall be issued by the town clerk to any household.
- D. A permit may not be transferred to another person, household or entity or to another property or structure. An attempted transfer voids the permit without any affirmative action of the town.
- E. All permits are issued subject to the conditions and requirements set forth in this chapter. The permit may be revoked for any violation of this chapter or applicable zoning regulation.

- F. A permit is valid from March 30th of the given year until March 30th at midnight of the following year of issue.

6.14.030 - Permit fee.

- A. An Annual Permit Fee is Authorized. The initial annual permit fee is set at ten dollars. The permit fee is non-refundable and must be paid each year when the permit application is filed with the town clerk.
- B. The town clerk shall waive the permit fee where the applicant provides evidence that the applicant will use the permit to raise chicken hens or rabbits for an FFA or 4-H project during the permit year and will be the primary animal caretaker.
- C. The board of trustees may amend the permit fee from time to time by ordinance or resolution.

6.14.040 - Chicken hen or rabbit permit application.

- A. The permit applicant must be the person who owns or has the present right of possession of the premises upon which the chicken hens or rabbits will be kept or a resident of the premises who will have a chicken or rabbit 4-H or FFA project and has the consent of the owner or possessor.
- B. The premises must consist of a minimum of five thousand square feet with a primary structure on the premises that is used as a single-family residence.
- C. Any person desiring a chicken hen or rabbit permit must file a permit application provided by the town clerk with the town clerk accompanied by the appropriate non-refundable application fee.
- D. The town clerk shall not issue a permit to any person convicted of a violation of this chapter within the previous three years.
- E. The premises for which the permit is sought shall be inspected by the town code enforcement officer after the application is filed.
- F. Where the code enforcement officer finds that the conditions of the permit can be met on the premises, the officer shall submit a written report to the town clerk who shall issue the permit.
- G. If the code enforcement officer finds that the conditions of the permit cannot be met on the premises, the code enforcement officer shall submit a written report to the town clerk and to the applicant stating what condition(s) cannot be met. The applicant shall have sixty days from the date of the report to make any recommended changes and request the code enforcement officer to re-inspect the property. If the conditions of the permit are still unable to be met at the end of the sixty-day period, the permit application fee is forfeited. The applicant may file a new application and fee at any time after that if the applicant believes the permit conditions may be met.

6.14.050 - Number of chickens or rabbits.

Owners or possessors of a single-family residential lot of five thousand square feet or less in area with a chicken hen and rabbit permit may keep not more than 12 fowl at any given time.

6.14.060 - Location restrictions.

- A. The keeping of chicken hens and rabbits shall be restricted to the rear or backyard of any single-family residential lot that contains a principal structure.
- B. No chicken hens or rabbits may be kept within three hundred feet of a municipal ground water well.

6.14.070 - Sanitary conditions.

- A. Sheltering facilities and outdoor areas for chicken hens and rabbits shall be maintained in a clean condition so as not to be foul, hazardous or detrimental to the health, safety or welfare of humans or animals.
- B. Manure from chickens and rabbits must be disposed of in one of the following manners.

1. Household Trash Collection.
 - a. Manure may be bagged, placed in a waterproof container and disposed of with household trash.
2. Composted and Applied Onsite.
 - a. Manure must be kept in a rodent-proof container designed to limit odors.
 - b. Finished compost may be applied onsite.
3. Directly Applied Onsite.
 - a. Manure applied directly onsite must be done in such a way as to prevent nuisance and polluted storm water runoff.
- C. Spillage and leftover feed must be removed daily to prevent rodent propagation and odors.
- D. Feed must be stored in rodent-proof containers.

6.14.080 - Commercial enterprises, animal products and processing.

- A. The breeding, selling and trading of chicken hens, their offspring, eggs, rabbits or their offspring as a commercial enterprise is prohibited. The keeping of chicken hens or rabbits permitted by this chapter is as an accessory to a principal residential use, not as a home occupation or other commercial purpose.
- B. This chapter shall not be interpreted so as to authorize a home occupation or home business.
- C. For the purposes of this sub-section, sale of chicken hens or rabbits at a county fair or state fair as part of a 4-H or FFA project shall not be considered a commercial enterprise.
- D. Slaughtering and butchering of chickens and rabbits may occur onsite only inside an accessory structure or otherwise out of public view. All waste must be bagged and disposed of with household trash to prevent nuisance and health hazards.

6.14.090 - Sheltering structure required.

- A. All property owners or possessors approved for the keeping of chicken hens or rabbits shall provide a sheltering structure for the animals on their premises.
- B. Sheltering structures must meet the following minimum requirements:
 1. Not more than one sheltering facility is permitted per premises per species;
 2. Chicken hens and rabbits must be screened from adjacent properties and public right-of-ways using wood or other opaque material and shall not be constructed with tires, corrugated metal, bottles or other waste material;
 3. Sheltering facilities must be located in the rear yard or back yard of the lot;
 4. Sheltering facilities whether fixed in place or mobile must meet the minimum accessory building set back requirements for the zoning district but must be a minimum of ten feet from any property line or any other structure measured from its farthest projecting point; where an inspection determines that the set back is physically impossible to achieve the town administrator may grant a variance authorizing a set back at the greatest distance practicable under the circumstances if the administrator determines that the location of the sheltering facility will not create a nuisance for adjacent neighbors;
 5. The maximum area of a sheltering facility foot print including runs is one hundred twenty square feet with a minimum of four square feet per chicken hen or rabbit;
 6. The maximum height of a sheltering facility is eight feet measured to the highest point of the structure;

7. The floor of a sheltering facility excluding any run must be raised from ground level a minimum of three feet;
8. A sheltering facility must be predator proof and have a solid top;
9. Sheltering facilities and runs must be completely enclosed with wire or other material to contain the chicken hens or rabbits and prevent wildlife intrusion.

6.14.100 - Duty to restrain.

- A. Chicken hens and rabbits must remain in their sheltering facilities and runs at all times.
- B. The owner, keeper or possessor of any chicken hens or rabbits has a duty to restrain the chicken hens or rabbits by confinement to prevent the chicken hens or rabbits from trespassing upon the property of another or to run at large.

6.14.110 - Other conditions.

Notwithstanding compliance with the various requirements of this section, chicken hens and rabbits shall not be kept in such a manner as to cause any unhealthy condition, interfere with the normal use and enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others. Chicken hens and rabbits shall be kept only in conditions that limit odors and noise and the attraction of insects and rodents so as not to cause a nuisance to occupants of nearby buildings or properties and not to cause health hazards. It is the responsibility of the person keeping chicken hens or rabbits to be aware of and abide by all applicable local, state or federal requirements and any private deed or covenant restrictions with respect to the keeping of chicken hens or rabbits.

6.14.120 - Revocation of permit.

The permit shall be revoked upon conviction of a person for violating this chapter.

6.14.130 - Penalty.

Any person convicted of violating this chapter may be fined an amount not to exceed two thousand six hundred fifty dollars.

Chapter 6.16 - CRUELTY TO ANIMALS

Sections:

6.16.010 - Designated.

It is unlawful for any person, firm, or corporation to overdrive, overload, drive when overloaded, overworked, torture, deprive of necessary sustenance, cruelly beat, mutilate, or kill needlessly or to carry or transport in any vehicle or otherwise in a cruel and inhuman manner any animal or to cause any of these acts to be done.

6.16.020 - Starvation of animals.

It is unlawful for any person, firm, or corporation having charge or custody of any animal to fail to provide it with food, drink, and protection from the weather, or to cause any of these acts to be done.

6.16.030 - Abandonment of animals.

It is unlawful for any person, firm, or corporation to abandon any animal, or to cause such to be done.

6.16.040 - Unlawful to keep place for fighting animals.

It is unlawful for any person, firm, or corporation to keep or cause to be kept any place where any fowl or any animal are suffered to fight upon exhibition, or for support upon any wager.

6.16.050 - Poisoning domesticated animals.

It is unlawful for any person to poison in any manner whatsoever with the intent or for the purpose of poisoning any domesticated animal.

6.16.060 - Dog fight—Causing unlawful.

No person shall cause, instigate, or encourage any dog fight in any public or private place within the town.

Chapter 6.20 - MISCELLANEOUS REGULATIONS

Sections:

6.20.010 - Removal of dead animals.

When an animal dies 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 is not forthwith removed, the same shall be a nuisance, and such owner or keeper shall cause a nuisance to exist. When the body of any such animal is 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.

6.20.020 - Unlawful possession of certain 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, or squawking, make or create other loud or disturbing noises; or to allow a mean, vicious dog to run loose.

Chapter 6.24 - DANGEROUS DOGS

Sections:

6.24.010 - Definitions.

A. As used in this chapter, unless the context otherwise requires:

"Bodily injury" means any physical injury that results in severe bruising, muscle tears, or skin lacerations requiring professional medical treatment or any physical injury that requires corrective or cosmetic surgery.

"Dangerous dog" means any dog that:

- A. Inflicts bodily injury upon a person or causes the death of a domestic animal; or
- B. Demonstrates tendencies that would cause a reasonable person to believe that the dog may inflict bodily injury upon any person or domestic animal; or
- C. Engages in or is trained for animal fighting.

"Dog" means any domesticated animal related to the fox, wolf, coyote, or jackal.

"Domestic animal" means any dog, cat, any animal kept as a household pet, or livestock.

"Owner" or "owns" means any person, firm, corporation, or organization owning, possessing, harboring, keeping, having financial or property interest in, or having control or custody of a domestic animal, as the term is defined in this chapter, including a dangerous dog as the term is defined in this chapter.

6.24.020 - Ownership.

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.

6.24.030 - Penalty.

Any person who violates paragraph B. of this section shall upon conviction thereof, be punished by a fine not exceeding one thousand dollars.

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.
 - A. 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.
 - B. Any owner whose dog damages or 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.
2. The court shall order any owner of a dangerous dog who has been convicted of a violation of section 6.24.020 of this chapter to:
 - A. 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 on the building or 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.
 - B. Immediately report to the Sugar City Town Clerk 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;
 - C. At the owner's expense, permanently identify the dangerous dog through the implantation of a microchip by a licensed veterinarian or a licensed shelter. A veterinarian or licensed shelter that implants a microchip in a dangerous dog shall report the micro chipping information to the town clerk within ten days after implantation of the microchip.
 - D. Prior to the implantation of the microchip, pay a nonrefundable dangerous dog microchip license fee of fifty dollars to the town clerk;
 - E. 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 or her respective duties, that the dangerous dog has been the subject of a conviction of a violation of this chapter;
 - F. 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 chapter.
3. In addition to any other penalty set forth in this subsection 3., upon an owner's entry of a guilty plea or 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 the court shall order the defendant to make restitution.

4. In addition to the penalties set forth above upon an owner's entry of a guilty plea or 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 to a person or death to a domestic animal or for a second or subsequent violation of section 6.24.020 of this chapter resulting in a conviction or 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 ordinance, the owner's dangerous dog be destroyed by euthanasia administered by a licensed veterinarian.

6.24.040 - Affirmative defense.

An affirmative defense to the violation of this chapter shall be:

1. That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, the domestic animal was at large, was an stray, and entered upon the property of the owner and the attack began, but did not necessarily end, upon such property;
2. That, at the time of the attack by the dangerous dog which causes injury to or the death of a domestic animal, said animal was biting or otherwise attacking the dangerous dog or its owner;
3. That, at the time of the attack by the dangerous dog which causes injury to a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against the dog's owner, and the attack did not occur on the owner's property;
4. That, at the time of the attack by the dangerous dog which causes injury to a person, the victim of the attack was committing or attempting to commit a criminal offense, other than a petty offense, against a person on the owner's property or the property itself and the attack began, but did not necessarily end, upon such property; or
5. That the person who was the victim of the attack by the dangerous dog tormented, provoked, abused, or inflicted injury upon the dog in such an extreme manner which resulted in the attack.
6. The affirmative defenses set forth above shall not apply to any dog that has engaged in or been trained for animal fighting.
7. 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. In addition, in the event the court sets bail for an owner's release from custody pending final disposition, the court may require, as a condition of bond, that the owner's dangerous dog be placed by the town, at the owner's expense in a location selected by the town including a public animal shelter, licensed boarding facility, or veterinarian's clinic, pending final disposition of the alleged violation of this section. The owner shall be liable for the total cost of board and care for a dog placed pursuant to this subsection 7.

6.24.050 - Exceptions.

The provisions of this chapter shall not apply to the following:

1. To any dog that is used by a peace officer while the officer is engaged in the performance of peace officer duties;
2. To any dog that inflicts bodily injury to any veterinary health care worker, dog groomer, humane agency personnel, professional dog handler, or trainer each acting in the performance of his or her respective duties, unless the owner is subject to a court order issued pursuant to this chapter and the owner has failed to comply with section 6.24.030 2. of this chapter.

Title 8 - HEALTH AND SAFETY

Chapters:

Chapter 8.04 - NUISANCES

Sections:

8.04.010 - Definitions.

When used in this chapter, the following words shall be interpreted as follows unless the context indicates otherwise:

- A. "Action to abate a public nuisance" means any action authorized by this chapter to declare and then restrain, remove, terminate, prevent, abate, or perpetually enjoin a public nuisance.
- B. "Building" means any dwelling, office building, store, warehouse or structure of any kind, whether or not the building is permanently affixed to the ground upon which it is located, and any trailer, semitrailer, coach, manufactured home, mobile home or any other vehicle designed or used for occupancy by persons for any purpose.
- C. "Inoperable vehicle" means any automobile, truck or self-propelled vehicle incapable of moving under its own power or does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law.
- D. "Nuisance" means any substance, act, occupation, condition or use of property declared a "nuisance" by this chapter or declared a "nuisance" by the state of Colorado or by any court or agency thereof, or known as a "nuisance" at common law, or which is of such nature and duration as to:
 - 1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public;
 - 2. In any way render the public insecure in life or in the use of property;
 - 3. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage any street, alley, highway, or other public way.
- E. "Person" means any individual, partnership, corporation, association, or agent, servant, or employee of any individual, partnership, corporation, association or other type of organization.

8.04.020 - Policy.

It is the policy of the town pursuant to Section 31-15—401 of the Colorado Revised Statutes, as amended, that every public nuisance shall be restrained, prevented, abated, and perpetually enjoined. It is the duty of the town attorney to bring and maintain an action, pursuant to the provisions of this chapter, to restrain, prevent, abate, and perpetually enjoin any such public nuisance. Nothing contained in this chapter shall be construed as an amendment or repeal of any other of the criminal laws of this state, but the provisions of this ordinance, insofar as they relate to those laws, shall be considered a cumulative right of the people in the enforcement of such laws. Further, it is not the policy or purpose of this chapter to repeal or preempt any zoning ordinance or other ordinances of this town which regulates the use of property and all other ordinances shall be construed along with this chapter and read together with this ordinance.

8.04.030 - Nuisances—Defined and declared.

Public nuisances shall include, but shall not be limited to, the following acts or conditions:

- 1. Fire Hazards. Dry or dead shrubs, dead trees, combustible refuse and waste, or any material growing on a street, sidewalk or upon private property within the city which by reason of its size, manner of growth and location constitutes a fire hazard to a building, improvement, crop or other property or when dry, will in reasonable probability constitute a fire hazard.
- 2. Hazardous Obstructions. An obstacle, landscaping or tying, installed or maintained in the sight triangle reaching a height higher than four feet above the adjoining top of curb at the applicable corner of the street intersection or four feet above the nearest pavement surface where there is no curb, or the existing traveled roadway at the corner in question where there is no curb or

pavement. Hazardous obstructions do not include existing or future permanent buildings otherwise constructed or maintained in accordance with applicable zoning and building regulations, public utility poles, and trees trimmed at the trunk at least eight feet above the level of the ground surface, provided that such trees are spaced so that trunks do not obstruct the vision of motorists.

3. Polluted Water.

- a. A swimming pool, pond or other body of water, which is abandoned, unattended, unfiltered, or not otherwise maintained, resulting in the water becoming polluted. For purposes of this section, "polluted water" means water contained in a swimming pool, pond or other body of water, which contains one or more of the following: bacterial growth, including algae; remains of insects, remains of deceased animals, reptiles; rubbish, feces, refuse, debris, papers, and any other foreign matter or material which because of its nature or location constitutes an unhealthy, unsafe or unsightly condition.
- b. Any unlawful pollution or contamination of any surface or subsurface waters in the town or of the air, or any water, substance or material intended for human consumption, but no action shall be brought under this subsection if the State Department of Health or any other agency of the state charged by and acting pursuant to statute or duly adopted regulation has assumed jurisdiction by the institution of proceedings on the pollution or contamination.

4. Public burning.

- a. No person shall set on fire or burn any garbage, rubbish, and waste material, or any other combustible material in any ash pit, container, receptacle or upon the ground except as set forth in the chapter.
- b. Public burning of grass clippings, leaves, brush and branches with a diameter of one inch or less shall be allowed where a burn permit is obtained from the town clerk and notification has been given to dispatch.
- c. Public burning of residential yards shall be allowed only under the following circumstances: A burn permit must be obtained from the town clerk. The property must be inspected by the town police. All safety equipment must be identified. i.e. Water hose, shovel, etc.. A time and duration of the burn must be agreed upon. Dispatch must be contacted prior to burn with all pertinent information. i.e. Individuals name, address, time of start of burn and estimated duration of burn.
- d. A person seeking a burn permit ("applicant") shall complete a burn permit application and submit the application together with a burn permit fee to the town clerk.
- e. The burn permit fee shall be fifteen dollars.
- f. The board of trustees may amend the burn permit fee from time to time by resolution.
- g. A burn permit shall be issued only after an inspection by the town fire department. No permit shall issue where the fire department reasonably believes a fire hazard is present upon the premises or that the weather conditions at the time are not suitable for a burn. Where a burn permit is denied, the fire department shall note on the denied burn permit application the reason for the denial and shall sign the permit application. The town shall retain one copy of the denied application and the applicant shall be given one copy of the denied application.
- h. Where a burn permit issues, the person receiving the burn permit ("permittee") shall follow these rules and any additional conditions imposed by the on duty police officer all of which shall be printed or written upon the burn permit.
 - i. The permittee shall keep the permit at the burn site at all times during the burn.
 - ii. The permittee shall burn only grass, leaves, brush and branches with a diameter of one inch or less.

- iii. The permittee shall burn only one pile at a time and the burn area shall be no larger than four feet by four feet and no higher than two feet.
 - iv. The permittee or his designee shall supervise the burn at all times until the permittee has completely extinguished all burning and smoldering materials. Re-ignition of the fire shall be prima facie evidence that the permittee failed to completely extinguish all burning and smoldering materials.
 - v. The permittee shall not burn on any sidewalk, street, or alleyway.
 - vi. The permittee shall not use any accelerant including but not limited to gasoline, diesel fuel, oil, kerosene, or charcoal starter fluid.
 - vii. The permittee shall connect a garden hose with spray nozzle attached to a water supply and have the hose at the burn site at all times during the burn.
 - i. The town clerk issuing the burn permit shall sign the burn permit.
 - j. The town shall retain one copy of the burn permit and the applicant shall receive one copy of the burn permit.
 - k. Violation. A violation of this chapter shall be punishable by a fine or not less than fifty dollars or more than one-thousand dollars.
 - l. Conflicts. To the extent that any conflict exists between this section and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this section.
 - m. Emergency clause. The Town of Sugar City Board of Trustees hereby declares that an emergency exists and that this section is necessary to the immediate preservation of the public peace, health, and safety and that it shall be in full force and effect upon final publication as provided by law.
5. Refuse, Waste and Junk.
- a. Refuse, waste matter and junk, which by reason of its location and character, is dangerous to public health, safety or welfare, unsightly or interferes with the reasonable enjoyment of property by neighbors, detrimentally affects property values in the surrounding neighborhood or community, or which would materially hamper or interfere with the prevention or suppression of fire upon the premises. Refuse, waste and junk include but are not limited to rubbish, refuse, debris, rubble, asphalt, concrete, plaster, tile, rocks, bricks, soil, crates, cartons, containers, boxes, inoperable machinery or parts thereof, scrap metal and other pieces of metal whether ferrous or non-ferrous, dead plants and trees, trimmings from plants and trees, cans, bottles, barrels, bones, rags, used rubber or used rope.
 - b. Junk shall also be defined as any material or object used or new, which is not presently usable, including, but not limited to: scrap metals and their alloys, bones, rags, cloth, rubber pieces, rope, tinfoil, bottles, tools, fixtures, utensils, lumber, boxes, crates, pipe or pipe fittings, automobile or airplane tires, machinery and appliances. Objects or material shall be considered junk if they are so worn, deteriorated or obsolete as to make them unusable in their existing condition. If they are not capable of being used in their present location on the property, or if they cannot legally be used due to the absence of legal prerequisites to use.
 - c. Keeping of Junk Restricted. It shall be unlawful for any person to store or keep or allow to be stored or kept any articles or materials which may be classified as junk according to the definition contained in this chapter, adjacent to or in close proximity to any schoolhouse, church, public park, residence or in a zoning district prohibiting outdoor storage or processing of junk unless such junk is kept in proper and tight buildings. A building shall be considered proper for the storage of junk only if it consists of four solid walls and a roof, it meets all city requirements for buildings, and it effectively shields its contents from the view of the public. Junk stored or kept in violation of this section is declared to be a public nuisance and may be abated pursuant to the provisions specified in this chapter.

6. Maintenance of property. Owning, leasing, occupying, managing or having possession of any premises in the town in such manner that any of the following conditions are found to exist thereon:
- a. The premises are a detriment to public health, safety or general welfare;
 - b. The premises are so defective, unsightly or in such condition of disrepair that they substantially diminish the value of surrounding property or are otherwise substantially detrimental to surrounding properties. Manifestation of this condition shall include, but not be limited to, the keeping on, or disposing of on, or the scattering over the premises of any of the following:
 - i. Junk, trash or debris, ii. Abandoned, discarded or unusable objects or equipment such as furniture, stoves, hot water heaters, refrigerators or freezers,
 - iii. Stagnant water or an excavation,
 - iv. Any device, decoration, design, fence, or structure which is unsightly by reason of its condition or its inappropriate location;
 - c. The premises are so out of harmony or conformity with the maintenance standards of adjacent properties as to cause substantial diminution of the enjoyment, use, or property values of such adjacent properties;
 - d. The premises are abandoned, boarded up, partially destroyed, or left unreasonably in a state of partial construction;
 - e. Buildings have dry rot, warping or termite infestation ;
 - f. The premises have a substantial number of broken windows which cause hazardous conditions and invite trespassers and malicious mischief;
 - g. The landscaping of the premises has not been maintained as follows:
 - i. the majority of plant material have not been adequately irrigated and maintained and are dead or dying,
 - ii. Lawns have grown over six inches or shrubs have not been trimmed and are overhanging public rights-of-way,
 - iii. Noxious weeds have grown over six inches and have not been removed, or
 - iv. Dead or diseased plantings have not been removed or replaced;
 - h. The exterior of commercial establishments or multifamily buildings have not been maintained so as to present a neat and orderly appearance which is compatible with the area as follows:
 - i. A substantial number of windows are cracked or broken,
 - ii. Painted surfaces are substantially cracked or peeling or the paint has deteriorated to the point where the bare surface is substantially exposed, or
 - iii. The building has otherwise not been substantially maintained;
 - i. Parking lots have not been repaired or cracks, potholes or other breaks in the parking lot surface have not been filled;
 - j. Any dilapidated building of whatever kind which is unused by the owner, or uninhabited because of deterioration or decay, which condition constitutes a fire hazard or subjects adjoining property to danger of damage by storm, soil erosion, or rodent infestation, or which becomes a place frequented by trespassers and transients seeking a temporary hideout or shelter;
 - k. Permitting any garbage container to remain on a premises when it has become unclean, offensive or which is injurious to the public health;

- l. Allowing vegetable or animal waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard, or area except when it is temporarily deposited for immediate removal;
 - m. Permitting the accumulation of manure in any stable, stall, corral, feed yard, or in any other building or area in which any animals are kept. This provision does not apply to a light spread of manure upon lawns or gardens or which is plowed under the surface of the ground;
 - n. Permitting any slaughterhouse, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;
 - o. Keeping or collecting any stale or putrid grease or other offensive matter ;
 - p. Having or permitting upon any premises any fly or mosquito producing condition;
 - q. Keeping any drinking vessels for public use without providing a method of decontamination between uses ;
 - r. Any toilet or sanitary sewer facilities not constructed and maintained in accordance with the ordinances of the town;
 - s. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults, septic tanks and cesspools or other individual waste water disposal systems within twenty days after notice from any enforcement officer or official of the town.
- 7. Any building, land, premises, or business, occupation or activity, operation or condition which, after being ordered abated, corrected, or discontinued by lawful order of the town or any officer thereof, continues to be conducted or continues to exist in violation of:
 - a. Any ordinance of this town,
 - b. Any regulation enacted pursuant to the authority of an ordinance of this town.
 - 8. Any place where people congregate, which encourages the disturbance of the peace, or where the conduct of persons in or about the place is such as to annoy or disturb the peace of the occupants of or persons attending such place, or the residents in the vicinity, or the passerby on the public streets or highways.
 - 9. Any public or private place or premises which encourages professional gambling, unlawful use of drugs, unlawful sale or distribution of drugs, furnishing or selling intoxicating liquor to minors, furnishing or selling fermented malt beverages to persons under the age of eighteen, solicitation for prostitution, or trafficking in stolen property.
 - 10. Any offensive or unwholesome business or establishment, or any business or establishment carried on in a manner dangerous to the public health, safety or welfare within the town or within one mile beyond the outer limits of the town.
 - 11. Any building, fence, structure or land within the town, the condition of which presents a substantial danger or hazard to public health and safety.
 - 12. Any cellar, vault, sewer, drain, place, property or premises within the town which is damp, unwholesome, nauseous, offensive, or filthy, or which is covered for any portion of the year with stagnant or impure water, or which is in such condition so as to produce unwholesome or offensive odors, or which is injurious to the public health.
 - 13. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal, or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so.

14. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalk, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the town.
15. The maintenance of any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, in a manner so as to become so obstructed so as to cause the water to back up and overflow therefrom, or to become unsanitary.
16. Sewer Inlet. Any article or materials accumulated in any sewer, . sewer inlet or privy vault that shall have a sewer connection, which causes or might cause such sewer, sewer inlet or privy vault to become noxious or offensive to others or injurious to public health.
17. Unsheltered storage of old, unused, stripped and junked machinery, implements, or personal property of any kind which is no longer safely usable for the purpose for which it was manufactured, for a period of thirty days or more (except in licensed junkyards) within the town.
18. 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 house trailers or machinery of any kind, or 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 essentially interfere with the comfortable enjoyment of life or property by others.
19. Those offenses which are known to the common law of the land and the statutes of the state as nuisances when the same exists within the town limits or within a mile thereof.
20. Dead Animals. The body of any animal which has died and which is undisposed of after twelve hours after death.
21. Noisemaking Devices to Attract Children. The use of bells, whistles, sirens, music, horns or any other noisemaking devices for the purpose of attracting children or minors to any vehicle upon the streets, highways, rights-of-way, 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, except such activities carried on as part of a duly authorized public parade or procession.
22. Open Wells, Cisterns or Excavations. It is declared that excavations exceeding five feet in depth, cisterns and wells or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid or other covering weighing at least sixty pounds or are securely fenced with a sold fence to a height of at least five feet, and it shall be unlawful for any person to permit such nuisance to remain on premises owned or occupied by him. Any well or cistern on any property within the limits of the town, whenever a chemical analysis or other proper test or the location of the same shows that the water of the well or cistern is probably contaminated, impure or unwholesome, shall be deemed a nuisance. Any abandoned or unused well or cistern shall be filled with dirt and covered.
23. 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 icebox, 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. Such icebox, refrigerator or other container shall be a public nuisance which may be abated without judicial proceedings by removal of the door or lid, snap lock or other locking device.
24. Vacant Buildings. It is a nuisance for the owner of any vacant building to fail to replace any broken window or fail to secure any other means of entry into such building within seventy-two hours after notice is given by the town.

25. Transporting of Garbage or Manure. The transport of manure, garbage, swill or offal upon any street in this town in a vehicle which is not fitted with a substantially tight enclosed box thereon allowing no portion of such filth to be scattered or thrown into such street is declared a nuisance.
26. Barking, Yelping, Howling or Mewing by Dogs or Cats. Any dog or cat which, by loud or frequent or habitual barking, yelping, howling or mewing, causes a serious annoyance to the neighborhood or to persons passing to and fro upon the streets or sidewalks.
27. It is unlawful for any person to store or keep or permit to be stored or kept any junk vehicle, or parts thereof, unless in a fully enclosed structure, or unless approved in the official development plan for a PUD district . For purposes of construing this subsection, "person's means the owner of the vehicle or parts thereof, or the owner, manager, lessee or possessor of the property where the vehicle or parts are stored. The following definitions shall apply in the interpretation and enforcement of this subsection:
- a. "Antique vehicle" means any vehicle, at least twenty-five years old, which is valued principally because of its early date of manufacture, design, historical interest or as a collectors item, and licensed as a collector's series or horseless carriage by the state of Colorado or another state with similar license provisions;
 - b. "Junk vehicle" means any vehicle not capable of travel under its own power, or any vehicle not bearing current registration plates, or if bearing such plates, which remains stationary or unused for more than thirty consecutive days; or any automobile, truck or self-propelled vehicle which does not comply with the minimum safety requirements of the Colorado Motor Vehicle Law, that is on the public streets of the town. However, that such definition shall not include antique vehicles, which are capable of travel under their own power but which do not bear current registration plates when such vehicles are located upon vehicle sale lots which hold current city business licenses;
 - c. "Private property" means real property which is owned by a private person or entity;
 - d. "Vehicle" means a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners or slides to transport persons or property or pull machinery and shall include, without limitation, automobile, airplane, truck, trailer, motorcycle, motorscooter, tractor, buggy and wagon.
28. Vicious Animals and Guard Dogs.
- a. No person shall own or harbor a vicious animal within the town. Such animal shall be summarily impounded as a public nuisance, which may be abated by the court in proceedings brought before it. If impoundment of the animal running at large cannot be made with safety to the animal control officer or other persons, the animal may be destroyed by authorized police official without notice to the owner or harbinger;
 - b. Guard Dogs. It is unlawful to place or maintain any dog in any area for the protection of persons or property unless the dog is physically confined to a specific enclosed area, and is under complete and absolute control and the area posted as required. The area or premises in which a guard dog is confined must be conspicuously posted with warning signs bearing letters that are not less than two inches high with the following legend: "Warning: These premises patrolled by guard dogs trained to attack" accompanied by a decal that provides pictorial warning of a guard dog.

8.04.040 - Author of nuisance—Defined.

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the owner or his agent, then tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be authors thereof and shall be jointly and equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereof conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors.

8.04.050 - Authority of the town to declare nuisance.

Any act, condition, substance, occupation or use of property which substantially meets the criteria of a nuisance as defined in this chapter may be so declared by the board of trustees and nothing in this chapter shall be construed to limit the power of the town to make such declaration.

8.04.060 - Complaints.

A person may make a complaint about the existence of a public nuisance to any town official. Such complaint shall include, whenever possible, the nature of the public nuisance, the location, including the address, the name of the owner, occupant or manager of the property, the duration of the nuisance and the name and address of the complainant. Complaints not received by a town official shall be referred to one of these as appropriate.

8.04.070 - Inspection—Right of entry—Emergencies.

- A. Whenever an official of the town has reason to believe that a public nuisance exists, and that such public nuisance constitutes an emergency presenting imminent danger of serious injury to persons or property, the town official or his authorized representative may immediately enter into any building or upon any premises within the jurisdiction of the town for purposes of inspection or abatement.
- B. Whenever an emergency situation exists in relation to the enforcement of any of the provisions of this chapter, the town official, or his authorized representative, upon a presentation of proper credentials or identification in the case of an occupied building or premises, may enter into any building or go upon any premises within the jurisdiction of the town. In the emergency situation, such person or his authorized representative may use such reasonable force as may be necessary to gain entry into the building or upon the premises.
- C. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever a town official, or his authorized representative, shall have reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a nuisance as defined in this chapter, such town official may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed on any of them. If such building or premises is occupied, such person shall first present proper credentials and demand entry, and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or occupant or other person or persons having charge or control of the building or premises and upon locating the owner, occupant or other person or persons, shall present proper credentials and demand entry. If entry is refused, such person shall give the owner or occupant, or if the owner or occupant cannot be located after a reasonable effort, he shall leave at the building or premises, a twenty-four hour written notice of intention to inspect. The notice given to the owner or occupant if left on the premises as stated in this subdivision, shall state that the property owner has the right to refuse entry and that in the event that such entry is refused, inspection may be made only upon issuance of a search warrant by the judge of the court having jurisdiction;
- D. After the expiration of the twenty-four hour period from the giving or leaving of notice, the town official or authorized representative may appear before the municipal or other state court judge and upon a showing of probable cause shall obtain a search warrant entitling him to enter the building or to go upon the premises. Upon presentation of the search warrant and proper credentials, or possession of the name in the case of an unoccupied building or premises, the person may enter into the building or go upon the premises using such reasonable force as may be necessary to gain entry.
- E. For the purposes of Section 8.04.030, a determination of probable cause will 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 person applying for such warrant shall not be required to demonstrate specific knowledge of the condition of the particular structure or premises in issue in order to obtain a search warrant. It is unlawful for any owner or occupant of the building or premises to resist reasonable force used by any authorized agent acting pursuant to this section.

8.04.080 - Jurisdiction—Parties—Process.

- A. An action to abate a public nuisance may be brought in municipal court or any other court where appropriate.
- B. Except as otherwise may be provided in this chapter, the practice and procedure in an action to abate a public nuisance shall be governed by the Colorado Rules of Civil Procedure.
- C. An action to abate a public nuisance may be brought by the town attorney in the name of the people of the state and the town.
- D. An action to abate a public nuisance, and any action in which a temporary restraining order, temporary writ of injunction, or preliminary injunction is required, shall be commenced by the filing of a complaint which shall be verified or supported by affidavit. A summons shall be issued and served as in civil cases.

8.04.090 - Abatement of nuisance—Failure to comply.

- A. Each and every nuisance declared or defined by any ordinance of the town or otherwise is prohibited, and the town officials are authorized in their discretion to cause the same to be summarily abated in such manner as they may direct, subject to the limitations provided in this chapter. If any nuisance is found to exist upon public property, it shall be the duty of the town to abate such nuisance immediately.
- B. Summary Abatement. Whenever a public nuisance exists which constitutes an emergency presenting imminent danger or serious injury to persons or property, an administrative officer may order with notice or judicial action that the public nuisance be summarily abated by removal, destruction or mitigation.
- C. Unless a specific provision of this code states " otherwise, when a public nuisance does not require summary abatement, a town official may prepare and serve a notice to abate on the owner, manager, occupant or possessor of any property which constitutes the public nuisance of the person conducting or maintaining the business, occupation, operation activity which constitutes the public nuisance. Such notice shall:
 - 1. State that if the nuisance is not abated within seven days an action may be brought in the municipal or other state court to abate the nuisance and that all costs of abatement, plus ten percent of such costs for inspection, and other additional administrative costs including, but not limited to, reasonable attorney fees, may be assessed against the person found by the court to have caused, allowed to be caused or allowed to continue the public nuisance and may become a lien upon any property on which the abatement was performed;
 - 2. Be in writing, signed by the official issuing the notice, and be served, either personally or by means of posting on the premises upon which the nuisance exists. If notice is served by posting, a copy of the notice shall also be mailed by certified mail, return receipt requested, to the owner of record of the property at the last known address.
- D. When a public nuisance has not been voluntarily abated within the time specified in the notice to abate, the following procedure shall apply:
 - 1. If the person notified in accordance with subsection (C) of this section, shall neglect or refuse to comply with the requirements of the notice to abate the nuisance within the time specified, the town official, or their authorized agent, may proceed at once, upon the expiration of the time specified in such notice, to commence appropriate legal action to cause such nuisance to be abated, provided that, if the owner is unknown or cannot be found the town official may proceed to abate such nuisance after notice has been posted for the period equal to the time specified to abate the nuisance. In either case, the expense of such abatement shall be collected from the owner of the property upon which the nuisance existed;
 - 2. The town may bring action in the municipal or other state court to have the nuisance declared as such by the court and for an order enjoining the public nuisance or authorizing its restraint, removal, termination or abatement by the owner or the person who caused the nuisance or the

person who allowed the nuisance to be caused or to continue, or town official or his duly authorized representative or any person under contract with the town to perform such services ;

3. The action to declare and abate a public nuisance shall be brought by the town in the name of the people of the town, by the filing of a complaint, which shall be verified or supported by an affidavit. Summons shall be issued and served as in civil cases, and any employee of the town, including employees, who is over the age of eighteen may serve the summons and verified complaint upon the respondent. Trial shall be to the municipal court;
 4. A notice of appearance shall be served with the summons and complaint. The appearance date shall be not less than thirty days from the date of service of the summons and complaint. The trial shall be held upon the appearance date, unless the court grants a continuance for good cause shown;
 5. The respondent shall file a response on or before the appearance date set forth in the notice of appearance;
 6. Upon the date and the time set for appearance and trial, if the respondent has filed no response and fails to appear and if the town proves that proper service was made on the respondent at least thirty days prior to the appearance date, the court may grant such orders as are requested by the town; except that, the court shall order that enforcement by the town be stayed for ten days and that a copy of the courts order be mailed to the respondent at his last known address• Failure to appear on any other date set for trial shall be grounds for entering a default and judgement therefor against a nonappearing party. For good cause shown and prior to enforcement, the court may set aside any entry of default and the judgement entered thereon;
 7. Upon a judicial determination that a nuisance exists, the town official may be authorized to abate the nuisance or cause the same to be abated, employing such forces and persons as may be necessary to abate the nuisance or cause the same to be abated, including the employees of the town or by contract or otherwise. All other town officials and employees are authorized and directed to render such assistance to the town official as may be required for the abatement of such nuisance and in connection with the enforcement thereof;
 8. The judgment of the municipal court may be appealed to the district court.
- E. The remedies specified in this section shall be in addition to all other remedies provided by law.

8.04.100 - Judgment—Relief.

- A. The judgment in an action to abate a public nuisance may include a permanent injunction to restrain, abate and prevent the continuance or reoccurrence of the nuisance. The court may grant declaratory relief, mandatory orders, or any other relief deemed necessary to accomplish the purposes of the injunction and enforce the same and the court may retain jurisdiction of the case for the purposes of enforcing its order.
- B. The judgment in an action to abate a public nuisance may include an order directing the chief of police or any officer or town official to seize and close the public nuisance, and to keep the same effectually closed until further order of the court, not to exceed one year.
- C. The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to other injunctive relief, an order requiring the removal, correction, or other abatement of a public nuisance, in whole or in part, by the chief of police or any town official at the expense of the owner or operator of the public nuisance.
- D. The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to any other relief authorized by the provisions of this chapter, the imposition of a fine of not more than three hundred dollars, conditioned upon failure or refusal of compliance with the orders of the court within any time limits therein fixed.

8.04.110 - Redelivery of seized premises.

If the owner or operator of a building or place seized and closed as a public nuisance has not been guilty of any contempt of court in this proceedings, and demonstrates by evidence satisfactory to the court that the public nuisance has been abated and will not reoccur, the court may order the premises delivered to the owner or operator. As a condition of such order, the court may require the posting of a bond, in an amount fixed by the order by the court, for the faithful performance of the obligation on the owner or operator thereunder to prevent recurrence or continuance of the public nuisance.

8.04.120 - Responsibility for costs of abatement—Collection—Failure to pay.

- A. A person found by the court to have caused a public nuisance or allowed the nuisance to be caused or to continue shall be liable for the costs specified in this section including reasonable attorney fees. Such costs may be collected by the town in a civil action or assessed and filed as a lien against any property on which the abatement was performed as specified in this section.
- B. If the costs of abatement have not been otherwise collected, the town official shall prepare a statement enumerating the actual costs of abatement and collection plus ten percent of the abatement costs for inspection and other additional administrative costs. The costs enumerated in this statement shall be a first and prior lien upon the property relating back to the date upon which the abatement was performed. A copy of this statement shall be mailed by registered or certified mail, return receipt requested, to the owner of such property as shown upon the tax rolls of the county, at the address of such owner as therein shown.
- C. The owner may request a hearing before the board of trustees to contest the amount of the costs. Such request must be made in writing and be filed with the town within ten days of the date of mailing or service of the first statement to the owner. The owner shall be given at least two weeks written notice of the date, time and place of any hearing scheduled. The decision of the board of trustees shall be final. If the statement remains unpaid, the amount shall be certified to the county treasurer of the county in which the property is located.
- D. If after the expiration of the period of time provided for in the notice, or as extended, costs or expenses are incurred by or on behalf of the town in the abatement or in connection with the abatement of the nuisance, and the costs are not otherwise collected, then the town treasurer may thereafter certify the legal description of the property upon which such work was done, together with the name of the owner thereof as shown by the tax rolls of the county together with a statement of the work performed, the date of performance and the costs thereof.
- E. The town clerk shall mail a notice to the owner of the premises as shown by the tax roll, at the address shown upon the tax rolls, by certified mail, return receipt requested, notifying such owner that work has been performed pursuant to this chapter, stating the date of performance of the work, the nature of the work and demanding payment of the costs thereof, together with five percent assessment for inspection and other incidental costs in connection therewith. Such notice shall state that if the amount is not paid within thirty days after mailing the notice, it shall become an assessment on and a lien against the property of the owner, describing the same, and will be certified as an assessment against such property, together with the ten percent assessment for costs of collection, and the assessments described in this subsection will be collected in the same manner as a real estate tax upon the property; for each such assessment shall be a lien against each lot or tract of land until paid and shall have priority over other liens except general taxes and prior special assessments.

8.04.130 - Remedies—Cumulative and nonexclusive.

- A. No remedy provided in this chapter shall be exclusive, but the same shall be cumulative, and the taking of any action under this chapter, including charges or conviction of violation of this chapter in the municipal court shall not preclude or prevent the taking of other action under this chapter to abate or enjoin any nuisance found to exist.
- B. Whenever a nuisance exists, no remedy provided for in this chapter shall be exclusive of any other charge or action, and when applicable, the abatement provisions of this chapter shall serve as and constitute a concurrent remedy over and above any charge or conviction of any municipal offense or any other provision of law. Any application of this chapter that is in the nature of a civil action shall not

prevent the commencement or application of any other charge brought under the municipal ordinances or any other provision of law.

8.04.140 - Violation—Penalty.

- A. Whenever in any section of this chapter, 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 who shall be convicted of a violation of any such section shall be subject to such penalties as are provided in Section 8.04.100.
- B. Any person who shall have possession or control of any private ground or premises, whether he is owner thereof or not, in or upon which any such nuisance shall exist or may be found, whether such nuisance has been heretofore or shall be hereafter created, shall be deemed guilty of a separate offense, as the author of a nuisance, for every period of twenty-four hours continuance of such nuisance after due notice given to abate the same.
- C. Any violation or disobedience of any injunction or order issued by the court in an action to abate a public nuisance shall be punished as a contempt of court by a fine of not more than two thousand dollars and imprisonment of not more than five days; but the court may treat each day on which the violation or disobedience of any injunction order continues or recurs as a separate contempt.
- D. Fees, Costs and Fines, Liens and Collection.
 - 1. For seizing and closing any building or premises as provided in this chapter, or for performing other duties pursuant to the direction of the court pursuant to the provisions of this chapter, the town shall be entitled to a reasonable sum fixed by the court, in addition to the actual costs incurred or expended,
 - 2. All fees and costs allowed by the provisions of this section, the costs of a court action to abate any public nuisance, and all fines levied by the court in contempt proceedings incident to any action to abate a public nuisance shall be a first and prior lien upon any real property seized or closed under the provisions of this chapter, and the same shall be enforceable and collectible by execution issued by order of the court, from the property of any person liable therefor.
 - 3. Nothing in this chapter shall be construed in such a manner as to destroy the validity of a bona fide lien upon real or personal property appearing of record prior to recording of the court orders involving real estate as authorized under this chapter.

Chapter 8.08 - NOISE

Sections:

8.08.010 - Unlawful to produce loud noises upon public property.

It is unlawful for any person, either as principal, agent or employer, to play, use, or operate for any purpose whatever, on the streets or any other places which are public in nature in the town any device known as a sound truck, loud speaker, sound amplifier, radio, or phonograph with a loud speaker or amplifier, or any other instrument of any kind or character whatever that emits loud and raucous noises, excepting by permission of the police chief or mayor.

8.08.020 - Unlawful to emit loud noises in public places.

It is unlawful for any person, either as principal agent or employee, for any purpose whatever, to play, use or operate any device known as a sound truck, loud speaker, sound amplifier, radio, or phonograph with a loud speaker or amplifier, or any other instrument of any kind or character whatever that emits loud and raucous noises upon, into or over the streets or other places which are public in nature in the town, except by permission of the police chief or mayor.

8.08.030 - Noise-making devices to attract children unlawful.

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-way, alleys or public ways of the town for the purpose of selling, distributing or giving away any product whatsoever, to such minors, is a public nuisance and hazard and is expressly prohibited and is unlawful, excepting such activities carried on as a part of duly authorized public parades or processions, except as authorized or permitted by special council action.

8.08.040 - Permits from mayor, chief of police or town council.

Where permitted by this chapter, the mayor, chief of police or town council may grant written permits for individuals, groups, firms, or other to engage in those activities otherwise prohibited by this section, giving due regard to the nature, extent, time and type of variance requested.

Chapter 8.12 - WEED CONTROL

Sections:

8.12.010 - Nuisance.

The growth and collection of weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances, upon any real property within the town's municipal limits is a nuisance and a threat and danger to the health, welfare and safety of the town's inhabitants.

8.12.020 - Duty of property owner to maintain property, alleys and sidewalk areas.

The property owner, tenant, resident, inhabitant, possessor and person or entity in control of any lot, parcel or tract of land shall maintain said property and the alleys behind or to the side of said property and the sidewalk areas in front or to the side of said property free at all times from weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances.

8.12.030 - Duty of property owner to destroy weeds.

The property owner, tenant, resident, inhabitant, occupant and person or entity in possession or control of any real property within the town's municipal limits shall destroy and remove and keep destroyed and removed from said real property at the property owner's expense all weeds, brush, trash, rubbish, noxious and unhealthful growths and substances.

8.12.040 - Notice.

- A. Where such weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances are not removed from the lot, parcel or tract of land any officer of the town, code enforcement officer, fire chief or the town clerk may serve notice of such failure upon the property owner and, where the property owner's address is not the same as the address of the property of issue as shown by the county assessor's records, also upon any resident, inhabitant, occupant, person or entity in control or possession of the property.
- B. Service. Service of notice shall be complete upon service in any of the following manners.
 - 1. Personal service upon the owner and any resident, inhabitant, occupant, person or entity in control or possession of the property as required in subsection A; or
 - 2. Service by U.S. mail, return receipt requested, addressed to the last known address of the owner as shown by the county assessor's records and to any known resident, inhabitant, occupant, person or entity in control or possession of the property and posting of the property with the notice.
 - 3. Service by U.S. mail and posting shall be complete five days subsequent to entry of the notice in the U.S. mail and after the date of posting.
- C. Notice Contents. At a minimum the notice shall contain the following items.

1. Notice date.
2. Address of the property.
3. The following statement:

"You are hereby advised that where the weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances are not removed from the premises located at the above described premises within five (5) days after notice that the Town of Sugar City, Colorado may remove the weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances at the expense of the property, property owner, possessor, resident, inhabitant, occupant, person or entity in control or possession of the property, or user."

8.12.050 - Removal by town and costs.

- A. After such five-day period, the town may proceed to remove said weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growth and substances from the property.
- B. Assessed Costs. The town shall assess the entire cost of removal to the property, property owner or resident, inhabitant, occupant, person or entity in control of the property. The costs shall include the following:
 1. Labor per man-hour for removal at the current going market rate;
 2. An administrative fee of one hundred dollars;
 3. Equipment costs at standard billed rate;
 4. A fee of five percent of the costs set forth in subsections (B)(1) through (B)(3) of this section for inspection and other incidental costs.
- C. The costs set forth in this chapter may be amended by ordinance or by resolution from time to time.
- D. Assessment Shall Be a Lien on Property. The amounts of such assessments shall be a lien on the property. Notice of the lien shall be given by publication once in a newspaper of general circulation in the town of Sugar City or, where no newspaper of general circulation in the town of Sugar City exists, by posting for ten days at the town hall. The notice shall contain a description of the property upon which the lien is claimed, the name of the owner as shown by the records of the Crowley County assessor and the amount of the lien.
- E. Penalty for Nonpayment and Certification. If the assessment is not paid within thirty days, the same may be certified by the town clerk to the Crowley County treasurer for collection, together with a ten percent penalty for the cost of collection, in the same manner as other taxes are collected.
- F. Unlawfulness. It shall be unlawful for any person, firm or corporation owning, occupying, or using any lot or property to allow weeds, brush, trash, rubbish of all kinds, noxious and unhealthful growths and substances to accumulate on said lot or property including the sidewalk area in front of or to the side of the property and alley behind or to the side of the lot or property.
- G. Violation. In addition to the notice and penalty provisions set forth above, any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violations such person shall be punishable by a fine of not more than one thousand dollars.

Chapter 8.16 - SALE OF FIREWORKS AND PERMITS*

Sections:

8.16.010 - Legislative declaration.

The Sugar City board of trustees hereby declares that the purpose of this chapter is to protect the lives and property of the citizens of Sugar City from injury and damage resulting from indiscriminate firing and exploding of fireworks and that this chapter is necessary for the preservation of the public health, safety, and welfare of the citizens of the town of Sugar City.

8.16.020 - Definitions.

As used in this chapter, unless the context clearly indicates otherwise, the following words and phrases shall be as defined in this section:

"Articles pyrotechnic" means pyrotechnic special effects materials and pyrotechnic devices for professional use that are similar to consumer fireworks in chemical composition use. "Articles pyrotechnic" shall also include pyrotechnic devices meeting the weight limits for consumer fireworks but are not labeled as such and are classified as UN0431 or UN0432 pursuant to 49 CFR Section 172.101, as amended.

"Display fireworks" means large fireworks designed primarily to produce visible or audible effects by combustion, deflagration, or detonation and includes, but is not limited to, salutes containing more than one hundred thirty milligrams of explosive material, aerial shells containing more than forty grams of pyrotechnic compositions, and other display pieces that exceed the limits of explosive materials for classification as consumer fireworks as defined in 16 CFR Sections 1500.1 to 1500.272 and 16 CFR 1507.1 to 1507.12 and are classified as fireworks UN0333, UN0334, or UN0335 pursuant to 49 CFR 172.101, as amended, and including fused set pieces containing components that exceed fifty milligrams of salute powder.

"Fireworks" means any composition or device designed to produce a visible or audible effect by combustion, deflagration, or detonation, and that meets the definition of articles pyrotechnic, permissible fireworks or display fireworks.

1. "Fireworks" does not include:
 - a. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than sixteen milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;
 - b. Highway flares, railroad fuses, ship distress signals, smoke candles, and other emergency signal devices;
 - c. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;
 - d. Fireworks which are used in testing or research by a licensed explosives laboratory.

"Permissible fireworks" means the following small fireworks devices designed to produce audible or visual effects by combustion, complying with the requirements of the United States Consumer Product Safety Commission as set forth in 16 CFR Sections 1500.1 to 1500.272 and 1507.1 to 1507.12 and classified as consumer fireworks UN0336 and UN0337 pursuant to 49 CFR 172.101:

1. Cylindrical fountains, total pyrotechnic composition not to exceed seventy-five grams each for a single tube or, when more than one tube is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
2. Cone fountains, total pyrotechnic composition not to exceed fifty grams each for a single cone or, when more than one cone is mounted on a common base, a total pyrotechnic composition of no more than two hundred grams;
3. Ground spinner, a small device containing not more than twenty grams of pyrotechnic composition venting out of an orifice usually in the side of the tube, similar in operation to a wheel, but intended to be placed flat on the ground;
4. Illuminating torches and colored fire in any form, total pyrotechnic composition not to exceed two hundred grams each;

5. Dipped sticks and sparklers, the total pyrotechnic composition of which does not exceed one hundred grams, or which the composition of any chlorate or perchlorate shall not exceed five grams;
6. Any of the following that do not contain more than fifty milligrams of explosive composition:
 - a. Explosive auto alarms,
 - b. Toy propellant device,
 - c. Cigarette loads,
 - d. Strike-on-box matches,
 - e. Other trick noise makers, or
 - f. Snake or glow worm pressed pellets of not more than two grams of pyrotechnic composition and packaged in retail packages of not more than twenty-five units;
7. Fireworks that are used exclusively for testing or research by a licensed explosives laboratory;
8. Multiple tube devices with:
 - a. Each tube individually attached to a wood or plastic base,
 - b. The tubes separated from each other on the base by a distance of at least one-half of one inch,
 - c. The effect limited to a shower of sparks to a height of no more than fifteen feet above the ground,
 - d. Only one external fuse that causes all of the tubes to function in sequence, and
 - e. A total pyrotechnic composition of no more than five hundred grams;

"Permissible fireworks" does include aerial devices with a distance that is limited to the property where it was launched, all other aerial fireworks are prohibited or audible ground devices, including, but not limited to firecrackers.

"Police chief" means the chief of the Sugar city police department or his authorized representatives.

"Retail stand" means any temporary or permanent structure, stand, building, or other permanent or temporary facility, used to sell, deliver, transfer, consign, or furnish fireworks to another person not for resale.

"Retailer" means a person, corporation or other business entity who is permitted under the provisions of this chapter and who sells, deliver, consigns, gives or otherwise furnishes display fireworks or articles pyrotechnic to a person authorized in this chapter to discharge fireworks in the town of Sugar city.

"Town administrator" means the town administrator of the town of Sugar city or the administrator's authorized representative.

"Town clerk" means the town clerk of the town of Sugar city or the clerk's authorized representatives.

8.16.030 - Sale of fireworks.

- A. It is unlawful for any person, corporation or other business entity to sell, offer to sell or possess with intent to sell at retail in the town of Sugar City any fireworks until such person, corporation or business entity has first obtained a permit from the town for sale of fireworks at retail pursuant to the provisions of this chapter.
- B. Only "permissible fireworks" as defined in this chapter may be sold by a retailer.

8.16.035 - Possession or discharge of fireworks.

It is unlawful for any person, corporation or other business entity to possess, explode or discharge fireworks except "permissible fireworks."

8.16.040 - Application for permit to sell fireworks at retail.

Any person, corporation or other business entity desiring to obtain a permit to sell fireworks at retail shall file an application therefor with the town clerk of the town of Sugar city which application shall be accompanied by a nonrefundable application fee of twenty-five dollars and shall contain the following information:

- A. The name and address of the applicant;
- B. If the applicant is a corporation or limited liability company, the names and addresses of the principal officers of the corporation or limited liability company, and the names and addresses of the person who will manage, be responsible for, and be in charge of the sale of fireworks at retail;
- C. If the applicant is a partnership, the names and addresses of the partners and the name and address of the person who will be in charge of and supervise and manage the sale of fireworks at retail;
- D. Location where the applicant will sell fireworks at retail;
- E. Whether the applicant intends on constructing a temporary stand for the sale of said fireworks at retail.

8.16.050 - Review of permit application.

Upon receipt of said application by the town clerk and upon approval by the town administrator and payment of the application fee as provided above for each location at which fireworks shall be sold at retail, the town clerk shall issue a permit for the sale of fireworks at retail which shall be valid through July 30th of that year from the date of issue. Each separate permit issued shall apply and be valid only with respect to the location for which it is issued. In the event the town administrator determines, based upon the information contained on the application and any relevant information with respect to applicant's or supervisor's prior violations of this chapter or C.R.S. Section 12-28-101 et seq., that a permit should not be issued, then in that event no permit shall be issued.

8.16.060 - Limit on location and transferability.

A fireworks sale permit shall be valid only for the premises or location for which it is issued. Such permit shall not be transferable, assignable, or renewable.

8.16.070 - Limit on sale of fireworks.

It shall be unlawful for any person, firm, or corporation to sell or offer to sell at retail in the town of Sugar City any fireworks prior to June 26th or after July 5th of any calendar year.

8.16.080 - Temporary stands for the sale of fireworks at retail.

In the event any person, corporation or other business entity desires to construct, install, or maintain a temporary stand or facility for the sale at retail of fireworks and said temporary stand or facility is otherwise in compliance with the town of Sugar City's zoning ordinance, it is unlawful for any person, firm, or corporation to construct, operate, utilize, install, or maintain said temporary stand prior to June 20th or after July 10th of any calendar year. Further, any temporary stand which is constructed, installed, utilized, or maintained for the purpose of sale of fireworks at retail shall be maintained in a safe and orderly manner so as not to interfere with any emergency vehicle of the town of Sugar City.

8.16.090 - Seizure of fireworks.

The police chief of the town of Sugar City or any authorized agent or officer, including but not limited to the Crowley County Sheriff's Office, thereof is hereby authorized to and shall seize, take, and remove at

the expense of the owner or possessor all stocks of fireworks offered or exposed for sale, stored, held or used in violation of this chapter.

8.16.100 - Penalty.

Any person, corporation or other business entity violating any of the provisions of this chapter other than Section 8.16.035 upon conviction of such violation shall be punished by revocation of the permit or license issued to such person if same has been issued to such person. In addition, such person, corporation or other business entity shall be subject to a mandatory minimum fine of not less than two hundred fifty dollars and not more than one thousand dollars. Any person, corporation or other business entity violating Section 8.16.035 of this chapter, upon conviction of such violation shall be punished by a minimum fine of not less than twenty-five dollars and not more than one thousand dollars.

8.16.110 - Emergency clause.

The town board of trustees hereby finds, determines, and declares that an emergency exists and that the preservation of the public health, safety, and welfare of the residents of the town of Sugar City requires the immediate passage of the ordinance codified in this chapter and that this chapter shall be and become effective immediately after its final passage and publication.

Chapter 8.20 - ABANDONED REFRIGERATORS, WELLS, CISTERNS AND EXCAVATIONS

Sections:

8.20.010 - Unlawful acts.

It is unlawful for any person to leave or permit to remain outside of the 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.

8.20.020 - Open wells, cisterns, or excavations unlawful.

Excavations exceeding five feet in depth, cisterns and wells, or an excavation used for storage of water are public nuisances unless the same are adequately covered with a locked lid, or other covering weighing at least sixty pounds, or are securely fenced with a solid fence to a height of at least five feet, and it is unlawful for any person to permit such nuisance to remain on premises owned or occupied by him.

Title 9 - PUBLIC PEACE, MORALS AND WELFARE

Chapters:

Chapter 9.04 - GENERAL PROVISIONS

Sections:

9.04.010 - Definitions.

The following terms shall have the meanings set forth below when used in this title:

- A. "Culpable mental state" means intentionally, or with intent, or knowingly, or willfully, or recklessly, or with criminal negligence, as these terms are defined in the Colorado Revised Statutes 1973, Title 18, Article 1, Part 5, as amended.
- B. "Deadly weapon" means any firearm, knife, bludgeon, or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner it is used or intended to be used is capable of producing death or serious bodily injury.

- C. "Public place" means any place commonly or usually open to the general public, or to which members of the general public may resort, or accessible to members of the general public. By way of illustration, such public places include but are not limited to public ways, streets, buildings, sidewalks, alleys, parking lots, places of business usually open to the general public, and automobiles or other vehicles in or upon any such place or places.

9.04.020 - Failure to appear.

It is unlawful for any person upon whom a municipal court summons has been served to fail to appear in person or by counsel at the place and time specified therein.

Chapter 9.08 - OFFENSES BY OR AGAINST PUBLIC OFFICIALS AND GOVERNMENT

Sections:

9.08.010 - False reporting to authorities.

- A. It is unlawful for any person to report the existence of a fire or other emergency to the police or fire department of a fire or other emergency to the police or fire department or any other agency empowered to deal with an emergency involving risk or injury to persons or property, when such person knows the report to be false. For purposes of this subsection, fire department means any fire protection district, or fire fighting agency of the state, municipality, whether the employee or officers of such agency are volunteers, or receive compensation for their services as firemen, or both.
- B. It is unlawful for any person to report or cause to be reported to any police agency any information concerning the commission of any offense or other incident which would require police action when:
 - 1. He knows that no such offense or other incident has occurred; or
 - 2. He knows the information is false or that he has no such information.
- C. This section does not apply to reports of the existence or placement of a bomb or other explosive in any public or private place or vehicle designed for transportation of persons or property.

9.08.020 - Impeding police, firemen or other officials at scene of disaster.

- A. It is unlawful for any person to drive a vehicle too close by the scene of a fire, explosion, traffic accident, riot or impending riot, other disaster, or investigation in such a manner as to obstruct or impede the arrival, departure or operation of any fire truck, police vehicle, ambulance or other emergency vehicle, or to fail to move a vehicle from the scene when ordered to do so by a police officer, fireman, emergency personnel or military personnel in the performance of their duties in coping with a fire, explosion, traffic accident, other disaster or investigation.
- B. It is unlawful for any person to knowingly disobey any lawful or reasonable order of any police officer, fireman, emergency personnel or military personnel given incident to their duties in coping with a fire, explosion, traffic accident, other disaster or investigation.

9.08.030 - Resisting arrest—Escaping—Securing a prisoner.

- A. The term "police officer" as used in this section means any person defined as a peace officer by CRS Section 18-1-901, 1973 (as amended) who is in uniform or who has displayed his credentials to the person whose arrest is attempted. The word "uniform" as used in this chapter shall refer to the dress or apparel and insignia required to be worn by police officers of the town pursuant to the order or direction of the chief of police, and intended as a means of identifying the police officers and agents of the Sugar City police department or Crowley County Sheriff's Office.
- B. It is unlawful for any person to prevent a police officer, acting under color of his official authority, from effecting an arrest of any actor or another by the use or threatened use of force or physical violence or any other means which creates a substantial risk of causing physical injury to such police officer.

- C. A police officer is "acting under color of his official authority" when in the course of his duties he is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a prosecution under this section that an arrest was unlawful if the police officer was acting under color of his authority and did not use unreasonable or excessive force in effecting the arrest.
- D. It is unlawful for any person to escape or attempt to escape from or in any manner aid another, who is in the custody of a police agent, to escape, or attempt to rescue or rescue a person from the custody of a police agent or from the custody of any person aiding such police agent from being commanded by such police agent to do so; provided, however, the provisions of this section shall not apply whenever the escapee is being held on account of a felony or charged with or held for any felony.

9.08.040 - Disobeying an order of a police officer or fireman—Refusing to aid a police officer.

- A. It is unlawful for any person to knowingly disobey the lawful or reasonable order of any police officer or fireman given incident to the discharge of the official duties of such policeman or fireman.
- B. A person commits an unlawful act when, upon command by a person known to him as a police officer, he unreasonably refuses to aid such police in effecting or securing an arrest, preventing the commission of another of any offense or coping with any emergency situation.

9.08.050 - Resisting an officer—Interfering with an officer—Escaping—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 such officer, member, or person duly empowered with police authority is discharging or apparently discharging his duties.
- B. It is unlawful for any person, in any way, to interfere with or hinder any police officer, any member of the police department, or any person duly empowered with police authority while such officer, member, or person duly empowered with police authority, is discharging or apparently discharging his duties.
- C. It is unlawful for any person to offer or endeavor to assist any person, in the custody of a police officer, or a member of the police authority, to escape or to attempt to escape from such custody.

Chapter 9.12 - OFFENSES AGAINST THE PERSON

Sections:

9.12.010 - Assault without deadly weapon.

It is a violation of this section to intentionally, by threat or physical action, place or attempt to place another person in fear of imminent bodily injury; provided, however, that if such threat or action involves a deadly weapon, then this section shall have no application.

9.12.020 - Battery.

It is a violation of this chapter for any person to intentionally, knowingly, or recklessly cause bodily injury to another person; provided, however, this section shall have no application where there is serious bodily injury or where a deadly weapon is used.

9.12.030 - Petty larceny.

It is unlawful for any person to steal, take and carry away the personal property, goods, or chattels of another. When such property has a total value of less than one hundred dollars such person so taking and carrying away shall be guilty of petty larceny.

9.12.040 - Fraud—On merchants—Hotels.

It is unlawful for any person, with intent to defraud and to avoid payment therefor, to order and obtain from any person any food, lodging, gasoline, oil, or other merchandise or accommodations of a like nature, in that they immediately become valueless to the seller after their receipt or consumption by the purchaser and which in the ordinary course of business are paid for on receipt or after consumption, unless credit has first been arranged for. This section shall have no application where the value of food, lodging, gasoline, oil or other merchandise, checks, or accommodations of a like nature ordered and obtained is one hundred dollars or more.

9.12.050 - Checks with insufficient funds.

It is unlawful for any person to issue a check when, at the time he issues it, he has the intent to defraud or deceive any other person and thereby obtains from any person money, property, or other things of value, or at the time a person issues a check, he has no checking account or has funds in a checking account in an amount less than the amount of the check.

9.12.070 - Possession of drug paraphernalia.

- A. For the purpose of this section, the term "drug paraphernalia" shall have the same meaning as contained in the Colorado Uniform Controlled Substances Act, Sections 18-18-426 and 18-18-427, Colorado Revised Statutes, as enacted or amended.
- B. For the purpose of this section, the term "controlled substance" shall have the same meaning as contained in the Colorado Uniform Controlled Substances Act, Section 18-18-101, Colorado Revised Statutes, as enacted or amended, which meaning includes any drug, substance, or immediate precursor included in Schedules I through V in Sections 18-18-203 through 18-18-207, Colorado Revised Statutes, as enacted or amended.
- C. A person commits possession of drug paraphernalia if he or she possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used under circumstances in violation of the laws of the state of Colorado.
- D. Any person who commits possession of drug paraphernalia in violation of any provision of this section, upon conviction thereof, or plea of guilty or no contest thereto shall be punished by a fine of not more than one hundred dollars.

Chapter 9.16 - OFFENSES AGAINST PUBLIC MORALS

Sections:

9.16.010 - Consumption of alcohol in motor vehicle.

It is unlawful for any owner or operator of, or passenger in, any motor vehicle being driven or located upon any public right-of-way, to consume or to knowingly permit or allow any person in such vehicle to consume any malt, vinous, or spirituous liquors therein, or to knowingly possess or allow possession in such vehicle of any open container containing any malt, vinous or spirituous liquor.

9.16.020 - Drinking in public.

- A. 1. It is unlawful for the consumption and/or possession of any alcoholic beverages by an under aged person.
- B. The town council may grant permits to groups, individuals or firms in variance to subsection A of this section in accordance with state law.

9.16.030 - Displaying obscene material in public.

- A. "Obscene material" means that material which:

1. Taken as a whole, appeals to the prurient interest of the average person, applying contemporary statewide standards; and
 2. Depicts or describes hard-core sexual conduct; and
 3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.
- B. A person commits publicly displaying obscene material if he knowingly:
1. Displays publicly or causes to be displayed publicly obscene material; or
 2. Permits any public display of obscene material on premises owned, rented, or operated by him.

Chapter 9.20 - OFFENSES AGAINST PUBLIC PEACE

Sections:

9.20.010 - Unlawful to disturb religious worship.

It is unlawful for any person, firm, or corporation to disquiet or disturb any congregation or assembly for religious worship by making a noise or by rude or indecent behavior, or profane language within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

9.20.020 - Loitering prohibited.

It is unlawful for any person to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or persons or to use obscene speech in such public way or place.

9.20.030 - Loitering, idling, other acts—In or about schools.

It is unlawful for any person to loiter, idle, wander, stroll, or play in, about or on any public, private or parochial school, college, or seminary grounds, or buildings, either on foot or in or on any vehicle, or for any person to:

- A. Prevent the orderly conduct of classes and activities of any such school; or
- B. Prevent a student or employee of such school from attending classes or performing his job in any such school building or on any school grounds; or
- C. Engage in obscene conduct or speech in or about any such school building or school grounds; or
- D. Park or move a vehicle in the immediate vicinity of, or on the grounds of any such school, college or seminary for the purpose of annoying or molesting the students or employees thereof, or in an effort to induce, entice, or invite students into such vehicle, for immoral purposes.

9.20.040 - Disorderly conduct prohibited.

A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he intentionally, knowingly or recklessly:

- A. Commits an act in a public place in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health;
- B. Commits an act in a public place in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;
- C. In a public place causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another;
- D. Interferes with another ¹s pursuit of a lawful occupation by acts of violence;

- E. Obstructs in a public place, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the town police or other lawful authority known to be such;
- G. In a public place addresses abusive language or threats to any member of the police department, any other authorized official of the town who is engaged in the lawful performance of his duties, or any other person when such words have a direct tendency to cause acts of violence; words merely causing displeasure, annoyance or resentment are not prohibited;
- H. Makes or causes to be made any loud, boisterous and unreasonable noise or disturbance of any other persons in a public place or within or near a private residence or other private place that he has no right to occupy;
- I. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are committing acts of disorderly conduct in the immediate vicinity and the public health and safety are imminently threatened;
- K. Uses obscene language or makes an obscene gesture in a public place.

9.20.050 - Disrupting lawful assembly.

It is unlawful for any person to disrupt a lawful assembly if with the intent to prevent or disrupt any lawful meeting, procession, or gathering, he significantly obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterances, or any other means.

9.20.060 - Harassment.

It is unlawful for any person, with intent to harass, annoy, or alarm another person, to:

- A. Strike, shove, kick, or otherwise touch a person or subject him to physical conduct; or
- B. In a public place direct obscene language, or make an obscene gesture to or at another person; or
- C. Follow a person in or about a public place or places; or
- D. Engage in conduct or repeatedly commit acts that alarm or seriously annoy another person and that serve no legitimate purpose; or
- E. Make repeated communications at inconvenient hours or in offensively coarse language; or
- F. Repeatedly insult, taunt, or challenge another in a manner likely to provoke a violent or disorderly response.

9.20.070 - Interference with staff, faculty or students of educational institutions.

- A. It is unlawful for any person, on or near the premises of facilities of any educational institution, to willfully deny to students, school officials, employees and invitees:
 - 1. Lawful freedom of movement on the premises;
 - 2. Lawful use of the, property or facilities of such institution? or
 - 3. The right of lawful ingress and egress to the institution ¹ s physical facilities.
- B. It is unlawful for any person, on the premises of any education institution or at or in any building or other facility being used by any educational institution to willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institutions in the lawful pursuit of his educational activities, through the use of restraint, abduction, coercion or intimidation, or when force and violence are present or threatened.
- C. It is unlawful for any person to willfully refuse or fail to leave the property of, or any building or other facility- used by any educational institution upon being requested to do so by the chief administrative officer, his designees charged with maintaining order on the school premises and in its facilities or a

dean of such educational institution, if such person is committing, threatens to commit, or incites others to commit any act which would disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions of the institution.

- D. Nothing in this section shall be construed to prevent lawful assembly and peaceful and orderly petition for the redress of grievances, including any labor dispute between an educational institution and its employees, any contractor or subcontractor, or any employee thereof.

9.20.080 - Urination.

It is unlawful for any person to urinate or defecate upon the walls, floors, stairs or any other portion of any public building or on any street, alley, sidewalk, park, parkway, or other public place within the town, other than a toilet facility provided for such purpose.

9.20.090 - Practice of parkour' on public property.

It is unlawful for any person to run, climb, swing, vault, jump, roll, engage in quadrupedal movement and other types of movement, often referred to as the practice of parkour', free running, and l'art du déplacement, on or upon public property located on any property owned or controlled by the Town of Sugar City, Colorado. Public property as used in this paragraph shall include, but not be limited to tables, benches, bicycle racks, fences, railing and play equipment.

Chapter 9.24 - OFFENSES AGAINST PROPERTY

Sections:

9.24.010 - Trespassing—Unlawful.

It is unlawful for any person without legal privilege to enter or to remain upon the premises of another, or to fail or refuse to remove himself from the premises when requested to leave by the owner, occupant or person having lawful control thereof.

9.24.020 - Trespassing—On vacant property.

It is unlawful for any person, without permission from the owner or his agent, to enter into or upon or sleep in any vacant or unoccupied house within the town.

9.24.030 - Injuring or destroying property.

It is unlawful for any person to injure, deface, damage or destroy any public or private property within the town or any public property of whatsoever kind or character without the town.

9.24.040 - Window peeping.

It is unlawful for any person to trespass upon the property owned or occupied by another in this town, or to loiter in a public street, alley, parking lot or other public place for the purpose of looking, prowling or peeping into any window, door, skylight or any other opening in any house, dwelling, apartment, or room, whether the place is located upon the property trespassed or not.

9.24.050 - Library property—To be taken in accordance with rules.

No person shall take from the public library any book, pamphlet, periodical, paper or other property, except in accordance with the rules of such library.

9.24.060 - Library property—Destruction unlawful.

No person shall willfully, maliciously, wantonly or without cause write in or upon or injure, deface, tear or destroy, in whole or in part, any plate, book, picture, engraving, map, newspaper, magazine, pamphlet

or manuscript or written or engraved or printed paper belonging to the public library of the town, allow any such injury to be inflicted while such property is in his custody; or willfully, maliciously or wantonly injure any of the furniture or property in the building of the public library or upon the grounds of the public library or the public library building.

9.24.080 - Shoplifting—Aiding or abetting.

- A. It is unlawful for any person to knowingly seize, take possession of or conceal any goods, wares or merchandise having a value less than one hundred dollars exposed for sale in any shop, store or other mercantile establishment, with the intention of unlawfully converting same to his own use without paying the purchase price therefor. Any person so offending shall be deemed a shoplifter and guilty of shoplifting. Any person aiding and abetting a shoplifter shall also be deemed guilty of shoplifting and shall be punished accordingly.
- B. If any person willfully conceals unpurchased goods, wares, or merchandise exposed for sale in any shop, store or other mercantile establishment, whether such concealment is on his person or otherwise and whether on or off the premises of the shop, store or mercantile establishment, such concealment shall constitute prima facie evidence that such person intended to convert same to his own use without paying the purchase price therefor within the meaning of subsection A of this section.

Chapter 9.32 - OFFENSES AGAINST MINORS

Sections:

9.32.010 - Curfew-Hours.

It is unlawful for any minor child under the age of eighteen (18) years to be in or upon the public streets or other public grounds, public buildings, places of amusement and entertainment or other non-supervised places in the town between the hours of one minute past ten p.m. and six a.m. except for lawful employment or unless there exists a reasonable necessity therefor, or unless such child is accompanied by his/her parent or legal guardian of the age of at least twenty-one (21) years.

9.32.020 - Curfew-Responsibility of parents and guardians.

It is unlawful for the parent, guardian or other adult person having care or custody of a minor below 18 years to knowingly permit such minor to be in or upon public buildings, places of amusement and entertainment or other non-supervised places in the town between the hours of one minute past twelve a.m. and six a.m. on the same day. It is unlawful for the parent, guardian or other adult person having care or custody of a minor in or upon public streets or other public grounds, public buildings, places of amusement and entertainment or other unsupervised places in the town between the hours of one minute past ten p.m. and six a.m.

9.32.030 - Curfew-Exceptions.

The provisions of Sections 9.32.010 and 9.32.020 shall not apply if the minor is accompanied by his parent, guardian or other adult person having care and custody of the minor or when the minor is upon an emergency errand or legitimate business or employment directed by his parent, guardian or other adult person having the care and custody of the minor.

9.32.040 - Curfew-In public parks.

It is unlawful for any person except an employee of the town in the discharge of his duties to be or remain in any public park of the town between the hours of ten p.m. and six a.m.

Chapter 9.36 - WEAPONS

Sections:

9.36.010 - Definitions.

The following definitions shall apply to this chapter:

- A. "Blackjack" means any billy, sandclub, sandbag, sap or other hand-operated striking weapon consisting at the striking end of an encased piece of lead or other heavy substance, and at the handle end a strap or springy shaft which increases the force of impact, or any device or article consisting of two or more separate portions, linked together by a chain, strap or other fastener which configuration is designed to increase the striking force or impact of the device or article.
- B. "Conceal" means the deliberate hiding of a weapon upon or near the person with the intent to avoid the lawful detection thereof. It shall be evidence of concealment that the weapon is hidden in such manner as to make it immediately available for use in the fashion in which the weapon is designed to be used.
- C. "Crossbow" means any device resembling a rifle or handgun in configuration, having a bow or similar device mounted perpendicularly to a stock, grip or frame, and usually equipped with a winch or similar device which draws back the bowstring and cocks the weapon, and which fires an arrow, bolt, quarrel, stone, or similar shaft from a groove or depression in the stock, grip or frame by the manipulation of a trigger or similar mechanism.
- D. "Firearm" means any pistol, revolver, self-loading pistol, rifle, shotgun, or any other device designed to shoot, project, throw or hurl a projectile or projectiles by means of an explosion of gunpowder or other explosive substance .
- E. "Gravity knife" means any knife, the blade of which is released from the handle or sheath thereof by the force, and which blade, upon release, becomes locked in place by means of a button, spring, plate, lever or other device.
- F. "Knife" means any dagger, knife, bayonet, straight razor, dirk, machete, stileto, sword or swordcane with a blade over three and one-half inches in length, or any other dangerous instrument designed to inflict cutting, stabbing or tearing wounds; but as used in this section does not include a knife or hatchet of the type customarily used in hunting, fishing or camping, when such is being carried for sporting use; and does not include any instruments being used in pursuance of a lawful trade, occupation or profession, or otherwise being lawful under federal or state statutes and is used as an item of display or a collector's item in any home or place of business.
- G. "Switchblade knife" means any knife, the blade of which opens automatically by hand pressure applied to a button spring, or other device in its handle.

9.36.030 - Firearms—Unlawful to discharge.

It is unlawful for any person, other than a peace officer or a member of the armed forces of the United States or the Colorado National Guard acting in lawful discharge of his duties, to discharge or cause to be discharged any firearm within or into the limits of the town; provided, however, that this section shall not apply to persons discharging firearms in shooting galleries or at shooting ranges, where such firearms may be discharged so as not to endanger persons or property and the projectile or projectiles from such firearms are prevented from traversing any grounds or space outside the limits of such gallery or range, or to the discharge of a firearm in lawful defense of person or property.

9.36.050 - Deadly weapon—Unlawful to display.

- A. It is unlawful for any person to display, brandish or flourish a deadly weapon in a public place in a manner calculated to alarm or for any person to intentionally and unlawfully aim or point a firearm at another person; provided, however, that the provisions of this section shall not apply to any situation that constitutes a felony under state law.
- B. As used in this chapter, the term "deadly weapon" includes, but is not necessarily limited to, firearms, knives, hatchets and dangerous clubs.

- C. Nothing in this section shall apply to peace officers or members of the Colorado National Guard or Armed Forces of the United States acting in lawful discharge of their duties.

9.36.080 - Dangerous missiles and stones.

It is unlawful for any person to willfully, maliciously or recklessly throw, shoot or project any stone, arrow, pellet, dart, ball bearing, any container of liquid or other dangerous missile at or against the person, animal, building, structure, personal property or fixture or vehicle of another, except that the provision of this section shall not apply to persons throwing, projecting, or shooting any such dangerous missile at any animal in order to protect his person or property or the person or property of another from physical injury.

9.36.100 - Air guns—Discharge across streets, public lands—Prohibited—-Exception.

It is unlawful for any person to discharge any air gun from or across any street, sidewalk, alley, or public land, or any public place except on a properly constructed target range.

Title 10 - VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04 - MODEL TRAFFIC CODE

Sections:

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 the 2010 edition of the "Model Traffic Code" promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch 4201 East Arkansas Avenue, EP 700., Denver, Colorado 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the Town of Sugar City ("Town"). The purpose of the ordinance from which this chapter is derived 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 Sugar City, Colorado, and may be inspected during regular hours.

10.04.020 - Deletions.

The 2010 edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are declared to be inapplicable to this municipality and are therefore expressly deleted: Section 1210(3), Section 1401(2), Part 17 and any other section which specifically addresses penalties as all penalties for violations of this code are expressly set forth below.

10.04.030 - Additions or modifications.

The said adopted code is subject to the following additions or modifications: None.

10.04.040 - 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 the ordinance from which this chapter is derived;
- B. Every person convicted of a violation of any provision adopted in the ordinance from which this chapter is derived shall be punished by a fine not exceeding three hundred dollars or by imprisonment not exceeding ninety days, or both.

10.04.050 - 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 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.

10.04.060 - Validity.

If any part or parts of this chapter are for any reason held to be invalid such decision shall not affect the validity of the remaining portions of this chapter. The board of trustees hereby declares that it would have passed the ordinance from which this chapter is derived and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid.

10.04.070 - Repeal.

Existing ordinances or parts of ordinances covering the same matters as embraced in the ordinance from which this chapter is derived are hereby repealed and all ordinances or parts of ordinances inconsistent with the provisions of the ordinance from which this chapter is derived are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this chapter.

10.04.080 - Interpretation.

This chapter shall be so interpreted and construed as to effectuate its general purposes to conform with the state's uniform system for the regulation of vehicles and traffic. Article and section headings of the ordinance and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or section thereof.

10.04.090 - Certification.

The town clerk shall certify to the passage of the ordinance from which this chapter is derived and make not less than three copies of the adopted code available for inspection by the public during regular business hours.

Chapter 10.08 - TRAINS AND RAILWAY CROSSINGS

Sections:

10.08.010 - Speed limit.

No railway or railroad train car or cars, engine, locomotives of any kind or description shall exceed the speed of fifty miles per hour while the same are within the corporate limits of the town.

10.08.020 - Time limits.

No railroad or railway car, engine or locomotive or any other vehicle upon tracks shall be permitted to remain standing on or across any street within the corporate limits of the town for a longer consecutive period of time than five minutes.

Chapter 10.12 - AUTOMOBILE INSURANCE

Sections:

10.12.010 - Compulsory insurance.

- A. No owner of a motor vehicle shall operate the vehicle or permit it to be operated on a public street or highway within this municipality when the owner has failed to have a complying policy or certificate of

self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., 1973 as amended.

- B. No person shall operate a motor vehicle on a public street or highway within this municipality without a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., 1973 as amended.
- C. When an accident occurs, or when requested to do so following and lawful traffic contact or during any traffic investigation by a police officer, no owner or operator of a motor vehicle shall fail too present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., 1973 as amended.

10.12.020 - Violation—Penalty.

- A. Any person who violates the provisions of Section 10.12.040 shall be punished by a fine of not less than one hundred dollars and not more than two thousand dollars or by imprisonment of not more than one hundred eighty days, or by both fine and imprisonment.
- B. Upon a second or subsequent conviction under this section within a period of two years following a prior conviction under this section, the defendant shall be punished by a fine of not less than two hundred dollars, nor more than two thousand dollars and, in addition, the court may impose imprisonment in the county jail for not less than three days, nor more than one hundred eighty days. The fine imposed by this subsection shall be mandatory and the court shall not suspend said fine in whole or in part.
- C. In addition to the penalties prescribed in this section, any person convicted pursuant to this section shall be sentenced to perform not less than ten hours of community service work.
- D. Testimony of the failure of any owner or operator of a motor vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by Sections 10-4-705 and 10-4-716, C.R.S., when requested to do so by a police officer shall constitute prima facie evidence, at a trial concerning a violation charged under the provisions of Section 10.12.010, that such owner or operator of a motor vehicle violated the provisions of Section 10.12.010.
- E. No person charged with violating subsections (A), (B) or (C) of this section shall be convicted if said person produced in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by Sections 10-4-705 and 10-4-716, C.R.S., at the time of the alleged violation.

Chapter 10.20 - OFF-HIGHWAY VEHICLES

Sections:

10.20.010 - Definitions.

As used in this chapter, unless the context otherwise requires:

"Off-highway vehicle" means any self-propelled vehicle which is designed to travel on wheels or tracks in contact with the ground, which is designed primarily for use off of the public highways, and which is generally and commonly used to transport persons for recreational purposes. "Off-highway vehicle" does not include the following:

1. Vehicles designed and used primarily for travel on, over, or in the water;
2. Snowmobiles;
3. Military vehicles;
4. Golf carts;
5. Vehicles designed and used to carry individuals with disabilities;
6. Vehicles designed and used specifically for agricultural, logging, or mining purposes; or

7. Vehicles registered pursuant to Article 3 of Title 42, C.R.S.

10.20.020 - Authorized.

The operation of off-highway vehicles is authorized on all streets and public rights-of-ways within the municipal boundaries of the Town of Sugar City.

10.20.030 - No open streets or public rights-of-ways.

No streets or public rights-of-ways within the municipal boundaries of Sugar City are designated "open" as provided for in C.R.S. Section 33-14.5-108.

10.20.040 - Crossing roads, highways, and railroad tracks or driving on state highway.

- A. No person shall drive on a state highway while operating an off-highway vehicle within the jurisdiction of the Town of Sugar City except where the state has designated the highway as "open" pursuant to C.R.S. Section 33-14.5-108 or when crossing a state highway as permitted in this chapter.
- B. A person shall not cross a highway while driving an off-highway vehicle unless the crossing is made in accordance with the following:
 - 1. The crossing must occur at an at-grade crossing to continue using the off-highway vehicle on the other side.
 - 2. The crossing must be made at an angle of approximately ninety degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
 - 3. The off-highway vehicle must be brought to a complete stop before crossing the shoulder or, if none, the roadway before proceeding.
 - 4. The driver must yield the right-of-way to all motor vehicle traffic on the roadway that constitutes an immediate hazard to the crossing.
 - 5. A driver of an off-highway vehicle must cross a divided highway at an intersection of the highway with another road or highway.

10.20.050 - Colorado driver's license and insurance required.

- A. Each person who operates an off-highway vehicle within the municipal limits of Sugar City shall have in his or her possession a current, valid Colorado driver's license and be in full compliance with any limitations on the license imposed by Colorado law or by action of a court.
- B. No person shall allow another to operate an off-highway vehicle in the Town of Sugar City who does not have in his or her possession a current, valid Colorado driver's license.
- C. No person shall operate an off-highway vehicle in the Town of Sugar City who does not have liability insurance that covers the off-highway vehicle.
- D. No driver's license or liability insurance is required under the following circumstances:
 - 1. Where the Town of Sugar City or the State of Colorado has designated a highway, street, or public right-of-way within the municipal limits of the Town of Sugar City as "open" under C.R.S. Section 33-14.5-108 and such designation is in full force and effect on the date the off-highway vehicle is operated;
 - 2. When crossing a state highway or railroad tracks;
 - 3. When traversing a bridge or culvert;
 - 4. During special off-highway vehicle events lawfully approved by the Town of Sugar City;
 - 5. During emergency conditions declared by the State of Colorado, Crowley County or the Town of Sugar City;

6. When using an off-highway vehicle for agricultural purposes;
7. When a public utility or a cooperative electric association, or any agent thereof designated specifically for the purpose of meter reading or repair, is using an off-highway vehicle for business purposes.

10.20.060 - Safety equipment required.

- A. No off-highway vehicle shall be operated within the Town of Sugar City unless it is equipped with the following:
 1. At least one lighted head lamp and one lighted tail lamp, each having the minimum candlepower prescribed by regulation of the Colorado Division of Parks and Wildlife while being operated between the hours of sunset and sunrise;
 2. Brakes and a muffler and spark arrester.

10.20.070 - Permit not required.

The Town of Sugar City shall not require any municipal permit for an off-highway vehicle.

10.20.080 - Consistency with C.R.S.

It is the intent of the Board of Trustees of the Town of Sugar City that this chapter be consistent with C.R.S. 33-14.5-101 et seq.

10.20.090 - Penalty.

Any person convicted of violating this chapter may be fined an amount not to exceed two thousand six hundred fifty dollars.

Chapter 10.24 RECREATIONAL VEHICLES

Sections:

10.24.010 - Definitions.

As used in this chapter, unless the context otherwise requires:

"Recreational Vehicle" means boats, trailers, travel trailers, pickup campers or coaches designed to be mounted on automotive vehicles, motorized dwellings including but not limited to motor homes, tent trailers, pop up trailers and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

10.20.020 – Parking on Streets and Public Property

1. No recreational vehicle shall be parked or stored more than seven (7) consecutive days or ten (10) days in any thirty (30) consecutive day period on any street, roadway, alley, or other public property not designated for that specific purpose.

2. No recreational vehicle shall be parked on a street, roadway or alley in such a manner as to impair the view of drivers as they approach intersecting streets or alleys to impair the view of the main traffic lanes of the street upon which the vehicle is parked, or to impede traffic in any manner.

10.24.030 – Parking Permit Required

1. No person shall reside in a recreational vehicle on private property without a permit issued by the town clerk and posted by the applicant on or in the recreational vehicle so as to allow the permit to be viewed from a public street or alley.

2. A rebuttal presumption shall exist that a recreational vehicle is being used as a residence where no other habitable dwelling exists on the property where the recreational vehicle is located.

3. The town clerk shall not issue a recreational vehicle permit where the proposed parking location would create a safety hazard by fully or partially blocking the view of vehicle drivers proceeding down a public street or alley of traffic on intersecting streets or alleys, or where the proposed location violates any safety code adopted by the town. Upon observation of a violation of this subsection "c", any town official may issue a written notice to the permit holder to be delivered by personal service, requiring the permit holder to move the vehicle within twenty-four hours so as to eliminate the safety hazard. Where the permit holder fails to comply with the warning within twenty-four hours, the town clerk shall revoke the permit and issue an order for the permit holder to remove the vehicle from the property within twenty-four hours. Failure to remove the vehicle from the property within twenty-four hours upon order from the town clerk shall constitute a violation of this ordinance.

4. In order to accommodate temporary housing needs for visitors, the town clerk shall a recreational vehicle parking permit to allow temporary use of a recreational vehicle on private property for a period not to exceed fourteen (14) days upon written request of the person residing in the recreational vehicle on an application form provided by the town clerk and payment of a non-refundable permit application fee. The town clerk shall have authority to renew the initial period for a second period of fourteen (14) days upon written request within four (4) days of the end of the first period. No permit application fees shall be assessed for the renewal.

5. Subsequent to the use of a permit and any extension the town clerk shall not issue another permit for the same recreational vehicle at the same address for a period of six (6) months.

10.24.040 – Permit Fees

The recreational vehicle permit application fee shall be \$30.00. The board of trustees may modify this fee from time to time by resolution or ordinance.

10.24.050 – Application Form

The town clerk shall provide a recreational vehicle parking application form which shall include the request for the permit, the current valid vehicle license plate number, owner's name and address, name and address of person(s) residing in the recreational vehicle where the resident is not the owner, the private property address where the resident will park the recreational vehicle, the permit start and end dates, the signature of the primary resident of the recreational vehicle, the approval or disapproval of the permit and the signature of the town clerk. The form may include additional lines for the request of an extension, signature of the resident and approval/denial of the town clerk and any other information in the opinion of the town clerk to determine whether the permit should be approved or denied.

10.24.060 – Denial of Permit

Where the town clerk denies the permit, the town clerk shall place the specific reason for the denial on the permit application form and provide a copy to the applicant.

10.24.070 - Appeal

1. Upon denial of the permit, the applicant shall have ten (10) calendar days from the issuance of the town clerk's decision to file an appeal to the board of trustees. The appeal may be made in the form of a letter addressed to the mayor setting forth the request for an appeal and the basis for the appeal.

2. The board of trustees shall consider the merit of the appeal at its next regular board of trustees meeting and may receive testimony from the applicant, the town clerk and any other witnesses for either party and receive any other relevant evidence. The rules of evidence shall not apply.

3. The board of trustees shall apply the standards for issuance of a permit set forth in this Ordinance to the facts of the case.

4. If the board of trustees finds that the town clerk failed to follow the standards set forth in this ordinance, the board of trustees shall overturn the town clerk's decision and order the permit to be issued. Where the board of trustees finds that the town clerk followed the standards set forth in this Ordinance, the board of trustees shall affirm the denial of the permit.

5. The decision of the board of trustees shall be issued in open session and delivered to the applicant either verbally or in writing within five (5) business days of the appeal hearing.

10.24.080 – Printed Permit

Upon granting the recreational vehicle parking permit request, the town clerk shall provide a printed parking permit that shall measure a minimum of 8.5 inches by 11 inches which shall state, "R.V. PERMIT," the first day of the permit, the last day of the permit, and the address for which the permit is granted. The letters shall be as large as possible to allow viewing from a street or alley.

10.24.090 – Penalty

Any person convicted of violating any portion of Chapter 10.24 shall be fined not to exceed \$500.00 per violation.

Title 11 - (RESERVED)

Title 12 - STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04 - PARKS

Sections:

12.04.010 - Definitions.

- A. "City" means the town of Sugar City, Colorado.
- B. "Park" means any area used as a park, playground, swimming pool, golf course or any other area in the area owned or used by the city, devoted or designated to active or passive recreation either on a temporary or permanent basis.

12.04.020 - Destruction of park property.

It is unlawful for any person to injure, defoul, deface, damage or destroy any park property. Such unlawful activities shall include, but shall not be limited to the following:

- A. Depositing or dumping any filth, dirt, stone, tree, limbs, garbage, litter or rubbish of any kind;
- B. Befouling any basin, pool, lake or fountain with stones, wood, soap, detergent, dirt or any other substance;
- C. Killing, molesting or disturbing any fish, fowl or animal in any manner, except as otherwise permitted in this code;
- D. Removing, destroying or injuring any tree, shrub, plant or flower (wild or cultivated) in any manner;
- E. Defacing, removing, destroying or injuring any fence, bridge, building, fountain or other structure or property of any kind;
- F. Digging, removing or carrying away any sward, sand, earth or material of any kind;
- G. Standing, walking, riding or lying upon any place laid out and appropriated for shrubbery or grass when there has been placed thereon a sign forbidding the same.

12.04.030 - Commercial activity restricted.

It is unlawful for any person except a park concessionaire to engage in any commercial activity of any kind upon park property. Such unlawful activities shall include, but shall not be limited to, the following:

- A. Displaying for commercial purposes any placard, banner or sign;
- B. Hawking, peddling or selling or displaying for sale or soliciting or taking orders for the sale of any goods, wares or merchandise;
- C. Begging;
- D. Strolling musicians and entertainers, or organ grinders.

12.04.040 - Acts offensive to public morals.

It is unlawful for any person to do any act offensive to public morals or decency upon park property. Such unlawful activities shall include, but shall not be limited to, the following:

- A. Playing games of chance;
- B. Performing any obscene or indecent act;
- C. Taking into or upon any park any malt beverage or malt, vinous or spirituous liquor for sale or consumption except where permitted by ordinance.

12.04.050 - Boisterous or hazardous activity which disturbs others prohibited.

It is unlawful for any person to engage in any activity in any public park of a boisterous or hazardous nature which endangers themselves or others or disturbs other users of such park or other persons lawfully in the vicinity. Such unlawful activities shall include, but shall not be limited to, the following:

- A. Indulging in any sport or exercise that is liable to frighten or annoy bystanders, injure travelers, or impede the passage of traffic, either pedestrian or vehicular, except at such places as may be designated for such purpose;

- B. Joining in any picnic or games without the consent of the persons of whom they are composed, or in any manner disturbing or interfering with the same;
- C. Building fires except in fireplaces provided therefor. A charcoal blaze may be kindled in a portable charcoal brazier, but care shall be taken that live coals are guarded and completely extinguished before leaving the same;
- D. Going onto the ice on any lake, pond or stream except such as are designated as skating fields and only when the safety signal is displayed.

Chapter 12.06 - SIDEWALKS

Sections:

12.06.010 - Definitions.

"Sidewalk" means a paved, surfaced or leveled area, paralleling and usually separated from the street, used as a pedestrian path.

12.06.020 - Construction of sidewalks; permit required.

All curbs, gutters and sidewalks shall be constructed within ninety days from the time that construction of any dwelling, residence or structure is commenced on any land in the town. It shall be unlawful for any person to lay out, construct or reconstruct any sidewalk, curb or gutter without first obtaining a permit.

12.06.030 - Application for permit; grade and line set.

Application for such permit shall be made to the town public works superintendent or designee on a form furnished for that purpose. Before any such construction or reconstruction is commenced, the town public works superintendent shall designate the grade upon which and the line or location at which the sidewalk, curb or gutter shall be constructed.

12.06.040 - Specifications for sidewalks.

All sidewalks, curbs and gutters which are constructed or reconstructed shall be of concrete and shall be constructed or reconstructed in accordance with specifications established by the town foreman and filed in the office of the town clerk.

This chapter shall be for the benefit of current sidewalks as well and the reconstruction thereof. Should a current sidewalk need replacing and will not meet current specifications, the resident or property owner shall meet with the town foreman for any deviation from this specification.

All sidewalks within the town shall be four inches thick increasing to six inches thick at driveway entrances and shall be at least four feet wide. Expansion joints shall be provided every thirty feet, false joints at ten feet.

All sidewalks shall be compacted and inspected by the town foreman.

12.06.050 - Repair of sidewalks.

All sidewalks, curbs and gutters 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. All sidewalks shall be repaired with concrete.

12.06.060 - Notice to repair; collection of costs.

When any sidewalk in front or along side of any lot or premises has been destroyed or is out of repair, the public works superintendent, code enforcement officer or any police officer shall cause notice in writing to be served upon the owner or agent in charge of such premises to repair such sidewalk within thirty days. If the owner is a nonresident or his or her whereabouts are unknown, such notice may be given by

publication for two times, a week apart, in a newspaper of general circulation in the town and by the town clerk's mailing a copy of such notice to the last known address of such owner. Service shall be complete on the last day of publication.

If such repairs are not made by the owner within thirty days after service of the notice, the board of trustees or town administrator may order such repairs to be made by the street department and the expenses connected therewith shall be a lien upon the property alongside such sidewalks until the cost thereof is fully paid. When such repairs are made by the town, the expense thereof shall be assessed by the board of trustees upon the property fronting upon the same, and if the assessment is not paid within six months thereafter, the town clerk shall certify such assessment to the county treasurer who shall place the same upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with ten percent penalty thereon to defray the cost of collection.

12.06.070 - Removal of snow.

It shall be unlawful for any owner or occupant of any lot, block or parcel of ground within the town, or for any agent in charge of such property, to allow any snow or ice to accumulate or remain upon any sidewalk alongside such property longer than twenty-four hours from the time of the last accumulation of such snow and ice. Snow removal is the responsibility of the private citizen or business owner. Sidewalks which provide public access should be cleared within twenty-four hours, weather permitting. Sidewalks maintained by the town will be cleared in accordance with the town snow removal plan.

12.06.080 - Installation of sidewalks.

It shall be the responsibility of all owners of property, whether public or private, within the municipal boundaries of the town and all owners of property, whether public or private, of subsequently subdivided land, unless previously exempted by the board of trustees, to install sidewalks according to the town specifications or within two years from the adoption of this chapter.

12.06.090 - Failure to comply.

Property owners failing to comply with Section 12.06.080 shall be served notice as detailed in Section 12.06.060. If the owner of the property fails to install the sidewalk within thirty days after service of the notice, the board of trustees or its designee may order such installation to be made by the street department and the expenses connected therein shall be a lien upon the property alongside such sidewalks until the cost is fully paid.

12.06.100 - Relief to property owners on tax assessment.

The board of trustees recognizes that the total assessment for sidewalk installation may be burdensome for some property owners. The board of trustees will review appeals by property owners for relief and may order that tax assessments be extended over several years at interest rates set by the board of trustees. Nothing in this section, however, shall be construed as relieving any property owner from the responsibility to install sidewalks on their property.

12.06.110 - Wheelchair ramps and alley pans.

Any person constructing or reconstructing a sidewalk shall install wheelchair ramps at street corners. The ramps shall meet all then existing Americans with Disabilities Act (A.D.A.) standards. Where a constructed or re-constructed sidewalk will cross an alley, the town shall construct an alley pan at the town's expense.

Chapter 12.08 - CURBS AND GUTTERS

Sections:

12.08.010 - Petition for construction.

Whenever the owners of one-half of the frontage upon either side of any street, or any specified portion thereof, measured by blocks within the town, petition the board of trustees for the construction of a curb or curb and gutter, or whenever a majority of the board of trustees decides such improvements are necessary, they shall immediately order such curb or curb and gutter to be constructed.

12.08.040 - Construction—Repair.

Whenever the board of trustees orders the construction or repair of any curbing or gutter, the street commissioner or town marshal, as the board may direct, shall forthwith serve a written or printed notice upon the owner or agent of the owner of each lot, or parcel of land fronting upon such curbing or gutter, requiring him to construct or repair so much thereof as may be in front of the lots or parcels of land owned by him or for which he is agent, within fifteen days from the date of service of such notice, in case of construction, and within five days in case of repair of the curbing and gutter, according to plans and specifications provided by ordinance or by order of the board of trustees and under the direction and to the satisfaction and approval of the street commissioner. In case the owner of any such lots or parcels of land is a nonresident and shall have no agent in the town upon whom such notice may be served, the street commissioner shall publish a notice of like tenor and effect for a period of two weeks in some newspaper published in the town.

12.08.050 - Notice—Time limit.

In case the owner or agent fails to construct or repair such curbing or gutter within the time specified in such notice, the street commissioner shall cause the same to be done and shall, upon the completion of such work, make out and deliver to the town clerk and recorder a certificate showing the cost thereof, the name of the owner and a description of the property in front of which such work was performed and the name of the party or parties who performed such work or furnished material therefor and the amount owing to each. The board of trustees shall, at their next regular meeting, cause warrants to be drawn upon the treasurer in payment for such labor and material, and shall thereupon, by resolution, duly spread upon the records, assess the cost of such construction or repair of such curbing or gutter against the lots or parcel of land fronting on such curbing or gutter.

12.08.060 - Publication.

The board of trustees shall thereupon designate a time and place when and where such lot or land owner may appear before the board of trustees and be heard as to the justness and correctness of the amount so certified and assessed against his lot, lots or parcel of land; and thereupon the town clerk shall cause to be published in some newspaper published in the town, for a period of ten days, a notice of such lot and land owners, setting forth the time and place so fixed, when and where he or they may appear before the board of trustees for the purpose aforesaid. At the time and place fixed in the notice, the board of trustees shall meet and hear any and all complaints of any lot or land owner affected by such assessment, and correct any and all errors, and remedy any injustice so complained of in any such certificate and assessment.

12.08.070 - Failure to pay assessment—Penalty.

In the case the owner of any lot, lots or parcel of land so assessed, fails to pay such assessment to the town clerk within fifteen days after the meeting of the board of trustees mentioned in Section 12.08.060, the same shall be certified by the town clerk and recorder to the county treasurer of Crowley County, or to the officer of the county then charged by law with the collection of taxes, to be by such officer placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, together with ten percent penalty thereon to defray the cost of collection. Such assessment shall be and remain a lien upon such lot, lots or parcel of land until paid by the owner thereof.

Chapter 12.16 - TREES

Sections:

12.16.010 - Definitions.

As used in this chapter:

"Community" means Sugar City and its surrounding area.

"Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

"Street trees" are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues or other rights of way within the town.

Title 13 - PUBLIC SERVICES

Chapters:

Chapter 13.01 - DEFINITIONS

"Commercial user" means a person who uses non-potable or potable water in the operation of a business, or a person who utilizes wastewater collection services in the operation of a business.

"Industrial user" means a person who uses water for industrial processes or in the construction process or a person who utilizes wastewater collection services for industrial processes or in the construction process.

"Irrigation system" means the facilities, piping and other equipment used exclusively for landscape irrigation, gardening or farming.

"Landscape irrigation" means irrigation of areas of grass, trees, and other vegetation but not limited to parks, greenbelts, golf courses, and common areas at apartment, townhouse, commercial or business parks, and other similar complexes.

"Landscape irrigation user" means a person who uses water for the purpose of landscape.

"Mains." The main pipes and connections forming a part of the town's non-potable/potable waterworks.

"Meter." The device, appropriate to the premise served, installed to measure the amount of water passing through it, with an accuracy of between ninety-five percent and one hundred one percent of actual quantities delivered.

"Meter service charge." The fee for maintaining the meter, reading the meter, periodically billing the account, and processing payments.

"Potable water." Water that is intended to be ingested by humans. Water which is not contaminated to the extent of being unhealthy.

"Tap." An opening or connection in the mains through which water is distributed or wastewater is collected.

"Non-potable water" means water that has not been examined, properly treated, and not approved by appropriate authorities as being safe for consumption.

"Person" means an individual, corporation, limited liability company, partnership, association, state or political subdivision thereof, federal agency, state agency, municipality, commission, or interstate body.

"Point of compliance" means a point identified by the treater in the non-potable water or distribution system after all treatment has been completed prior to dilution and blending or in the wastewater or collection system.

"Restricted access" means controlled and limited access to the areas where water is being used and meets the category 1 standards as defined in the Colorado Code of Regulations ("C.C.R.") Section 84.7.

"Restricted use" means landscape irrigation with domestic wastewater that meets the requirements of C.C.R. Subsections 84.6.B., 84.7, and 84.8.

"Service pipe." A branch pipe from the point of service on the owner's premises to the meter and from the meter to the main service line in the water system or from the point of service on the owner's premises to the sewer main in the wastewater system with its fittings and connections through which water is distributed or wastewater is collected.

"Street." Any street, avenue, alley, road, lane or other right-of-way or thoroughfare.

"Transmission system" means the town's facilities that transport non-potable and potable water between the town and users.

"Treater" means a person who treats and provides water to an applicator/user for the purpose of landscape irrigation, commercial or industrial use. The town and the applicator/user may be the same entity.

"Unrestricted access" means uncontrolled access to the areas where water is being used and meets the category 2 standards as defined in C.C.R. Section 84.7.

"User." The owner of the real property upon which the non-potable/potable water is to be utilized for any purpose or from which wastewater will be collected.

"User plan to comply" means the information and documentation a user of water is required to submit to the division under C.C.R. Sections 84.9 and 84.10 of this regulation.

"Wastewater." Water that has been used and contains unwanted materials from homes, businesses, and industries; a mixture of water and dissolved or suspended substances.

"Water conservation." The wise use of water with methods ranging from more efficient practices in home, business and industry to capturing water for use through water storage or conservation projects.

"Well." Any structure or device used for the purpose or with the effect of obtaining ground water for beneficial use from an aquifer. A shaft or hole into the Earth to tap an underground supply of water.

"Xeriscape™." The use of plant materials and practices that minimizes landscaping water use; usually native plants; environmentally friendly form of landscaping. The term "xeriscape™" was registered as a trademark by Denver Water in 1981.

Chapter 13.02 - APPROPRIATE USES

Sections:

13.02.010 - Potable water uses.

Potable water may be made available for allowable purposes on commercial/industrial sites, parks, golf courses and common areas within residential developments as allowed by the Colorado Department of Public Health and Environment, C.C.R. 1003-1.

13.02.025 - New developments.

All new developments shall submit an application for review for connection to the potable and/or non-potable water system where available. This application will be submitted to the department of public works and utilities as part of the preliminary/official development plan (PDP/ODP) process. It shall be at the sole discretion of the town administrator or his designee to decide if a new development will utilize non-potable or potable water for landscape irrigation practices based on Town of Sugar city criteria. The criteria may include, but not be limited to, the following:

- A. The availability of potable water distribution/transmission lines in the area of the development and/or project.
- B. Availability of sufficient irrigated area for use of non-potable or potable water.
- C. Conformance with state and federal regulations.

13.02.026 - Approval of town.

13.02.027 - Users with existing irrigation systems.

When potable water becomes available to a property, the town administrator or his designee shall provide written notice to the potential customer(s) located on that property of such availability. Users with existing irrigation systems using potable water who desire to convert to non-potable water, must apply for potable/non-potable water in accordance with the application procedures specified in this article. Approved users must disconnect irrigation systems from the potable water system and connect to the non-potable water system within ninety days of such written notice of approval.

13.02.028 - Users with new or redeveloped irrigation taps.

All new irrigation systems constructed after the effective date of this article and approved application process must connect to the potable water system at construction, if non-potable water is available to the property and if deemed reasonable by the town administrator or his designee. Such connection must be made prior to, or contemporaneously with connection of other improvements on the property to the potable water system. If potable/non-potable water is not available to a property at the time of construction of an irrigation system but is planned to be available in the future, construction to potable water system standards may be required. In such instances connection to the non-potable water system may be required within one hundred and eighty days of notice of availability from the town. The town administrator or his designee may approve temporary connections to the potable system. Once potable/non-potable water becomes available the user may be required to connect to the potable system within one hundred eighty days.

Chapter 13.04 - WATER SYSTEM

Sections:

13.04.010 - Designated.

The water works system of the town, consisting of the water obtained from various sources, together with the mains, pipes and other appliances used for the purpose of distributing water throughout the water system, shall hereafter be known as the Sugar City Water Enterprise.

13.04.020 - Exclusive right to extend.

In addition to the water mains already laid, the town shall have the exclusive right to extend the mains upon, through, under and along all streets, avenues, alleys, rights-of-ways, parks and other municipal properties within the town, where it may be necessary, requisite and proper for the purpose of supplying water to any person, located in the town, or to any person located outside the town corporate limits.

13.04.030 - Superintendent/appointment/duties.

The town board of trustees or town administrator shall appoint a water and wastewater superintendent who is properly certified under Colorado law to serve as the town's water and wastewater ORC and who shall have the immediate control and management of all things pertaining to town waterworks, and shall perform all acts that may be necessary for the prudent, efficient and economical management and protection of the waterworks, subject to the approval and confirmation of the board of trustees or town administrator. The water and wastewater superintendent or designee shall make all taps for water or wastewater service and assure the proper installation of the taps. The water and wastewater superintendent may inspect the premises of any consumer for the purpose of examining the condition of all pipes, meters and water fixtures owned by the town whenever, in the judgment of the water and wastewater superintendent, such inspection is necessary. The water and wastewater superintendent shall be vigilant to detect and eliminate all abuses, whether from waste or other improper use of water.

13.04.040 - Town clerk/duties.

The town clerk or designee shall have the care and safekeeping of all records concerning the water department, and shall keep a correct account of all receipts, make out all bills for water rents and materials

furnished to consumers, collect the same and deposit the proceeds, so collected, with the town treasurer, to the credit of the town's water enterprise fund, and in accordance with the direction of the board of trustees.

13.04.050 - Water meters.

Each service pipe connecting with potable water supply shall be supplied with a water meter. All meters now installed are property of the town and all meters hereafter installed shall remain property of the town. All meters shall be installed at the property line or such place as designated by the water superintendent, in proper box or pit of kind, size and quality to be designated by the water superintendent. The box shall be furnished and installed by the town at the expense of the property owner.

13.04.060 - Service deposit.

The owner of the property to be served shall deposit with the town clerk a security deposit for services. This meter deposit shall be in addition to any utility deposit required. The deposit amount shall be set from time to time by the board of trustees by resolution or by ordinance and shall be refunded on discontinuance of water service and return of the meter in as good condition as when installed, natural wear and tear excepted, after deducting all claims of the town for water rentals or fees.

13.04.070 - Authority to tap mains and put in service pipes.

The town shall have the exclusive right to tap all town water mains, dig all excavations and trenches and to install all service pipes from the tap to the water meter provided, the town shall have authority to delegate these rights to proper persons, with the town being the sole and exclusive judge of who are proper persons to receive such rights.

13.04.080 - Rates/collection/water shut off for non-payment.

The town shall have the power and authority to charge water rents and fees for the use of water furnished by the town to all persons, using the same, and shall be authorized and empowered to collect the water rents and fees and to disconnect the water, from property served under any delinquent account when such water rents and fees are not paid. In addition to all water rents and other fees, the town may assess reconnection fees where required to disconnect the water for non-payment.

13.04.090 - Delinquent water rentals and charge fees.

Delinquent water rentals and fees may be certified by the town clerk to the county treasurer and shall become a lien upon the real property so served by the water connection, and collected in the same manner as though they were part of the taxes, and should there be any charge made for collection of the delinquent rates or charges, this sum shall also be added to the lien created by the delinquency.

13.04.100 - Rates established by resolution.

All water rentals and fees of whatsoever nature shall be established and amended from time to time by ordinance or resolution adopted by the Board of Trustees.

13.04.110 - Rules and regulations.

The board of trustees shall adopt by ordinance or by resolution such rules and regulations as it deems necessary to prevent the wasteful use of water, to limit consumption, to promote conservation of water for the administration of the town waterworks, to insure consistent and uniform procedures and practices throughout the system. Pursuant to the above stated authorization the board of trustees adopts the following rules and regulations as part of this section.

Rule 1. Application and responsibility for water rentals and fees.

Application for the use of water shall be made to the town clerk at the town office by the owner(s) of the property for which water service is sought or the owner's agent. The application shall include

but not be limited to the following information: The location of the property where service is sought. The purpose for which the water may be required, the name, correct mailing address, telephone number(s) and email address of the property owner(s), the size meter requested. In addition, subsequent to the effective date of this title each application shall give notice to the applicant of the following section.

All water service is provided to the property and its owner(s). The owner(s) remain responsible for all water rentals and fees notwithstanding any contractual relationship between the owners and the tenants, occupants or possessors of the property receiving the water service. The town shall bill tenants, occupants or possessors of property as a courtesy to the owner(s) where requested.

Where application for use of water is for any purpose other than human consumption, the town shall not be responsible for the quality or quantity of the water furnished.

Rule 2. Tapping charge.

All water tap fees, special fees and costs as hereinafter provided shall be paid to the town clerk prior to the provision of any town water service. The owner shall pay to the town clerk a tap fee for each new tap and, in addition, the cost of all materials and labor provided by the town to install the tap.

All taps are contingent upon the approval of board of trustees which approval shall not be unreasonably withheld where water supply, volume and pressure are adequate to meet the needs of the applicant without jeopardizing the water supply, volume and pressure for existing customers.

Rule 3.

Should the premises owner desire additional service or should the premises owner or premises tenant, occupant or possessor desire to apply the water for a purpose not stated at the time of the original application, permission must be obtained therefore from the town administrator.

Rule 4.

Should the owner desire to discontinue the use of soft water, written notice thereof shall be filed with the town clerk, and all arrearages paid. The town shall continue to charge all water rentals and fees until such notice is given. Following the receipt of such notice, the town shall disconnect the water service and remove the water meter without charge. All water rentals and fees shall be assessed through the end of the billing period and shall not be pro-rated. The owner shall pay the current applicable reconnection fee prior to restoration of water service.

The monthly rate charged for hard water service, shall not be waived by the administration without the board of trustee's approval.

A service call fee of thirty dollars per trip, during normal working hours will be charged to customers wanting water service shut off or turned on for repairs to their own water systems. Weekend service calls or after hours service calls shall be charged at a rate of seventy-five dollars per trip.

Rule 5.

All potable water sold by the town shall be metered by meters. All water meters shall be owned and kept in repair by the town. Users and all persons other than the town and its agents are prohibited from turning water off or on at the meter pit and from repairing, attempting to repair, damaging or tampering with the meter or any valves, lines or pipes on the town's side of the meter.

Rule 6.

1. Meter Reading.

- a. Monthly Meter Reading. Water meters shall be read monthly as close to the twenty-fifth or twenty-sixth of the month as practicable.
- b. Acts of God Precluded Meter Reading. Where failure of a meter, weather, acts of God or other events uncontrollable by the town or by the customer make reading of a meter(s) impracticable

or impossible the billing clerk shall estimate consumption for the period. Incorrect billing resulting from an estimate over or under actual consumption shall be corrected when circumstances allow meter reading to resume and it is possible to determine actual consumption. Where it is not possible to determine actual consumption at a later date, the billing clerk's estimate shall stand so long as the estimate was reasonable under the circumstances.

- c. **Customer Precluded Meter Reading.** Where the action or inaction of a customer prevents regular monthly reading of a meter, the town shall notify the customer in writing of the problem and the action which the customer must take to allow regular monthly meter reading. The notice shall state that the customer has thirty days to take the corrective action or the town will disconnect the water until such time as the customer does take the corrective action. The customer may propose an alternative action which if approved by the town administrator or designee may be taken in lieu of the town's proposed corrective action. All corrective actions shall be at the customer's sole expense. Customer precluded meter reading includes, but is not limited to, failure to restrain dogs or other pets, covering the meter or meter pit with any object, failure to keep shrubs, brush or weeds away from the meter or meter pit so the meter and meter pit can be easily found and accessed.

2. **Municipal Utility Billing Procedure.**

- a. **Bills Mailed.** Municipal utility bills shall be mailed on the last business day of each month.
- b. **Due Date of Bills.** Bills for all municipal utilities shall be due on or before the 25th day of the month following the meter reading.
- c. **Late Fee.** A late fee in the amount of ten percent of the total unpaid municipal utility bill shall be automatically added to any municipal utility account not paid on or before the twentieth day of the month following the meter reading. Where an account remains unpaid for a series of consecutive months, the late fee shall be applied only to the first month of the series.
- d. **Disconnect Notice.** If the town has not received payment in full by the end of business on the 25th day of the month, on the 25th day of the month a town employee shall hand-deliver to the residence a disconnection notice that the water will be disconnected on the 30th.
- e. **Disconnection.** Service shall be disconnected on the 30th day of the month where the town has not received payment. Disconnection is also permitted under provisions of customer precluded meter reading.
- f. **Reconnection Limitation.** Utility services shall not be restored until all delinquent rents and fees have been paid.
- g. **Reconnection Fee.** A reconnection fee shall be assessed where a water service is reconnected following disconnection due to non-payment of water rentals or fees or failure to take corrective action under the customer preclusion meter reading rule. The reconnection fee is sixty-five dollars.

3. **Interest Fee.**

- a. **Interest Fee.** Interest shall be assessed on any municipal utility bill not paid prior to the first of the second month subsequent to the disconnection date, at the rate of one and one-half percent per month on the unpaid balance (eighteen percent per annum). See the Calendar Example of Billing below.

4. **Utility Deposit Return or Application and New Utility Deposit.**

- a. Where the town has returned a utility deposit for a premises or where the utility deposit has been applied to cover all or part of a delinquent utility bill, a new utility deposit shall be required following disconnection of service for non-payment of a utility bill. The utility deposit in this circumstance shall \$200.00. If an owner, tenant, occupant or possessor of a premises pays their utility bill on time for a period of twelve months, the utility deposit shall be returned in full without interest.

- b. Where the town has returned a customer's security deposit and the customer has maintained a good payment record, a new security deposit shall not be required where the customer moves from one residence within the town to another residence with the town.
- 5. Failure to Receive Water Rents Notice.
 - a. Failure to receive notice of water rents due shall not excuse nonpayment of water rentals or fees. Change of ownership or occupant shall not affect the application of this section. This section shall apply to users inside and outside the municipal limits.
- 6. Water Metered Due to Leaks.
 - a. The town is not responsible for water passing through the meter as a result of leaks on the property owner's side of the water meter. The town will attempt to notify the owner, tenant, occupant or possessor of the premises where the town becomes aware of the possibility a leak exists on the owner's side of the water meter.
- 7. Meter Failure.
 - a. Where the town determines a water meter has failed and has not accurately recorded water use the consumer will be charged based on the average water use on the premises at a similar time of the year, and the town shall replace the defective meter.

Rule 7.

No owner, tenant, occupant or possessor of any premises where the town supplies water shall supply water to other persons or structures regularly, for lawn and shrub sprinkling, or for flushing toilets or permit water to be taken or used in any other way without the express written consent of the board of trustees. The town may disconnect the water if the owner, tenant, occupant or possessor is in violation of the above.

Rule 8.

Two or more premises cannot be supplied from one water tap. No customer shall conduct water through water pipes or other conveyances across lots, parcels or structures to provide water to additional premises. Additionally, two or more premises cannot be supplied from one sewer tap.

Rule 9.

Persons using water supplied by the town shall comply with all watering restrictions for lawns and gardens and other specified uses as set forth in the watering restrictions.

Rule 10.

The town reserves the right to shut off its mains for the purpose of making repairs or extensions or for any other purpose, and no claim shall be made against the town by reason of the breakage of any service pipe or service cock or from any other damage that may result from shutting off the water for remaining and laying or relaying mains, hydrants or other connections. The town shall give reasonable notice where the mains are shut off for planned maintenance.

Rule 11.

No person, acting directly or through another, shall take water from the town's water system, place water or any other substance into the town's water system, cross connect into the town's water system, tap into the town's water system, remove, move or alter any fire hydrant, remove, move or alter any water valve or valve box, or any other water system fixture or appliance, or build or construct any structure whatsoever that interferes with or prevents the use of any part of the town's water system without written consent from the board of trustees or town administrator or designee.

Rule 12.

The town recognizes the right of contract between private landlords and tenants. The town is not a party to landlord-tenant agreements. No agreement between a landlord and a tenant may alter or amend the town's ordinances, rules or regulations. The landlord and tenant may agree that the tenant shall pay any or all utilities including municipal utilities. Where properly notified of this agreement, the town will bill the tenant as a courtesy to the owner. The act of billing a tenant does not waive the owner's liability for unpaid municipal utilities. Where a tenant's municipal utility bill becomes delinquent, the town shall use reasonable means to notify the owner and shall disconnect the water supply pursuant to the ordinances, rules and regulations of the town. Water service shall not be restored until all delinquent water rentals and fees, including any applicable late fees, disconnect fees and reconnect fees have been paid in full.

Where the parties to a real property lease agree the tenant shall be the initial primary party responsible for municipal utility payments, the property owner shall complete a form provided by the town indicating whether the property owner desires to receive a copy of the tenant's municipal utility bill each month. The town provides this service on a fee for service basis to provide property owners with notice of their tenant's payment for municipal utilities. Owners who fail to subscribe to this service waive notice of their tenant's failures to timely pay municipal utility bills and the town shall provide no alternative notice. The fee for this service shall be fifty cents plus the cost of actual postage per month per property for which the property owner receives the service and shall be billed to the property owner monthly. The town of Sugar city Board of Trustees may amend this fee from time to time by resolution or ordinance.

Rule 13.

All users, at their expense, shall keep all water and wastewater service pipes in good working order and shall promptly repair leaks. All users shall properly protect said pipes and apparatus from frost and other disturbances so as to prevent leaks and the wasting of water. Service pipes must be laid not less than thirty-six inches below the ground's surface.

The town shall not be responsible for the service pipes and fixtures located on the customer's side of the water meter and from the tap in the town's main to the customer's point of use in the case of wastewater and non-potable water.

No claim shall be made against the town on account of the breaking of service pipes or related apparatus.

No reduction in the rates will be made for any time that service pipes or fixtures may be frozen.

All property owners shall be responsible for the cost of all water wasted or leaked by virtue of broken or leaking water lines and apparatus.

Rule 14.

Use of water outside the corporate limits shall be subject to the paramount rights of users within the municipal limits, and where insufficient water exists to provide for users both within and without the municipal limits, the board of trustees may reduce, curtail or disconnect the users outside the municipal limits during such period of water shortage or scarcity.

Rule 15.

Each user shall pay a minimum charge for each municipal utility service by class of user. From time to time, the board of trustees may set or amend the minimum charge for each utility service by ordinance or resolution.

13.04.120 - Wasteful use of water prohibited.

The right to use outside water within a period of time granted in this Title 13 as amended does not create an implied or express right for a person to use water in a wasteful manner. The wasteful use of water from the town waterworks within or without the corporate limits of the town is prohibited. Allowing water to run into a gutter, street, alley or right-of-way or the failure to take immediate steps to repair a broken non-

potable water service line which cannot be shut off by means of a valve after being notified by the town of the break or after becoming otherwise aware of the break constitutes a wasteful use of water.

13.04.130 - Connections to water system through annexation—Utility agreement.

As minimum conditions precedent to connecting any property located outside the current municipal limits to the municipal water system or wastewater system the owner of the property for which the application is made shall execute an agreement with the town providing that the owner will voluntarily petition, or sign a petition, or consent to a petition for annexation of the property whenever the town determines that such property is eligible for annexation to the town in accordance with state law and that such annexation is in the best interests of the town.

Further, the agreement shall provide that the owner-applicant for municipal water or wastewater service irrevocably designates the town clerk as the owner-applicant's attorney-in-fact with the power to sign a petition for annexation on the owner-applicant's behalf where the property becomes eligible for annexation, the town determines that it is in the town's best interest to annex the property and the property owner refuses or is unable to sign a petition for annexation within six months of receiving notice of the property's eligibility for annexation.

This agreement shall be binding on the parties hereto, their heirs, successors and assigns, and the agreements contained in this chapter shall constitute a covenant and condition running with the land, and the parties thereto agree and consent that this agreement shall be recorded among the land records of Crowley County.

Chapter 13.08 - Sewer System

Sections:

13.08.010 - Sanitary and sewer charges.

From and after the effective date of the ordinance codified in this chapter, all rates and fees of whatsoever nature pertaining to the use by anyone of the town sewage system shall be established and amended from time to time by ordinance or resolution adopted by the town board of trustees.

13.08.020 - Charges for sewer connections.

From and after the effective date of the ordinance codified in this chapter, no sewer connections shall be made unless there is first paid to the town a fee as established and amended from time to time by ordinance or resolution adopted by the town board of trustees.

13.08.040 - Method of collection.

All sewer rental charges shall be added to and made a part of the monthly water rental bill and shall be paid therewith.

13.08.050 - Failure to pay rates and charges.

In the event any user of the town sewage system neglects, fails, or refuses to pay the rates and charges fixed by the ordinance codified in this chapter, for the connection to and use of sewer system, the user shall not be disconnected from the sewage system or refused the use of sewer unless the user is outside corporate limits of the town, but rates and charges due therefore may be made to the town clerk and certified to the county treasurer and shall become a lien upon the real property served by the sewer connection, and collected in the manner as though they were part of the taxes, and should there be any charge made for collection of the delinquent rates or charges, this sum shall be added to the lien created by the delinquency.

13.08.060 - Revenues to be used for sewers and sewer maintenance.

All revenues derived from rates and charges set forth in this chapter will be placed in a separate fund for operating, repairing, replacing, extending, or enlarging any and all of the sewer and sewage collection and treatment facilities of the town. If at any time, the fund created hereby contains more than a reasonable amount to carry out the objects for which it was created, the board of trustees of the town, in accordance with CRS Section 130-53-19, may by a majority vote divert such excess to the general fund of the town.

13.08.070 - Rates.

Any resolution adopted by the board of trustees fixing or establishing rates for the usage of the town sewage system pursuant to this chapter shall be adopted by the board of trustees of the town at a regular meeting and published in some newspaper published within the limits of the town, or if there is none, then in some newspaper of general circulation in the town.

Chapter 13.12 - WATER AND SEWER SANITARY SEWER RATES AND FEES

13.12.050 - Assessment.

- A. Each potable water system customer regardless of classification shall be assessed a monthly surcharge for each water tap to be determined by the board of trustees. Customers with multiple residence structures described in Section 13.12.040(B) above shall be charged the seventeen dollars Assessment.
- B. All Assessment fees shall be placed in a savings account at a bank chosen by the Town of Sugar city and held for the purchase or lease of water. The surcharge fee will sunset upon the acquisition of sufficient water by the town to provide for the town's needs for the foreseeable future.
- C. The board of trustees shall have the authority to amend assessment fees, water and sewer rates from time to time by resolution or ordinance.

13.12.060 - Sanitary sewer rates—Inside town.

- A. Monthly Rental. Flat rate per tap: Seventeen dollars.
- B. Multiple Residence/Commercial Structure. Monthly sanitary sewer rentals per multiple residence structure, including but not limited to apartment buildings, duplexes, condominiums, hotels, motels, hospitals, nursing homes, assisted living facilities and similar multiple residence structures and using a single tap. This rate also applies to commercial office buildings.
 - 1. First residential/commercial unit or bed or office charged the monthly flat rate of seventeen dollars.
 - 2. Each unit or bed or office in addition to the first unit or bed is charged an additional four dollars and twenty-five cents per month.
 - 3. Computation Example. An apartment with ten units would be charged as follows: Flat rate of seventeen dollars applies to the first unit plus an additional fee of four dollars and seventy-five cents for each of the additional nine units or thirty-eight dollars and twenty-five cents for a total charge of fifty-five dollars and twenty-five cents.

13.12.080 - Water facility fee.

- A. A water facility fee is hereby established in the water enterprise fund.
- B. All revenues from the water facility fee shall be placed in a reserve account and used for the sole purpose of making principle and interest payments on water debt.
- C. The initial rate for the facility fee shall be seventeen dollars per month assessed on each potable municipal water tap.
- D. The facility fee shall be shown as a separate item on customer's bills.

13.12.090 - Sanitary sewer facility fee.

- A. A sanitary sewer facility fee is hereby established in the sanitary sewer enterprise fund.
- B. The initial rate for the facility fee shall be seventeen dollars per month assessed on each sanitary sewer account for each sanitary sewer tap.
- C. The facility fee shall be shown as a separate item on customer's bills.

Chapter 13.16 - PRIVATE WATER MAINS

Sections:

13.16.010 - Definitions.

"Master water meter" or "master meter" means a water meter that demarks a water main owned by the Town of Sugar City from a private water main.

"Master water meter service line" means the water line extending from a tap on the town's water main to a master water meter.

"Private water main" means a water line owned by a person or entity other than the Town of Sugar City that serves more than one metered premises.

"Slave water meter" means a water meter located on service line extending from a private water main to the point of service on a premises.

13.16.020 - New private water mains prohibited.

- A. No new private water mains shall be approved by the Town of Sugar city after October 1, 2024. Private water mains existing on October 1, 2024 may continue operation including reconstruction or replacement as needed, until such time as the line is abandoned or transferred to the Town of Sugar city by the owner.
- B. No private water main shall be transferred to the Town of Sugar city unless the board of trustees adopts a resolution accepting the transfer.

13.16.030 - Private water line owner disclosures.

The owner of each private water line shall notify the Town of Sugar City in writing who owns the private water line including the owner's address and phone number. It is the responsibility of the private water line owner to update this information whenever ownership changes or the contact information for the owner changes.

13.16.040 - Master water meters required.

Each private water main must have a master water meter located at the point of demarcation between the master water meter service line and the private water main. All master water meters are owned by the Town of Sugar City and shall be installed, maintained and read by the Town of Sugar City.

13.16.050 - Slave meters required.

- A. Each premises receiving water from a private water main shall have a slave water meter to measure the volume of water used at that premises.
- B. Slave water meters shall be owned, maintained and read by the Town of Sugar City except under the following circumstance.
 - 1. The private water main owner shall purchase, install and maintain all slave water meters where the private water main owner and the town enter into a water purchase contract based on monthly master meter readings for which the town bills only the private water main owner.

13.16.060 - Private water main repairs.

The private water main owner is responsible for maintenance and repair of all water lines down flow from the master meter subject to any written agreement among the parties using the private water main.

13.16.070 - Water quality.

- A. The Town of Sugar City controls the water mains up to the master water meter and is responsible for water quality up to that point.
- B. The Town of Sugar City does not maintain or repair the private water main and has no ability to control water quality past the master water meter.
- C. The owner of the private water main is responsible for water quality from the master water meter down flow.

13.16.080 - Private water main billings.

- A. The town shall read the master meter and each slave meter except where a water purchase contract exists.
- B. Each premises on a slave meter shall be billed for the water that passes through the slave meter.
- C. The private water main owner shall be billed for the difference between the volume of water that passes through the master meter and the sum of the volume of water that passes through the slave meters except where a valid water purchase agreement exists.
- D. This difference described above shall be considered a single account and shall be billed under the then current water billing schedule at the appropriate residential or commercial rate based on the type of use for the majority of the premises on the private main.
- E. Where any premises receiving service from the master meter is located out of town, the owner of the private water main shall be billed at the appropriate out of town rate for the difference described above otherwise the owner shall be billed at the appropriate in-town rate.
- F. Failure to pay the difference shall result in disconnection of the master meter pursuant to the ordinary disconnection and reconnection town policies.

13.16.090 - Private water main agreements.

The Town of Sugar City is not, and shall not become, a party to any agreement among the users of a private water main or between the owner of a private water main and the users of that private water main. Such agreements shall not control the policies of the Town of Sugar City.

Chapter 13.20 - CROSS-CONNECTION AND BACKFLOW PROTECTION PROGRAM

Sections:

13.20.010 - Authority.

- A. The Town of Sugar City ("town") shall have the authority to survey all service connections within the distribution system to determine if the connection is a cross-connection.
- B. The town shall have the authority to control all service connections within the distribution system if the connection is a cross-connection.
- C. The town may control any service connections within the distribution system in lieu of a survey as long as the service connection is controlled with an air gap or reduced pressure zone backflow prevention assembly.
- D. The town may collect fees for the administration of this program.
- E. The town shall maintain records of cross-connection surveys and the installation, testing and repair of all backflow prevention assemblies installed for containment and containment by isolation purposes.

- F. Except as otherwise provided in this chapter, the town shall administer, implement and enforce the provisions of this chapter.

13.20.020 - Applicability.

This chapter applies to all commercial, industrial and multi-family residential service connections within the public water system and to any persons outside the Town of Sugar City who are, by contract or agreement with the public water system, users of the public water system. This chapter does not apply to single-family-residential service connections unless the public water system becomes aware of a cross-connection at the single-family connection.

13.20.030 - Definitions.

"Active date" means the first day that a backflow prevention assembly or backflow prevention method is used to control a cross-connection in each calendar year.

"Air gap" is a physical separation between the free flowing discharge end of a potable water supply pipeline and an open or non-pressure receiving vessel installed in accordance with standard AMSE A112.1.2.

"Backflow" means the undesirable reversal of flow of water or mixtures of water and other liquids, gases or other substances into the public water systems distribution system from any source or sources other than its intended source.

"Backflow contamination event" means backflow into a public water system from an uncontrolled cross-connection such that the water quality no longer meets the Colorado Primary Drinking Water Regulations or presents an immediate health and/or safety risk to the public.

"Backflow prevention assembly" means any mechanical assembly installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the mechanical assembly is appropriate for the identified contaminant at the cross-connection and is an in-line field-testable assembly.

"Backflow prevention method" means any method and/or non-testable device installed at a water service line or at a plumbing fixture to prevent a backflow contamination event, provided that the method or non-testable device is appropriate for the identified contaminant at the cross-connection.

"Certified cross-connection control technician" means a person who possesses a valid backflow prevention assembly tester certification from one of the following approved organizations: American Society of Sanitary Engineering (ASSE) or the American Backflow Prevention Association (ABPA). If a certification has expired, the certification is invalid.

"Containment" means the installation of a backflow prevention assembly or a backflow prevention method at any connection to the public water system that supplies an auxiliary water system, location, facility, or area such that backflow from a cross-connection into the public water system is prevented.

"Containment by isolation" means the installation of backflow prevention assemblies or backflow prevention methods at all cross-connections identified within a customer's water system such that backflow from a cross-connection into the public water system is prevented.

"Controlled" means having a properly installed, maintained, and tested or inspected backflow prevention assembly or backflow prevention method that prevents backflow through a cross-connection.

"Cross-connection" means any connection that could allow any water, fluid, or gas such that the water quality could present an unacceptable health and/or safety risk to the public, to flow from any pipe, plumbing fixture, or a customer's water system into a public water system's distribution system or any other part of the public water system through backflow.

"Multi-family" means a single residential connection to the public water system's distribution system from which two or more separate dwelling units are supplied water.

"Single-family" means:

1. A single dwelling which is occupied by a single family and is supplied by a separate service line;
or
2. A single dwelling comprised of multiple living units where each living unit is supplied by a separate service line.

"Uncontrolled" means not having a properly installed and maintained and tested or inspected backflow prevention assembly or backflow prevention method, or the backflow prevention assembly or backflow prevention method does not prevent backflow through a cross-connection.

"Water supply system" means a water distribution system, piping, connection fittings, valves and appurtenances within a building, structure, or premises. Water supply systems are also referred to commonly as premise plumbing systems.

13.20.040 - Requirements.

- A. Commercial, industrial and multi-family service connections shall be subject to a survey for cross-connections. If a cross-connection has been identified an appropriate backflow prevention assembly and/or method shall be installed at the customer's water service connection within one hundred twenty days of its discovery. The assembly shall be installed downstream of the water meter or as close to that location as deemed practical by the public water system. If the assembly or method cannot be installed within one hundred twenty days the public water system must take action to control or remove the cross-connection, suspended service to the cross-connection or receive an alternative compliance schedule from the Colorado Department of Public Health and Environment.
- B. In no case shall it be permissible to have connections or tees between the meter and the containment backflow prevention assembly.
- C. In instances where a reduced pressure principle backflow preventer cannot be installed, the owner must install approved backflow prevention devices or methods at all cross-connections within the owner's plumbing system.
- D. Backflow prevention assemblies and methods shall be installed in a location which provides access for maintenance, testing and repair.
- E. Reduced pressure principle backflow preventers shall not be installed in manner subject to flooding.
- F. Provisions shall be made to provide adequate drainage from the discharge of water from reduced pressure principle backflow prevention assemblies. Such discharge shall be conveyed in a manner which does not impact waters of the state.
- G. All assemblies and methods shall be protected to prevent freezing. Those assemblies and methods used for seasonal services may be removed in lieu of being protected from freezing. The assemblies and methods must be reinstalled and then tested by a certified cross-connection control technician upon reinstallation.
- H. Where a backflow prevention assembly or method is installed on a water supply system using storage water heating equipment such that thermal expansion causes an increase in pressure, a device for controlling pressure shall be installed.
- I. All backflow prevention assemblies shall be tested at the time of installation and on an annual schedule thereafter. Such tests must be conducted by a certified cross-connection control technician.
- J. The public water system shall require inspection, testing, maintenance and as needed repairs and replacement of all backflow prevention assemblies and methods, and of all required installations within the owner's plumbing system in the cases where containment assemblies and/or methods cannot be installed.
- K. All costs for design, installation, maintenance, testing and as needed repair and replacement are to be borne by the customer.
- L. No grandfather clauses exist except for fire sprinkler systems where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system.

- M. For new buildings, all building plans must be submitted to the public water system and approved prior to the issuance of water service. Building plans must show:
1. Water service type, size and location;
 2. Meter size and location;
 3. Backflow prevention assembly size, type and location;
 4. Fire sprinkler system(s) service line, size and type of backflow prevention assembly.
 - a. All fire sprinkling lines shall have a minimum protection of an approved double check valve assembly for containment of the system.
 - b. All glycol (ethylene or propylene), or antifreeze systems shall have an approved reduced pressure principle backflow preventer for containment.
 - c. Dry fire systems shall have an approved double check valve assembly installed upstream of the air pressure valve.
 - d. In cases where the installation of a backflow prevention assembly or method will compromise the integrity of the fire sprinkler system the public water system can chose to not require the backflow protection. The public water system will measure chlorine residual at location representative of the service connection once a month and perform periodic bacteriological testing at the site. If the public water system suspects water quality issues the public water system will evaluate the practicability of requiring that the fire sprinkler system be flushed periodically.

13.20.050 - Inspection, testing and repair.

- A. Backflow prevention assemblies or methods shall be tested by a certified cross-connection control technician upon installation and tested at least annually, thereafter. The tests shall be made at the expense of the customer.
1. Any backflow prevention assemblies or methods that are non-testable, shall be inspected at least once annually by a certified cross-connection control technician. The inspections shall be made at the expense of the customer.
- B. As necessary, backflow prevention assemblies or methods shall be repaired and retested or replaced and tested at the expense of the customer whenever the assemblies or methods are found to be defective.
- C. Testing gauges shall be tested and calibrated for accuracy at least once annually.

13.20.060 - Reporting and recordkeeping.

- A. Copies of records of test reports, repairs and retests, or replacements shall be kept by the customer for a minimum of three years.
- B. Copies of records of test reports, repairs and retests shall be submitted to the public water system by mail, facsimile or e-mail by the testing company or testing technician.
- C. Information on test reports shall include, but may not be limited to:
1. Assembly or method type;
 2. Assembly or method location;
 3. Assembly make, model and serial number;
 4. Assembly size;
 5. Test date;
 6. Test results including all results that would justify a pass or fail outcome;

7. Certified cross-connection control technician certification agency;
8. Technician's certification number;
9. Technician's certification expiration date;
10. Test kit manufacturer, model and serial number;
11. Test kit calibration date.

13.20.070 - Right of entry.

A properly credentialed representative of the public water system shall have the right of entry to survey any and all buildings and premises for the presence of cross-connections for possible contamination risk to and for determining compliance with this section. This right of entry shall be a condition of water service in order to protect the health, safety and welfare of customers throughout the public water system's distribution system.

13.20.080 - Compliance.

- A. Customers shall cooperate with the installation, inspection, testing, maintenance, and as needed repair and replacement of backflow prevention assemblies and with the survey process. For any identified uncontrolled cross-connections, the public water system shall complete one of the following actions within one hundred twenty days of its discovery:
 1. Control the cross-connection;
 2. Remove the cross-connection;
 3. Suspend service to the cross-connection.
- B. The public water system shall give notice in writing to any owner whose plumbing system has been found to present a risk to the public water system's distribution system through an uncontrolled cross-connection. The notice and order shall state that the owner must install a backflow prevention assembly or method at each service connection to the owner's premises to contain the water service. The notice and order will give a date by which the owner must comply.
 1. In instances where a backflow prevention assembly or method cannot be installed, the owner must install approved backflow prevention assemblies or methods at all cross-connections within the owner's water supply system. The notice and order will give a date by which the owner must comply.

13.20.090 - Violations and penalties.

Any violation of the provisions of this chapter shall, upon conviction, be punishable by a fine of not more than one thousand dollars per count.

13.20.100 - Conflict with other codes.

If a dispute or conflict arises between the Colorado Plumbing Code as adopted herein, and any plumbing, mechanical, building, electrical, fire or other code adopted by the state, then the most stringent provisions of each respective code shall prevail.

Title 14 - (RESERVED)

Title 15 - BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.02 - ADOPTED CODES

Sections:

15.02.010 - Building code adopted.

- A. Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes the "International Building Code" 2016 edition, including the International Building Code Appendices, published by the International Code Council, Inc. ("ICC") 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070 is adopted by reference as the building code for the Town of Sugar City. Three copies of the IBC are on file in the office of the town clerk.
- B. The subject matter of the adopted International Building Code and appendix includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of all buildings and structures in the Town of Sugar city and further provides for the issuance of permits and the collection of fees therefore.
- C. Penalties. Any person, firm or corporation who violates any provision of the International Building Code is guilty of a civil infraction. A violation of the IBC is a strict liability offense. A person, firm or corporation shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violations, such person shall be punished by a fine of not less than one hundred dollars and not more than two thousand six hundred fifty dollars.

15.02.020 - Property maintenance code adopted.

- A. Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes the "International Property Maintenance Code" ("IPMC") 2012 edition published by the International Code Council, Inc. ("ICC") 500 New Jersey Avenue, NW, 6th Floor, Washington, DC 20001-2070 is adopted by reference as the property maintenance code for the Town of Sugar city. Three copies of the IPMC are on file in the office of the town clerk.
- B. The subject matter of the adopted IPMC and any appendix includes comprehensive provisions and standards regulating the maintenance of buildings and real properties in the Town of Sugar city and further provides for the issuance of permits and the collection of fees therefore.
- C. Penalties. Any person, firm or corporation who violates any provision of the International Property Maintenance Code is guilty of a civil infraction. A violation of this code is a strict liability offense. A person, firm or corporation shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violations, such person shall be punished by a fine of not less than one hundred dollars and not more than two thousand six hundred fifty dollars.

Chapter 15.04 - DANGEROUS BUILDINGS

Sections:

15.04.010 - Uniform codes—Adopted.

- A. Pursuant to C.R.S. 31-16-201, as amended, there is adopted as the code for the Abatement of Dangerous Buildings, 1982 Edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601, together with the Uniform Building Code, 1997 Edition, as published by the same association, both to have the same force and effect as if set forth in every particular. The subject matter of the adopted code includes comprehensive provisions and standards regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings and structures for the purpose of protecting the public health, safety, and general welfare.
- B. The adoption of the Uniform Code for the Abatement of Dangerous Buildings, 1982 Edition, and the Uniform Building Code, 1997 Edition, shall include any modifications, changes, amendments, new or

modified editions to the Uniform Codes hereinafter adopted and published without the necessity of any further amendments or modifications to the ordinance codified in this chapter.

15.04.015 - National Electrical Code—Adopted.

- A. Pursuant to Title 31, Article 16, Part 2 of the Colorado Revised Statutes, there is adopted as the electrical code of the town, by reference thereto, the National Electrical Code (1996 Edition), a standard of the National Fire Protection Association for electric wiring and the apparatus, to have the same force and effect as if set forth in this section in every particular. The subject matter of the code includes comprehensive provisions and standards regulating all electrical methods, materials and fixtures within the town.
- B. The adoption of the National Electrical Code (1999 Edition) shall include any modifications, changes, amendments, new or modified editions to the National Electrical Code, hereinafter adopted and published without the necessity of any further amendments or modifications to this section.
- C. The National Electrical Code (1996 Edition) shall be administered and enforced by the electrical inspector as set forth in the electrical inspection agreement between the town and Crowley County.
- D. At least one copy of the National Electrical Code (1996 Edition) shall be kept on file in the office of the town clerk, and may be inspected by any interested person between the hours of eight a.m. and five p.m., Monday through Friday, holidays excepted.
- E.
 - 1. It is unlawful for any person, firm, corporation or entity to perform any act, construction or work contrary to or in violation of any of the provisions of the National Electrical Code (1996 Edition) as adopted in this section.
 - 2. Any person, firm, corporation or entity violating, or permitting to be violated, any provision of this code, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars, or imprisonment of not more than one year, or by both such fine and imprisonment. Each person, firm, corporation or entity shall be deemed guilty of a separate violation for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted.

15.04.020 - Uniform codes—Copies on file.

At least three copies of each of the codes mentioned in Section 15.04.010, all certified to be true copies, have been and are now on file with the town clerk and may be inspected at any reasonable time. The codes shall also be available for sale to the public through the office of the town clerk at a moderate price.

15.04.030 - Uniform codes—Violation—Penalty.

- A. The following penalty and violation clauses as contained in the Uniform Code for the Abatement of Dangerous Buildings (1982 Edition) are set forth in full and adopted:
 - Sec. 203 . It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.
 - Sec. 701. (a) General. After any order of the building official or the board of appeals made pursuant to this code shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey any such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.

15.04.040 - Violation—Penalty.

- A. Any violation of any provision of this chapter shall be punishable by a fine not exceeding three hundred dollars or imprisonment for a term not exceeding ninety days or by both such fine and imprisonment.

- B. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any violation such person, firm or corporation shall be punished as set forth in this section.

Chapter 15.08 - MOBILE, MODULAR AND MANUFACTURED HOMES

Sections:

15.08.010 - Definitions.

Unless otherwise required by context, the following definition shall apply:

"Manufactured home" means a single-family dwelling which is partially or entirely manufactured in a factory; is not less than twenty-four feet in width and thirty-six feet in length; has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and is certified pursuant to the "National Manufactured Housing Construction and Safety Standards Act of 1974," 42 U.S.C. 5401 et seq., as amended.

15.08.020 - Foundation requirements—Exception.

Any mobile, modular or manufactured home which is to be placed on a lot within the boundaries of the town, except those located within an established mobile or modular home zone or park shall be installed on an engineered permanent foundation.

15.08.030 - Setting—Responsibility.

The setting of any mobile, modular or manufactured home which is to be placed on a lot within the boundaries of a mobile or modular home zone or park within the town, shall be the responsibility of the owner and/or the operator of the mobile or modular home zone or park.

Chapter 15.12 - FLOOD DAMAGE PREVENTION

Sections:

ARTICLE I. - TITLE AND PURPOSE

15.12.010 - Statutory authorization.

The Legislature of the State of Colorado has, in Title 29, Article 20 of the Colorado Revised Statutes, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the board of trustees of the Town of Sugar city, Colorado, does hereby adopt the following floodplain management regulations.

15.12.020 - Findings of fact.

- A. The flood hazard areas of the Town of Sugar City are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.
- B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

15.12.030 - Statement of purpose.

It is the purpose of this chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- F. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- G. Insure that potential buyers are notified that property is located in a flood hazard area.

15.12.040 - Methods of reducing flood losses.

In order to accomplish its purposes, this chapter uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- D. Control filling, grading, dredging and other development which may increase flood damage;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

ARTICLE II. - DEFINITIONS

15.12.050 - Definition.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"Addition" means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

"Alluvial fan flooding" means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.

"Area of shallow flooding" means a designated zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velotownflow may be evident. Such flooding is characterized by ponding or sheet flow.

"Base flood elevation (BFE)" means the elevation shown on a FEMA flood insurance rate map for zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

"Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.

"Channel" means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

"Channelization" means the artificial creation, enlargement or realignment of a stream channel.

"Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into fifty titles that represent broad areas subject to federal regulation.

"Community" means any political subdivision in the State of Colorado that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood control districts.

"Conditional letter of map revision (CLOMR)" means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.

"Critical facility" means a structure or related infrastructure, but not the land on which it is situated, as specified in Article V, Section 15.12.260, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See Article V, Section 15.12.260.

"Development" means any manmade change in improved and unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"DFIRM database" means database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA Mapping Specifications and Guidelines outline requirements for the development and maintenance of DFIRM databases.

"Digital flood insurance rate map (DFIRM)" means FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

"Elevated building" means a non-basement building (i) built, in the case of a building in:

Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of ones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Register" means the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

"FEMA" means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.

"Five hundred-year flood" means a flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2 percent chance annual-flood). The term does not imply that the flood will necessarily happen once every five hundred years.

"Five hundred-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a five hundred-year flood.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of water from channels and reservoir spillways;
2. The unusual and rapid accumulation or runoff of surface waters from any source; or
3. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).

"Flood insurance rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

"Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.

"Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain development permit" means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this floodplain management chapter.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood control structure" means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Floodproofing" means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway (regulatory floodway)" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The Colorado statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

"Freeboard" means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater

than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. By an approved state program as determined by the Secretary of the Interior; or
 - b. Directly by the Secretary of the Interior in states without approved programs.

"Letter of map revision (LOMR)" means FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).

"Letter of map revision based on fill (LOMR-F)" means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.

"Levee" means a manmade embankment, usually earthen, 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. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program Regulations.

"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. The term "manufactured home" does not include a "recreational vehicle".

"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 "North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

"Material Safety Data Sheet (MSDS)" means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.

"National Flood Insurance Program (NFIP)" means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"No-rise certification" means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado Professional Engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the one hundred-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).

"One hundred-year flood" means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one percent annual chance flood). The terms "one hundred-year flood" and "one percent chance flood" are synonymous with the term "one hundred-year flood." The term does not imply that the flood will necessarily happen once every one hundred years.

"One hundred-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a one hundred-year flood.

"Physical map revision (PMR)" means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projections;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Special flood hazard area" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the one hundred-year floodplain.

"Start of construction" means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, 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 the installation of streets and/or walkways; nor does it include excavation for 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure just prior to when the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before "start of construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or
2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Threshold planning quantity (TPQ)" means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

"Variance" means a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program Regulations).

"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 Section 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 that documentation is provided.

"Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ARTICLE III. - GENERAL PROVISIONS

15.12.060 - Lands to which this chapter applies.

The ordinance from which this chapter is derived shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the Town of Sugar City, Colorado.

15.12.070 - Basis for establishing the special flood hazard area.

As of the date of the ordinance from which this chapter is derived the Town of Sugar City had not been mapped to identify special flood hazard areas. Any future, special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood

Insurance Study for Town of Sugar city, Colorado," at such time in the future as it shall be developed, with accompanying flood insurance rate maps and/or flood boundary-floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies designated and approved by the sugar city town board of trustees. The floodplain administrator shall keep a copy of the flood insurance study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

15.12.080 - Establishment of floodplain development permit.

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

15.12.090 - Compliance.

No structure or land shall hereafter be located, altered, or have its use changed within the special flood hazard area without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the board of trustees from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the Colorado Water Conservation Board and the National Flood Insurance Program.

15.12.100 - Abrogation and greater restrictions.

The ordinance from which this chapter is derived is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

15.12.110 - 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.

15.12.120 - 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. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes.

This chapter does not imply that land outside the special flood hazard area 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 community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

15.12.130 - Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of the ordinance from which this chapter is derived be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

ARTICLE IV. - ADMINISTRATION

15.12.140 - Designation of the floodplain administrator.

The Town of Sugar City mayor is hereby appointed as floodplain administrator to administer, implement and enforce the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

15.12.150 - Duties and responsibilities of the floodplain administrator.

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by Article IV, Section 15.12.160.
- B. Review, approve, or deny all applications for floodplain development permits required by adoption of this chapter.
- C. Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- D. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
- E. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.
- F. Where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
- G. When base flood elevation data has not been provided in accordance with Article III, Section 15.12.080, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of Article V.
- H. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
- I. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision), fulfills the requirements for such revisions as established under the provisions of Section 65.12 and receives FEMA approval.
- J. Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- K. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

15.12.160 - Permit procedures.

- A. Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale

showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
 2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 3. A certificate from a registered Colorado Professional Engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article V, Section 15.12.200;
 4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 5. Maintain a record of all such information in accordance with Article IV, Section 15.12.150.
- B. Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 3. The danger that materials may be swept onto other lands to the injury of others;
 4. The compatibility of the proposed use with existing and anticipated development;
 5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
 7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
 8. The necessity to the facility of a waterfront location, where applicable;
 9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 10. The relationship of the proposed use to the comprehensive plan for that area.

15.12.170 - Variance procedures.

- A. The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.
- B. The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.
- C. Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.
- D. The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
- E. 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 the relevant factors in Section 15.12.160 of this article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

- F. Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as stated in Article I, Section 15.12.030.
- G. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- H. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- I. Prerequisites for granting variances:
 - 1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - 2. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - 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, or conflict with existing local laws or ordinances.
 - 3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the 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 lowest floor elevation.
- J. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - 1. The criteria outlined in Article IV, Section 15.12.170(A)—(I) are met; and
 - 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

15.12.180 - Penalties for noncompliance.

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. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined three-hundred dollars per count. Each day during which the violation continues shall be an additional count. Nothing herein contained shall prevent the Town of Sugar City from taking such other lawful action as is necessary to prevent or remedy any violation.

ARTICLE V. - PROVISIONS FOR FLOOD HAZARD REDUCTION

15.12.190 - General standards.

In all special flood hazard areas the following provisions are required for all new construction and substantial improvements:

- A. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- B. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- C. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- D. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- E. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, 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 forces.
- F. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- G. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,
- H. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

15.12.200 - Specific standards.

In all special flood hazard areas where base flood elevation data has been provided as set forth in (i) Article III, Section 15.12.070, (ii) Article IV, Section 15.12.150(G), or (iii) Article V, Section 15.12.250, the following provisions are required:

- A. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.
- B. **Nonresidential Construction.** With the exception of critical facilities, outlined in Article V, Section 15.12.260, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

A registered Colorado Professional Engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the floodplain administrator, as proposed in Article IV, Section 15.12.160.

- C. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which 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 Colorado Professional Engineer or architect or meet or exceed the following minimum criteria:

1. 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.
 2. The bottom of all openings shall be no higher than one foot above grade.
 3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- D. **Manufactured Homes.** All manufactured homes that are placed or substantially improved within zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of the above paragraph, shall be elevated so that either:

1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or
 2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- E. **Recreational Vehicles.** All recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:
1. Be on the site for fewer than one hundred eighty consecutive days;
 2. Be fully licensed and ready for highway use; or
 3. Meet the permit requirements of Article IV, Section 15.12.160, and the elevation and anchoring requirements for "manufactured homes" in subsection D of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

- F. **Prior Approved Activities.** Any activity for which a floodplain development permit was issued by the Town of Sugar city or a CLOMR was issued by FEMA prior to December 31, 2013 may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

15.12.210 - Standards for areas of shallow flooding (AO/AH zones).

Located within the special flood hazard area established in Article III, Section 15.12.080, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velotownflow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- A. Residential Construction. All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado Professional Engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.
- B. Nonresidential Construction. With the exception of critical facilities, outlined in Article V, Section 15.12.260, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado Professional Engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in Article IV, Section 15.12.160, are satisfied.

Within zones AH or AO, adequate drainage paths around structures on slopes are required to guide flood waters around and away from proposed structures.

15.12.220 - Floodways.

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The State of Colorado has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of floodway in Article II). Located within special flood hazard area established in Article III, Section 15.12.070, are areas designated 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 shall apply:

- A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado Professional Engineer and in accordance with standard engineering practice that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.
- B. If Article V, Section 15.12.220(A) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V.
- C. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.

15.12.230 - Alteration of a watercourse.

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- A. Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.

- B. Channelization and flow diversion projects shall evaluate the residual one hundred-year floodplain.
- C. Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- D. Any stream alteration activity shall be designed and sealed by a registered Colorado Professional Engineer or Certified Professional Hydrologist.
- E. All activities within the regulatory floodplain shall meet all applicable federal, state and Town of Sugar city floodplain requirements and regulations.
- F. Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado Professional Engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with Section 15.12.220 of this article.
- G. Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

15.12.240 - Properties removed from the floodplain by fill.

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

- A. Residential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.
- B. Nonresidential Construction. The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

15.12.250 - Standards for subdivision proposals.

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a flood-prone area, the proposal shall minimize flood damage.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of Article III, Section 15.12.080; Article IV, Section 15.12.160; and the provisions of Article V of this chapter.
- C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty lots or five acres, whichever is lesser, if not otherwise provided pursuant to Article III, Section 15.12.070 or Article IV, Section 15.12.150 of this chapter.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

15.12.260 - Standards for critical facilities.

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the Rules and Regulations for Regulatory Floodplains in Colorado, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- A. Classification of Critical Facilities. It is the responsibility of the trustees of the Town of Sugar city to identify and confirm that specific structures in their community meet the following criteria:

Critical facilities are classified under the following categories: (a) essential services; (b) hazardous materials; (c) at-risk populations; and (d) vital to restoring normal services.

1. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.

These facilities consist of:

- a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
- b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors offices, and non-urgent care medical structures that do not provide these functions);
- c. Designated emergency shelters;
- d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and
- f. Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the trustees of the Town of Sugar city that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the one hundred-year floodplain or are compliant with the provisions of this article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the trustees of the Town of Sugar city on an as-needed basis upon request.

2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.

These facilities may include:

- a. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
- b. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
- c. Refineries;
- d. Hazardous waste storage and disposal sites; and
- e. Above ground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemical(s) is stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six chemicals listed under 40 C.F.R. § 302 (2010), also known as extremely hazardous substances (EHS); or ten thousand pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the Colorado Department of Health and Environment. OSHA requirements for MSDS can be found in 29 C.F.R. § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 C.F.R. § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 C.F.R. § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this chapter, but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

- a. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
- b. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
- c. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this article.

3. At-risk population facilities include medical care, congregate care, and schools.

These facilities consist of:

- a. Elder care (nursing homes);
- b. Congregate care serving twelve or more individuals (day care and assisted living);
- c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve or more children).

4. Facilities vital to restoring normal services including government operations.

These facilities consist of:

- a. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
- b. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).

These facilities may be exempted if it is demonstrated to the board of trustees of the Town of Sugar City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the one hundred-year floodplain or are compliant with this chapter, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the board of trustees of the Town of Sugar city on an as-needed basis upon request.

- B. Protection for Critical Facilities. All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this chapter, protection shall include one of the following:
 1. Location outside the special flood hazard area; or
 2. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation.
- C. Ingress and Egress for New Critical Facilities. New critical facilities shall, when practicable as determined by the board of trustees of the Town of Sugar city, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a one hundred-year flood event.

Title 16 - SUBDIVISIONS

Chapters:

Chapter 16.04 - GENERAL PROVISIONS

Sections:

16.04.010 - Compliance with provisions.

All plans, plats or replats of land laid out in building lots, hereafter made for each subdivision or each part thereof lying within the town, and in that area lying outside the town but within three miles of the nearest point of the town limits, shall be prepared, presented and recorded as prescribed in this chapter.

16.04.020 - Applicability.

The regulations contained in this chapter shall apply to the subdivision of a tract or parcel of land into two or more lots, tracts or other divisions of land for the purpose of sale or of building development, whether immediate or future, including the resub-division or replatting of land or lots. Division of land for agricultural purposes in parcels or tracts of land of five acres or more, and not involving right-of-way for a major street or new streets or easements of access, shall be exempt from the requirements of these regulations.

16.04.030 - Acceptance of subdivision plats—Approvals.

All plans, plats or replats of land laid out in building lots, and the streets, alleys or other portions of the same intended to be dedicated for public use, or for the use of purchasers or owners of the lots fronting

thereon or adjacent thereto, shall be submitted to the planning commission for its consideration, and its recommendation shall be submitted to the governing body for their official consideration and action.

Chapter 16.08 - DEFINITIONS

Sections:

16.08.010 - Generally.

Definitions for interpretation of the subdivision regulations are as set forth in this chapter.

16.08.020 - Alley.

"Alley" means a public thoroughfare which provides only a secondary means of access to abutting property, the right-of-way which is twenty feet or less in width.

16.08.030 - Approved public sanitary sewer system.

"Approved public sanitary sewer system" means a sewage disposal plant, main sanitary sewer lines and other lines approved by the governing body of the town, and/or the board of county commissioners of the county, and by the State Department of Health.

16.08.040 - Approved public water system.

"Approved public water system" means a water treatment plant and service lines approved by the governing body of the town, and/or the board of county commissioners of the county, and by the State Department of Health.

16.08.050 - Block.

"Block" means a piece or parcel of land entirely surrounded by public highway, streets, streams, railroad rights-of-way or parks, etc., or a combination thereof.

16.08.060 - City council.

"City council" means the town council of Sugar City, Colorado; references to the city herein shall be deemed to mean the town of Sugar City.

16.08.070 - County commission.

"County commission" means the board of county commissioners of Crowley County, Colorado.

16.08.080 - Cul-de-sac.

"Cul-de-sac" means a street having one end open to traffic and being permanently terminated by a vehicle turnaround.

16.08.090 - Design.

"Design" means the location of streets, alignment of streets, grades and widths of streets, alignment of easements, grades and widths of easements, alignment and right-of-way for drainage and sanitary sewers, and the designation of minimum lot area, width and length.

16.08.100 - Easement.

"Easement" means a grant by the property owner to the public, a corporation, or persons, of the use of a strip of land for specific purposes.

16.08.110 - Final plat.

"Final plat" means a plan or map prepared in accordance with the provisions of these subdivision regulations and those of any other applicable local regulation, which plat is prepared to be placed on record in the office of the register of deeds of the county.

16.08.120 - Improvement.

"Improvement" means street work and utilities that are to be installed, or are agreed to be installed, by the subdivider on the land to be used for public or private use of the lot owners in the subdivision and local neighborhood traffic and drainage needs.

16.08.130 - Lot.

"Lot" means a portion of land in a subdivision, or other parcel of land, intended as a unit for transfer of ownership or for development.

16.08.140 - Major thoroughfare.

"Major thoroughfare" means a street, highway or roadway designated as such on the official major street plan.

16.08.150 - Marginal access streets or frontage roads.

"Marginal access streets" or "frontage roads" means a minor street which is parallel and adjacent to a major street, highway or railroad right-of-way and provides access to abutting properties.

16.08.160 - Pedestrian way.

"Pedestrian way" means a right-of-way dedicated to public use, which cuts across a block to facilitate pedestrian access to adjacent streets and properties.

16.08.170 - Planning area.

"Planning area" means the town of Sugar City, Colorado, and all land in Crowley County lying outside the town, but within three miles of the nearest point of the town limits.

16.08.180 - Planning commission.

"Planning commission" means the town planning commission.

16.08.190 - Preliminary plat.

"Preliminary plat" means a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around it. This map need not be based on accurate or detailed final survey of the property.

16.08.200 - Secretary.

"Secretary" means the secretary of the planning commission.

16.08.210 - Setback line or building line.

"Setback line" or "building line" means a line on a plat, generally parallel to the street right-of-way, indicating the limit beyond which buildings or structures may not be erected or altered.

16.08.220 - Street.

"Street" means a right-of-way, other than an alley, dedicated to the public use, or a private right-of-way serving more than one ownership, which provides principal vehicular access to adjacent properties.

16.08.230 - Subdivider.

"Subdivider" means a person, firm, corporation, partnership, or association who causes land to be divided into a subdivision for himself or for others.

16.08.240 - Subdivision.

"Subdivision" means the division of a tract of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is involved, any divisions of a parcel of land. The term "subdivision" includes subdivision and the term "resubdivision," as used in this chapter, shall include any further subdivision of a lot or parcel of land previously subdivided, for sale, use, or other purposes, which varies from the latest, approved subdivision of the same.

Chapter 16.12 - CLASSIFICATIONS AND REQUIREMENTS

Sections:

- A. Class "A": All subdivisions located within the corporate limits of the town;
- B. Class "B":
 - 1. All subdivision adjoining or touching the corporate limits of the town;
 - 2. Any subdivision touching or adjoining the boundaries of a tract or area for which annexation proceedings have been commenced by the town;
 - 3. Any subdivision touching or adjoining an approved subdivision which touches or adjoins the corporate boundaries of the town;
- C. Class "C": A subdivision lying within the planning area that does not adjoin the town, and that does not adjoin another subdivision that adjoins or touches the town limits.

16.12.020 - Utility requirements.

In all classes of subdivisions, the area of the lots will be determined by the availability of an approved public sanitary sewer system and an approved public water system. The determination of whether or not approved public sanitary sewer and water systems are available in sufficient capacities to serve the subdivision shall be made in the following manner:

- A. A copy of the preliminary plat shall be sent to the city water department for a written report on the availability of an approved public water system, for both soft and hard water, and the suitability and the location of all utility services.
- B. A copy of the preliminary plat shall be sent to the city water department for a report on the availability of an approved public sewer system.
- C. A copy of the preliminary plat shall be sent to the secretary of the planning commission for a report on compliance with Title 17 of this code. The reports from the city water department, the city, and the secretary shall be sent to the planning commission for review and action, along with the report from the water department.

16.12.030 - Other requirements.

The following particular requirements are made of each of the classes of subdivisions :

- A. Class "A" and "B" Subdivisions.
 - 1. All class "A" and "B" subdivisions shall be served with approved public sanitary sewer and water systems and the approval of the plat shall be subject to Chapter 16.28.
 - 2. The subdivider, landowner, or developer having title to the land being subdivided as a class "B" subdivision shall submit a petition for annexation to the town with his final plat.

B. Class "C" Subdivisions.

1. If the proposed subdivision is to be served with an approved public water system and an approved public sanitary sewer system, approval of the plat shall be subject to Chapter 16.28.
2. If the proposed subdivision is to be served with an approved public water system, but not with an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks for each lot, the size of the lots shall be determined by soil percolation tests. The percolation tests shall be made by a registered professional engineer and in conformance with state department of health regulations and criteria. In no case shall lots be less than one-half acre in size. The lots shall be so proportioned as to permit future replatting consistent with good subdivision division design. The optimum proportion of a one-half acre lot shall be one hundred twenty-five feet of frontage by one hundred sixty feet of depth.
3. If the proposed subdivision is to be served with an approved public sanitary sewer system, but not with an approved public water system, the preliminary plat shall be submitted on the basis of one-half acre lots and the lots shall be so proportioned that future replatting will be consistent with good subdivision design. The optimum proportion shall be one hundred twenty-five feet of frontage by one hundred sixty feet of depth.
4. If the proposed subdivision is not to be served with an approved public water system or an approved public sanitary sewer system, and the subdivider proposes to use individual septic tanks and wells or other private water supply for the lots in the subdivision, the size of each lot shall be determined by soil percolation tests. The percolation tests shall be made by a registered professional engineer and in conformance with state department of health regulations and criteria. In no case shall lots be less than two and one-half acres in size. The lots shall be so proportioned as to permit future replatting consistent with good subdivision design. The optimum proportion shall be three hundred feet of frontage by three hundred sixty feet of depth.

16.12.040 - Dedication of public sites—Fees in lieu thereof.

- A. In subdividing land or resubdividing an existing plat, due consideration must be given to the increased demands upon the community caused by the new subdivision for parks, playgrounds and other public recreation unless on open spaces.
- B. Therefore, each subdivider shall pay to the town a fee of fifty dollars per lot in the new or resubdivided subdivision to be used for parks, playgrounds and other public recreation facilities; the sums shall be credited to a separate fund to be used for park, playground and recreational facilities such as the town council may from time to time direct.
- C. In lieu of the fees above specified, the subdivider may, with the approval and consent of the planning commission and the town council, dedicate portions or tracts of land for public parks, playgrounds and recreation facilities ; any areas so dedicated shall conform as nearly as possible to the recommendation of the planning commission and its comprehensive plan for the town.

Chapter 16.16 - PREAPPLICATION

Sections:

16.16.010 - Procedure.

Prior to the preparation of the preliminary plat, the subdivider shall contact the city to determine:

- A. Subdivision requirements;
- B. Procedure for filing plat;
- C. Availability of an approved public sewer and water systems;
- D. Comprehensive city plan requirements for major streets, land use, parks, easements, schools and public open spaces;

- E. Zoning requirements for the property being subdivided and adjacent properties.

Chapter 16.20 - PRELIMINARY PLATS

Sections:

16.20.010 - Generally.

After reaching the preliminary conclusions regarding the requirements for the proposed subdivision, the subdivider shall submit a preliminary plat together with supplementary information to the secretary of the planning commission.

16.20.020 - Filing fee.

A filing fee of fifty dollars shall accompany the filing of each preliminary plat for a subdivision of five acres or less and a fee of twenty-five dollars shall be paid for each additional five acres or portion thereof contained in the new subdivision.

16.20.030 - Number of copies.

The subdivider shall submit ten copies of the preliminary plat, and ten copies of a vicinity map if the vicinity map is not on the preliminary plat, showing the location of the proposed subdivision (see attached sample plat). These plans shall be filed with the secretary at least twenty days prior to the regular planning commission meeting at which the preliminary plat is to be considered.

16.20.040 - Contents.

The preliminary plats shall contain :

- A. The proposed name of the subdivision. The name shall not duplicate or too closely resemble the name or names of any existing subdivision;
- B. The location of the boundary lines of the subdivision and reference to the section or quarter section lines and corners;
- C. The name and address of the developer, and the name of the surveyor, landscape architect, or architect who prepared the plat;
- D. Scale of the plat, one inch equals one hundred feet or larger;
- E. Date of preparation and north point;
- F. Existing conditions:
 - 1. Location, width and name of platted streets or other public ways, railroad and utility rights-of-way, parks and other public open spaces, and permanent buildings within or adjacent to the proposed subdivision shall be shown on the preliminary plat;
 - 2. All existing sewers, water mains, gas mains, culverts, drainage ditches, irrigation canals, ditches and/or laterals and other surface or subsurface installations, within the proposed subdivision, or adjacent thereto, with pipe sizes, manholes, grades and locations, shall be shown;
 - 3. Name of adjacent subdivisions, together with arrangement of streets and lots, and owners of adjacent parcels of unsubdivided land shall be shown;
- G. The general arrangement of lots and their approximate size;
- H. Location and width of proposed streets, alleys, pedestrian ways, and easements;
- I. The general plan of sewage disposal and dual water supply, in areas where approved public sewer and/or water systems are proposed to serve the subdivision. In other cases, a notation shall be made on the plat indicating type of sewage disposal and/or water system proposed;

- J. Location and size of proposed parks, playgrounds, churches, school sites, or other special uses of land to be considered for reservation for public use;
- K. General layout of adjacent unsubdivided property to show how streets and other public facilities in the proposed subdivision relate to the unsubdivided property;
- L. Location of all utility lines other than those specified in subsection I of this section.

16.20.050 - Approval—Disapproval.

- A. Following the filing of a preliminary plat, the planning commission shall meet within twenty days for initial consideration thereof, and at such meeting shall set a date for a public hearing on the plat. The public hearing must be held within twenty days from initial consideration of the plat, and the secretary of the planning commission shall cause a notice of such public hearing to be published twice in a newspaper of general circulation in the town.
- B. Action by the planning commission shall be conveyed to the subdivider in writing within twenty days after the public hearing at which the plat was considered. In case the plat is disapproved, the subdivider shall be notified of the reason for such action and what requirements shall be necessary to meet the approval of the planning commission. The approval of the preliminary plat does not constitute an acceptance of the subdivision, but is deemed to be an authorization to proceed with the preparation of the final plat. The approval of the preliminary plat shall only be effective for a period of one year unless an extension is granted by the planning commission. If the final plat has not been submitted for approval within this specified period, a preliminary plat must be submitted again to the planning commission for approval.

Chapter 16.24 - FINAL PLATS

Sections:

16.24.010 - Submission.

- A. After approval of the preliminary plat, the subdivider shall submit a final plat for recording purposes, to the secretary of the planning commission.
- B. The original (on mylar, tracing cloth, or similar material) and ten prints thereof shall be submitted to the secretary of the planning commission.
- C. The names and signatures of owner or owners of the property duly acknowledged and notarized shall appear on the original copies submitted.
- D. The final plat, prepared for recording purposes, shall be drawn at a scale of at least one inch equals one hundred feet or larger. The size of the sheet on which such final plat is prepared shall be twenty-two inches by thirty-six inches;
- E. Following the filing of the final plat the planning commission shall act upon the final plat within twenty days after it is filed. The secretary of the planning commission shall cause a notice to be published in a newspaper of general circulation within the town of the date of the meeting of the planning commission at which final approval of the plat will be considered; the notice must be published at least ten days prior to the meeting.

16.24.020 - Information.

The final plat shall show and contain the following information:

- A. Name of subdivision, which shall not duplicate or too closely approximate the name of any existing subdivision;
- B. Location of section, township, range, county and state, including the descriptive boundaries of the subdivision based on an accurate traverse, giving angular and linear dimensions which must

be mathematically close. The allowable error of closing on any portion of the plat shall be one foot in five thousand feet;

- C. The location of monuments shall be shown and described on the final plat. Location of such monuments shall be shown in reference to existing official monuments or the nearest established street lines, including the true angles and distances to such reference points or monuments;
- D. The location of lots, streets, public highways, alleys, parks and other features, with accurate dimensions in feet and decimals of feet and with the length of radii on all curves and other information necessary to reproduce the plat on the ground. Dimensions from all curves shall be shown to lot lines;
- E. Lots shall be numbered clearly. Blocks shall be numbered or lettered clearly in the center of the block. All lots, however designated, shall be numbered in progressive numbers or by blocks in which they are situated, and their precise length and width shall be stated on the map or plat;
- F. The exact locations, widths, and names of all streets to be dedicated;
- G. Location and width of all easements and alleys to be dedicated;
- H. Boundary lines and description of the boundary lines of any area, other than streets and alleys, which are to be dedicated or reserved for public use;
- I. Building setback lines on the front and side streets with dimensions;
- J. Name and address of the developer and the registered professional engineer who prepared the plat;
- K. Scale of plat (scale to be shown graphically and in feet per inch), date of preparation and north point;
- L. Statement dedicating all easements;
- M. Statement dedicating all streets, alleys, and all other public areas not previously dedicated.

16.24.030 - Extent and manner of physical improvements.

As a condition to the approval of final plat, the subdivider or landowner shall agree to install at his expense the improvements set forth in Sections 16.24.040 through 16. 24. 140.

16.24.040 - Streets.

Streets shall be surfaced with concrete, asphaltic concrete, or materials approved by the city and shall include curb and storm sewer inlets.

16.24.050 - Base course.

On the properly rolled and crowned subgrade, there shall be constructed a crushed aggregate base course of six inches minimum depth when compacted, conforming to the Colorado Department of Highways specifications for crushed aggregate base course. Should conditions warrant, the town may require a base of greater than minimum depth.

16.24.060 - Surface course.

On the crushed aggregate base course, a bituminous penetration surface course or bituminous mix approved by the town shall be constructed of two and one-half inches minimum thickness conforming to Colorado Department of Highways specifications for a bituminous surface course. Should conditions warrant, the town may specify asphaltic concrete surface course, conforming to Colorado Department of Highway specifications.

16.24.070 - Curbs.

Curbs of cement concrete on all streets throughout a development to be either straight or rolled type with built-in drainage gutter. Straight curbs shall be twelve inches on the outside from the top to the bottom and shall be thirty inches wide; the curb shall be six inches high from the bottom of the drain gutter and the drain gutter shall be six inches thick and shall slope not less than two inches from the outside to the base of the curb. Rolled curbs shall be specifically approved by the planning commission but shall have the same general features as straight curbs.

16.24.080 - Water.

Where an approved public water system is proposed to serve the subdivision, the water lines shall be installed in proper easements or within the limits of the street and alley right-of-way and shall be of a size as approved by the town and/or county.

16.24.090 - Sewers.

Where an approved public sewer system is proposed to serve the subdivision, the sewer system shall be constructed to provide service to each lot within the subdivision. The system of mains and laterals shall collect the sewage within the subdivision and discharge it into a community disposal system approved by the town and/or county and by the Colorado State Department of Health.

16.24.100 - Street signs.

Street signs will be supplied and erected by the town and/or county.

16.24.110 - Electricity.

Installation of poles, power lines, transformers and street lights shall be erected and paid for in accordance with policies established by the governing body.

16.24.120 - Sidewalks.

Sidewalks shall be installed on both sides of all streets and shall have a minimum width of three feet.

16.24.130 - Other improvements.

If other improvements are required, such as tree planting, retaining walls, drainage structures, etc., such improvements shall be made in accordance with the recommendations of the planning commission and specifications of the town and/or county.

16.24.140 - Construction financing.

In lieu of construction of the required public improvements in Sections 16.24.040 through 16.24.140, the governing body of the town may, prior to the approval of the final plat, accept one of the following alternate methods of financing:

- A. A corporate survey bond, cashier ¹s check, escrow account or other like security, in an amount to be fixed by the governing body and conditioned the actual completion of such work or improvements within a specified period. The governing body may enforce such bond by all equitable remedies .
- B. A petition properly executed by the property owners, may be presented to the governing body of the town for approval. If the governing body approves the petition, the improvements will be installed by the governing body and the cost will be assessed against the subdivided property.

Chapter 16.28 - DESIGN STANDARDS

Sections:

16.28.010 - Blocks—Length.

Intersecting streets, which determine block lengths, shall be provided at such intervals as to serve cross traffic adequately and to meet existing streets in the neighborhood. In residential districts, where no existing plats are recorded, the blocks shall not normally exceed seven hundred feet in length, except that a greater length may be permitted where conditions justify a departure from this maximum. In blocks longer than seven hundred feet, pedestrian ways and/or easements through the block may be required by the planning commission near the center of the block. Such pedestrian ways or easements shall have a minimum width of ten feet. Blocks for business use should normally not exceed three hundred feet in length.

16.28.020 - Blocks—Width.

In residential subdivisions, the block width shall normally be sufficient to allow two tiers of lots of appropriate depth. Blocks intended for business or industrial use shall be of such width and depth as may be considered most suitable for the prospective use.

16.28.030 - Streets—Relation to adjoining street system.

The arrangement of streets in new subdivisions makes provisions for the continuation of the principal existing streets in adjoining additions (or their proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements. The width of such streets in new subdivisions shall not be less than the minimum street widths established in this chapter. Alleys, when required, and street arrangement must also be such so as to cause no hardship to owners of adjoining property when they plat their land and seek to provide for convenient access to it. Whenever there exists a dedicated or platted half-street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be platted, and dedicated as a public way.

16.28.040 - Street names.

Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

16.28.050 - Major streets.

Major streets through subdivisions shall conform with the major street plan as adopted by the planning commission and the governing bodies.

16.28.060 - Minor streets.

Minor streets shall be so designed as to discourage through or nonlocal traffic.

16.28.070 - Culs-de-sac.

Culs-de-sac may be permitted, and shall normally be no longer than five hundred feet, including an adequate turn-around which shall be provided at the closed end.

16.28.080 - Right angle intersections.

Under normal conditions, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the minimum angle shall be sixty degrees.

16.28.090 - Streets adjacent to railroad right-of-way, limited access freeway or principal highway.

Where lots front or side, but do not back, on railroad rights-of-way, limited access freeways or principal highways, a marginal access street or frontage road may be required, parallel and adjacent to the boundary of such right-of-way. The distance of the street from the right-of-way shall be determined with due consideration given to minimum distance required for approach connections to future grade separations.

16.28.100 - Half-streets.

Dedication of half-streets will not be approved, except where it is essential to the reasonable development of the subdivision and is in conformity with the approved major street plan and other requirements of this chapter.

16.28.110 - Alleys.

Alleys shall be provided in commercial and industrial districts, except that the requirements may be waived where other definite and assured provisions are made for service access to off-street loading and unloading areas and to off-street parking areas, consistent with and adequate for the uses proposed. Dead end alleys shall be avoided, wherever possible. Alleys may be required in certain residential areas.

16.28.120 - Minimum requirements.

All streets, alleys and public ways, included in any subdivision, dedicated and accepted under these provisions, shall not be less than the minimum dimensions for each classification as follows:

<u>Classification</u>	<u>Width</u>
Major streets:	100 Feet
Arterials	80 feet
Collectors	70 feet
Local streets	60 feet
Culs-de-sac	60 feet radius on turnaround
Marginal access streets or frontage roads:	
One-way	50 feet
Two-way	60 feet
Alleys	20 feet
Pedestrian ways	10 feet

16.28.130 - Additional requirements.

When existing or anticipated traffic on arterial and collector thoroughfares warrants greater widths of rights-of-way, the additional width shall be provided.

16.28.140 - Drainage easements.

Drainage easements shall be required, in addition to street rights-of-way, where the street or streets adjoin or are parallel with streams or drainage areas or where lots back on the drainage areas. The width of such drainage easement shall be determined by the city engineer who shall notify the planning commission of his recommendation in writing. No open canal or drainage or irrigation ditch shall be allowed.

16.28.150 - Street grades.

The grades of streets, alleys and other public ways included in any subdivision shall not be greater than is necessary for the topographical conditions.

16.28.160 - Street alignment.

Minimum horizontal and vertical alignment on all streets, except in unusual cases, shall be as follows:

- A. Horizontal Alignment. Radii shall be at the centerline.

Major streets—300 feet

Local streets—100 feet

A tangent shall be provided between all reversed curves to provide for a smooth flow of traffic.

- B. Vertical Alignment. All changes in street grade shall be connected by vertical curves of such length as to provide for desired sight distance.

16.28.170 - Lots.

- A. The minimum lot width shall be sixty feet, except where additional width is required on corner lots to maintain a front yard on both streets. The width shall be measured at the building setback line.
- B. The minimum lot depth shall be one hundred feet, except where additional depth is required on corner lots. The measurement shall be measured through the center of the lot and shall be perpendicular to the property line or radial to the property line on curved streets.
- C. The minimum area shall be subject to the zoning regulations of the district in which the subdivision is located.
- D. In subdivisions where septic tanks or other individual sewage disposal devices are to be installed, the size of all lots included in the subdivision shall be subject to regulations in Chapter 16.12.
- E. In subdivisions where private water supply is by well or other means, the size of all lots included in the subdivision shall be subject to regulations in Chapter 16.12.
- F. All side lot lines shall bear sixty to ninety degrees from the street right-of-way line on a straight street or from the tangent of a curved street.
- G. Corner lots, in residential subdivisions, shall have additional width in order that the same setback on both streets may be observed.
- H. Double frontage lots shall be avoided unless, in the opinion of the planning commission, a variation to this rule will give better alignment and lot arrangement.
- I. Every lot shall abut on a street other than an alley.
- J. Building or setback lines shall be shown on the preliminary and final plats for all lots in the subdivision and shall not be less than the setback required by Title 17.
- K. The subdivision or resubdivision of a tract or lot shall not be permitted where the subdivision or resubdivision places an existing permanent structure in violation of the requirements of Title 17.

16.28.180 - Easements.

- A. Where alleys are not provided, permanent easements of not less than seven and one-half feet in width shall be provided on each side of all rear lot lines, and on side lot lines, where necessary, for utility poles, wires and conduits; sanitary sewers; gas, water and heat mains; and other public utilities. These easements shall provide for a continuous right-of-way at least fifteen feet in width.
- b. A twelve-foot temporary construction easement shall be provided on each side of the permanent easement required in subsection A of this section for initial construction of water, sewer, and other utility lines.

Chapter 16.32 - MISCELLANEOUS REGULATIONS

Sections:

16.32.010 - Building and zoning permits.

After the date of the adoption of these subdivision regulations by the planning commission and governing bodies, no building permit or zoning permit shall be issued for any structure that is located upon a lot in an area that has not been subdivided, unless approved in the manner as provided for in these subdivision regulations. This shall not apply to subdivisions or lots of record which were platted prior to the adoption of these subdivision regulations.

16.32.020 - Approval required prior to recording.

No plat or replat or dedication or deed of a street or public way shall be filed with the register of deeds, until such plat or replat or dedication or deed has endorsed on it the fact that it has been submitted and approved by the planning commission and by the governing body.

16.32.030 - Certifications required on final map.

- A. When the final plat is approved, certifications shall be made on the final plat, signed and acknowledged by all parties holding title or having any title interest in the land subdivided and consenting to the preparation and recording of the plat as submitted. The original and ten copies of the plat submitted shall carry the signatures of the owner or owners or corporation and shall be duly notarized by a notary public.
- B. A registered professional engineer shall sign and place his seal on the final plat certifying that the physical and mathematical details on the plat are correct.
- C. Certification of the official approval of the final plat shall provide for date and signature of the following:
 - 1. Chairman and secretary of the planning commission;
 - 2. Governing body to be signed by the mayor and attested by the city clerk;
 - 3. Entry for the date and transfer of record with space for the signature of the county clerk;
 - 4. Space for the recording of the instrument and the name of register of deeds.

16.32.040 - Information to accompany the final plat.

The following supplementary documents and information shall accompany the final plat:

- A. Two prints of three line profiles of streets to be dedicated, indicating the grades thereon, may be required by the planning commission for plats submitted.
- B. Certificate stating that all taxes and encumbrances have been satisfied on the land to be subdivided.
- C. If private restrictions are to be filed affecting the subdivision or any part thereof, two copies shall be submitted to the planning commission with the final plat.

16.32.050 - Submission to the governing body.

After approval of the final plat by the planning commission, such final plat, together with the recommendation of the planning commission shall be transmitted to the governing bodies for their review and action.

16.32.060 - Recorded plats.

Ten copies of the recorded plat shall be provided by the subdivider and shall be submitted to the secretary of the planning commission, for distribution as follows:

- A. Planning commission file;
- B. City clerk;
- C. City engineer;
- D. Building official;
- E. Utility companies (water, gas, electricity, telephone) .

16.32.070 - County regulations.

Subdivision regulations which are or may be adopted by the county may be considered by the planning commission and/or the governing body on matters not specified in this chapter; however, such county regulations are advisory only and are not mandatory.

16.32.080 - Penalty.

Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells or 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 planning commission and recorded or filed in the office of the appropriate county recorder, shall forfeit and pay a penalty of one hundred dollars for each lot or parcel so transferred or sold or agreed or negotiated to be sold. The description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies provided in this section. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the penalty by civil action in any court of competent jurisdiction.

Chapter 16.36 - VARIANCES

Sections:

16.36.010 - Exceptions.

Whenever it is found that the land included in a subdivision plat presented for approval is of such size or shape, or is subject to or is affected by such topographical location or conditions, or is to be devoted to such usage, that full conformity to the provisions of these regulations is impossible or is impractical, the planning commission may recommend to the governing body, by letter, that the governing body authorize a variance or exception in the final plat so that substantial justice may be done and the public interest secured. In recommending such variance or exception, the planning commission shall find the following:

- A. That there are special circumstances or conditions affecting the property;
- B. That the variance or exception is necessary for the reasonable and acceptable development of the property in question;
- C. That the granting of the variance or exception will not be detrimental to the public welfare or injurious to adjacent property.

Title 17 - ZONING

Chapters:

Chapter 17.04 - GENERAL PROVISIONS

Sections:

17.04.010 - Interpretation and conflict.

In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, order, conveniences, happiness, prosperity, and general welfare. It is not intended by this title to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that wherever this title imposes a greater restriction upon the use of buildings or requires larger open spaces that are imposed or required by other ordinances, rules, regulations, or permits, or by easements, covenants, or agreements, the provisions of this title shall govern.

Chapter 17.08 - DEFINITIONS

Sections:

17.08.010 - Generally.

For the purpose of this title, certain terms and words are defined as set forth in this chapter.

17.08.020 - Interpretation.

Words used in the present tense include the future; words in the singular number include the plural and words in the plural include the singular; the word "building" includes the word "structure"; the word "shall" is mandatory.

17.08.030 - Accessory buildings.

"Accessory buildings" means a subordinate building the use of which is incidental to that of the main building, such as a garage, shed or workshop. All accessory buildings must be of the same design and style as the main building so as to harmoniously blend with the main building, and the exterior finish shall be compatible with the main building.

17.08.040 - Alley.

"Alley" means a minor public thoroughfare upon which the rear of building lots generally abuts and which is generally used for service purposes.

17.08.050 - Apartment house.

"Apartment house" means a building or portion thereof used or designated as a residence for three or more families occupying separate dwelling units.

17.08.060 - Auto court or cottage camp.

"Auto court" or "cottage camp" means a group of dwellings of not less than two hundred square feet floor space per unit, facing on a common court, place, or street, usually with garage attached, and designed and used for not more than one month occupancy, usually by traveling motorists.

17.08.070 - Boardinghouse, roominghouse or lodginhouse.

"Boardinghouse, roominghouse or lodginghouse" means a building other than a hotel where lodging or meals for five or more persons are provided for compensation.

17.08.080 - Corner lot.

"Corner lot" means a lot situated at the junction of a front street and a side street, with a depth along the front street of not more than eighty-five feet.

17.08.090 - Curb cuts.

"Curb cuts" means a cut in the curblin for passage of vehicles, not to exceed twelve feet in width, for single drive and twenty feet for double drive.

17.08.100 - Dwelling.

"Dwelling" means a structure used as a residence and containing not less than a living room, bedroom, kitchen, and a completely equipped bathroom containing a toilet and a bathtub or shower, all connected to the sewer or a properly constructed septic tank.

17.08.110 - Hotel.

"Hotel" means a building occupied as the more or less temporary abiding place of individuals who are lodged with or without meals for compensation, and in which there are more than ten sleeping rooms usually occupied singly, and in which no provision is made for cooling in any individual apartment.

17.08.120 - Lot.

"Lot" means land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this title and having its principal frontage on a street or officially approved place.

17.08.122 - Mobile home.

"Mobile home" includes any complete structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" does not include motor homes or recreation-type vehicles. The term "modular home" includes two or more separately towed units which are bolted or otherwise fastened together and placed upon a foundation to form a complete living unit where neither unit alone is a complete dwelling.

17.08.123 - Mobile home, dependent.

"Dependent mobile home means a mobile home not connected to public water or public sewerage and not containing a flush toilet, complete sink, and bath or shower.

17.08.124 - Mobile home, independent.

"Independent mobile home" means a mobile home having a flush toilet and a bath or shower and a complete sink, and further, is connected to sewerage and water connections located on or adjacent to the mobile home lot.

17.08.126 - Modular home lot.

"Modular home lot" means a plot of ground or a lot within a mobile home zone designed for the accommodation of one mobile or modular home and which is owned by the owner of the mobile or modular home situated thereon.

17.08.127 - Modular home zone.

"Modular home zone" means any lot, area, piece, parcel, tract or plot of ground upon which mobile or modular homes may be placed and which is so zoned by the board of trustees of the town. Zone means district, and vice versa.

17.08.130 - Setback.

"Setback" means the minimum horizontal distance between the property line and front line of the building or any projection thereof excluding steps.

17.08.140 - Story.

"Story" means that portion of a building included between the surface of a floor and the surface of the floor next above it, and if there is no floor above it, then the space between such floor and the ceiling next above it.

17.08.150 - Story, half.

"Half story" means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite, exterior walls, are not more than two feet above the floor of such story.

17.08.160 - Street.

"Street" means a public thoroughfare fifty feet or more in width, and not less than forty feet between curbs.

17.08.170 - Street, front.

"Front street" means a street on which the lots of a city block, or subdivision thereof, generally front.

17.08.180 - Street, side.

"Side street" means a street intersecting a front street.

17.08.190 - Structural alterations.

"Structural alterations" means any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

17.08.200 - Structure.

"Structure" means anything constructed or erected, the use or which requires substantially permanent location on the soil, but not including utility poles or garbage or trash disposal units.

17.08.210 - Temporary.

"Temporary" means less than twelve months.

17.08.220 - Use, nonconforming.

"Nonconforming use" means a building or land occupied by a use that does not conform with the regulations of the use district in which it is situated.

17.08.230 - Yard.

"Yard" means an open space on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided in this title.

17.08.240 - Yard, rear.

"Rear yard" means a yard unoccupied except by an accessory building, as permitted, extending across the full width of the lot between the rear line of the building and the rear line of the lot.

17.08.250 - Yard, side.

"Side yard" means a yard between the building and the side line of the lot and extending from the street line to the rear of the lot.

Chapter 17.12 - DISTRICT REGULATIONS

Sections:

17.12.010 - Designated.

In order to regulate and restrict the location of trades, callings, industries, and the location of buildings designed for specific uses, and in order to regulate and limit the height of the buildings erected or structurally altered to regulate and determine the area of yards and other open spaces about buildings the town is divided into districts of which there shall be six known as:

A—Residence District

B—Residence District

C—Residence District

D—Business and Commercial District

E—Industrial District

M—Modular Homes District

17.12.020 - Boundaries—Applicability of map.

The town is divided into five districts as set forth in Section 17.12.010, and boundaries of such districts are shown upon the map attached to the ordinance codified in this title and made a part of this title, being designated as the "building zone map" and the map and all notations, references, and other things shown thereon shall be as much a part of this title as if the matters and things set forth by the map were fully described in this in this section, except as hereinafter provided:

- A. No building shall be erected, reconstructed, or structurally altered, nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises is located.
- B. No building shall be erected or structurally altered to exceed in height the limit established for any district in which such building is located.
- C. No lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this title, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations established for the district in which such building is located.

17.12.030 - Boundaries—Rules of interpretation.

Where uncertainty exists with respect to the boundaries of the various districts, as shown on the building zone map accompanying and made a part of this title, the following rules shall apply:

- A. The district boundaries are either streets or alleys unless otherwise shown, and where the designation on the map accompanying and made a part of this title indicates that the various districts are approximately bounded by street or alley lines, the street or alley shall be construed to be the boundary of such district.

- B. Where the district boundaries are not otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be lot lines; and where the designation on the map accompanying and made a part of this title indicates that the various districts are approximately bounded by lot lines, the lot lines shall be construed to be the boundary of such district unless the boundaries are otherwise indicated on the map.
- C. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this title shall be determined by use of the scale contained on such map.

Chapter 17.16 - "A" RESIDENCE DISTRICT

Sections:

17.16.010 - Purpose.

The standards of the "A" residential district are designed to retain and provide areas of low to medium density development characteristically used for single-family dwelling units.

17.16.012 - Uses by right.

A use by right is any of the following uses:

1. Single-family dwellings.
2. Accessory buildings or structures.
3. Schools.
4. Libraries.
5. Parks.

17.16.013 - Uses by review.

A use by review is any of the following uses, which are permitted only upon issuance of a special use permit by the planning commission.

1. Bed and breakfast;
2. Church;
3. Condominium;
4. Day care;
5. Home for the developmentally disabled;
6. Home occupations;
7. Hospital;
8. Medical clinic;
9. Multi-family dwelling;
10. Planned unit development.

17.16.014 - Accessory buildings.

An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

17.16.020 - Height.

No building erected or structurally altered shall exceed thirty-five feet in height or two stories above foundation or basement.

17.16.030 - Rear yard.

There shall be a rear yard of not less than twenty-five feet.

17.16.040 - Side yard.

There shall be a side yard on each side of a building of not less than five feet in width; provided, however, that on a lot having a width of less than forty feet as shown by the last recorded sale at the time of passage of the ordinance codified in this title, there shall be a side yard on each side of a building of not less than three feet in width.

17.16.050 - Setback.

There shall be a setback of not less than twenty feet; provided, however, that where lots comprising twenty-five percent or more of the frontage of any block are developed with buildings having a predominant setback, no building erected or structurally altered shall project beyond the predominant setback line so established; providing further, that this regulation shall not be interpreted so as to require a setback of more than fifty feet.

17.16.060 - Corner lots.

On corner lots the front of the building shall comply with the setback requirement of the street upon which the front of the building faces. The side of the building shall be set back to not less than half of the setback required for buildings on lots fronting upon the side street, except that where there are no lots fronting on that street, the side yard requirement only shall apply.

17.16.070 - Lot area per family.

Every building erected or structurally altered shall provide a lot area of not less than six thousand square feet per family; provided, however, that where a lot has less area than required in this section, as shown by the last recorded sale at the time of the passage of the ordinance codified in this title, the lot may be occupied by not more than one family.

17.16.080 - Exterior finish.

All structures, including accessory building or structures, shall be finished in a neat and workmanlike manner by paint, stucco, or other finish suitable for the type of materials used in their construction.

17.16.090 - Dwelling area.

In the "A" district the total area of the dwelling shall be not less than one thousand square feet measured on the outside walls.

Chapter 17.20 - "B" RESIDENCE DISTRICT

Sections:

17.20.010 - Purpose.

The standards of the "B" residential district are designed to retain and provide areas with co-mingling of single-family dwelling units and multiple family dwelling units.

17.20.012 - Uses by right.

A use by right is any of the following uses:

- A. Single-family dwellings;
- B. Multiple family dwellings;
- C. Accessory buildings or structures;
- D. Schools;
- E. Libraries;
- F. Parks;
- G. Churches.

17.20.013 - Uses by review.

A use by review is any of the following uses, which are permitted only upon issuance of a special use permit by the planning commission.

- A. Bed and breakfast;
- B. Church;
- C. Condominium;
- D. Day care;
- E. Home for the developmentally disabled;
- F. Home occupations;
- G. Hospital;
- H. Medical clinic;
- I. Planned unit development.

17.20.014 - Accessory buildings.

An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

17.20.020 - Height.

No building erected or structurally altered shall exceed thirty-five feet in height or two stories above foundation or basement.

17.20.030 - Rear yard.

There shall be a rear yard of not less than twenty-five feet.

17.20.040 - Side yard.

There shall be a side yard on each side of a building of not less than five feet in width; provided, however, that on a lot having a width of less than forty feet as shown by the last recorded sale prior to the passage of the ordinance codified in this title there shall be a side yard on each side of a building of not less than three feet in width.

17.20.050 - Setback.

There shall be a setback of not less than twenty feet; provided, however, that where lots comprising twenty-five percent or more of the frontage of any block are developed with buildings having a predominant setback, no buildings erected or structurally altered shall project beyond the predominant setback line so

established; provided further, that this regulation shall not be interpreted so as to require a setback of more than forty feet.

17.20.060 - Corner lots.

On corner lots the front of the building shall comply with the setback requirements of the street upon which the front of the building faces. The side of the building shall be set back not less than half of the setback required for buildings on lots fronting upon the side street, except that where there are no lots fronting on that street, the side yard requirements only shall apply.

17.20.070 - Lot area per family.

Every building erected or structurally altered shall provide a lot area of not less than four thousand five hundred square feet per family; provided, however, that where a lot has less area than required, as shown by the last recorded sale at the time of passage of the ordinance codified in this title, the lot may be occupied by not more than one family.

17.20.080 - Exterior finish.

All structures, including accessory buildings and structures, shall be finished in a neat and workmanlike manner by paint, stucco or other finish suitable for the type of materials used in their construction.

17.20.090 - Dwelling area.

In the "B" district the total area of the dwelling shall be not less than seven hundred fifty square feet measured on the outside walls.

Chapter 17.24 - "C" RESIDENCE DISTRICT

Sections:

17.24.010 - Purpose.

The standards of the "C" residential district are designed to retain and provide areas with co-mingling of single-family dwelling units and multiple family dwelling units with high occupancy units.

17.24.012 - Uses by right.

A use by right is any of the following uses:

- A. Single-family dwellings;
- B. Multiple family dwellings;
- C. Bed and breakfasts;
- D. Accessory buildings or structures;
- E. Schools;
- F. Libraries;
- G. Parks;
- H. Churches;
- I. Apartment houses;
- J. Boardinghouses and rooming houses;
- K. Cottage camps, tourist homes, bungalow courts;

- L. Accessory buildings and uses incident to any of the uses when located on the same lot and not involving the conduct of a business.

17.24.013 - Uses by review.

A use by review is any of the following uses, which are permitted only upon issuance of a special use permit by the planning commission.

- A. Hotels;
- B. Hospitals and clinics;
- C. Institutions of an educational, philanthropic or eleemosynary nature;
- D. Private clubs, fraternities, lodges, excepting those of which the chief activity is a service customarily carried on as a business;
- E. Condominium;
- F. Day care;
- G. Home for the developmentally disabled;
- H. Home occupations;
- I. Hospital;
- J. Medical clinic;
- K. Planned unit development.

17.24.014 - Accessory buildings.

An accessory building shall not be larger than two-thirds of the size of principal building or structure. The setback requirements for an accessory building shall be the same as for the principal building except that an accessory building shall not extend in front of the principal building.

17.24.020 - Height.

No building erected or structurally altered shall exceed forty feet or three stories in height.

17.24.030 - Rear yard.

There shall be a rear yard of not less than twenty-five feet.

17.24.040 - Side yard.

There shall be a side yard on each side of a building of not less than five feet in width, with six inches additional side yard for each foot of building height above fifteen feet; provided, however, that on a lot having a width of less than forty feet, as shown by the last recorded sale at the time of the passage of the ordinance codified in this title, there shall be a side yard on each side of a building of not less than three feet in width. A side yard shall in no case be less than one and one-half inches in width for each foot of the building length.

17.24.050 - Setback.

There shall be a setback of not less than twenty feet, subject to provision in regard to predominant setback in the "B" district.

17.24.060 - Corner lots.

Corner lot regulations are the same as for "B" residence district.

17.24.070 - Lot area per family.

Every building erected or structurally altered shall provide a lot area of not less than two thousand seven hundred fifty square feet per family.

17.24.080 - Dwelling area.

In the "C" district, the total area of the dwelling shall be not less than four hundred square feet, measured on the outside walls.

Chapter 17.28 - "D" BUSINESS AND COMMERCIAL DISTRICT

Sections:

17.28.010 - MU-C-H mixed use commercial-highway district.

- A. Intent. An area zoned "D" business and commercial is intended for mixed uses and a setting for development of a wide range of community and regional retail uses, offices and personal and business services. Secondly, it can accommodate a wide range of other uses including multi-family housing and mixed use dwelling units. The district is intended to integrate various commercial and multi-family uses while transitioning from the highway to adjacent lower density neighborhoods.

17.28.011 - Uses by right.

Permitted principal uses in the MUJ-C-H district are as follows:

A. Accessory/Miscellaneous Uses:

1. Accessory buildings,
2. Accessory uses.

B. Residential Uses:

1. Single-family dwellings,
2. Group homes,
3. Multiple family dwellings.

C. Institutional/Civic/Public Uses:

1. Church or place of worship and assembly,
2. Parks and open spaces,
3. Public facilities, without business offices or repair and storage facilities,
4. Transit facilities without repair or storage.

D. Commercial/Retail Uses:

1. Bed and breakfasts,
2. Boarding and rooming houses,
3. Car wash,
4. Child care centers,
5. Convenience retail stores with or without fuel sales,
6. Equipment rental establishments (without outdoor storage),
7. Food catering,

8. Funeral homes,
9. Gasoline stations,
10. Health and membership clubs,
11. Libraries,
12. Limited indoor recreation facilities,
13. Lodging establishments,
14. Long term care facilities,
15. Mixed use dwellings units,
16. Motor vehicle service and repair (minor repair),
17. Open-air farmers' markets,
18. Personal and business service shops,
19. Plant nurseries and greenhouses,
20. Print shops,
21. Professional offices, financial services and clinics,
22. Restaurants, with or without drive-through facilities,
23. Schools,
24. Large retail establishments,
25. Small grocery stores,
26. Supermarkets,
27. Tourist facilities,
28. Veterinary small animal clinics.

E. Industrial Uses:

1. Workshop and custom small industry uses.

17.28.012 - Uses by review.

A use by review is any of the following uses which are permitted only upon issuance of a special use permit by the planning commission:

- A. Bed and breakfast;
- B. Church;
- C. Condominium;
- D. Day care;
- E. Home for the developmentally disabled;
- F. Home occupations;
- G. Hospital;
- H. Medical clinic;
- I. Planned unit development;
- J. Hotels;
- K. Hospitals;

- L. Institutions of an educational, philanthropic or eleemosynary nature;
- M. Private clubs, fraternities, lodges, excepting those of which the chief activity is a service customarily carried on as a business;
- N. Indoor industrial hemp storage and processing, pursuant to a valid Colorado Department of Agriculture Registration, within a building designed and constructed for commercial use and not for residential use.

1. Definitions.

- a. "Processing" in subsection N means a series of mechanical or chemical operations performed on hemp in order to change or preserve it or to achieve a particular result.
- b. "Industrial hemp" means a plant of the genus cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.

2. A special use permit for this use shall be specifically conditioned so that as a condition of issuance and retention of the special use permit the possessor of the property must:

- a. Conform with Sugar city Municipal Code Section 17.50.010(2); and
- b. Eliminate the smell or odor of industrial hemp, or unusual smells or odors generated by or connected to such storage or processing and not generally found in a residential environment, so that such odors cannot be detected by a person with a normal sense of smell from a minimum distance of ten feet of the building's exterior or at the property's boundaries, whichever distance is less, except during periods while a door is open for the purpose of transferring or transporting industrial hemp not to exceed fifteen minutes per period; and
- c. Install an activated carbon air filtration system in the building(s) being used prior to commencement of hemp storage or processing, adequate to remove hemp and hemp processing odor to the extent required to meet the requirements of Section 17.28.012(N)(2)(b) above, certify the installation to the town and permit the town to inspect the system following installation and from time to time thereafter following reasonable notice from the town; and
- d. Operate the activated carbon air filtration system during hemp storage and hemp processing to the extent required to meet the requirements of section 17.28.12(N)(2)(b).

17.28.013 - Prohibited uses.

A prohibited use is any of the following uses that are not permitted:

- A. Blacksmith shop;
- B. Bottling works;
- C. Fuel yard;
- D. Carting, express, hauling and storage yard;
- E. Ice plant or storage house;
- F. Livery stable;
- G. Machine shop;
- H. Storage warehouse except as specifically allowed as a use by review;
- I. Any kind of manufacturing or treatment other than the manufacture or treatment of products clearly incidental to the conduct of a retail business conducted on the premises;
- J. Any type of storage, processing or manufacture of any product which is or may become noxious by reason of odor, health, sanitation, dust, smoke, or for any other reason.

17.28.020 - Height.

No building erected or structurally altered shall exceed forty feet or three stories in height.

17.28.030 - Side yard.

- A. For business buildings no side yard shall be required, but if provided shall be not less than five feet.
- B. For residential buildings the side yard shall be the same as required in the "C" residence district.

17.28.040 - Setback.

Where all the frontage on one side of a street between two intersecting streets is zoned as a business district, no setback shall be required. Where the frontage of one side of a street between two intersecting streets is zoned partly as residence and partly as business, the setback requirements of the "C" residence district shall apply to the entire frontage.

17.28.050 - Lot area per family.

Buildings or parts of buildings erected or structurally altered for residential purposes shall provide a lot area of not less than two thousand seven hundred fifty square feet per family.

Chapter 17.32 - "E" INDUSTRIAL DISTRICT

Sections:

17.32.010 - Uses.

Buildings and land may be used for any purposes whatsoever, not in conflict with any ordinance of the town regulating nuisances; provided, however, that no building or occupancy permit shall be issued for any of the following uses until and unless the location of such use has been approved by the board of adjustment:

- A. Stockyards or slaughter of animals or fowl;
- B. Explosives manufacture or storage;
- C. Petroleum refining or processing;
- D. Garbage, offal, or dead animal reduction or dumping;
- E. The processing, disposal, storage or manufacture or anything which in itself by process of manufacture or in its completed state is noxious, constitutes a fire hazard, or is dangerous for any reason.

17.32.020 - Side yard.

For business, commercial, and industrial buildings no side yard shall be required, but if provided shall not be less than five feet.

Chapter 17.33 - "M" MODULAR HOMES DISTRICT

Sections:

17.33.010 - Applicability.

It is the purpose of this district to provide flexibility and ease for the creation of modular home subdivisions free of the burdensome requirements of other ordinances of this town regarding mobile homes, zoning, and subdivisions. Therefore, the procedures and provisions of this chapter shall take precedence

over and govern any situation, plan, ordinance, rule or regulation heretofore adopted or promulgated pursuant to Titles 16, 17 and 18 of this code.

17.33.020 - Purpose.

The purpose and intention of this district is, as specified in this chapter, to create a modular home zone and to provide subdivisions therefor.

17.33.030 - Intent.

The intention of a modular home zone is to permit mobile and modular home uses in a residential-like atmosphere where the owner of the modular or mobile home also owns the real estate lot upon which such dwelling sits.

17.33.040 - Use of structures.

In a mobile home zone no building shall be used and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than independent mobile homes, for modular homes, for dwellings, or for accessory buildings. An occupied mobile home which is a minimum of twelve feet wide may be parked, located or situated on a mobile home lot within a modular home zone.

17.33.050 - Area requirements.

The tract to be used for a modular home district shall be not less than three acres. Additions to modular home districts previously approved may be of less than three acres.

17.33.060 - Zone requirements.

The modular home district shall conform with the following requirements:

- A. The zone shall be located on a well-drained site, properly graded to insure drainage and freedom from stagnant pools of water.
- B. Modular home zones shall have a maximum density of ten dwellings per gross acre and a minimum space of four thousand square feet for each dwelling.
- C. Each lot shall be at least forty feet wide and clearly defined.
- D. Homes shall be so located on each lot so that there shall be at least fifteen feet of clearance between homes. All homes shall be so located on each lot so as to have a uniform setback from the front of each lot throughout the zone. Homes shall be located at least eighteen feet from the front property line of the lot.
- E. All lots shall front upon a roadway not less than forty feet in width.
- F. All roadways and walkways within the modular home district shall be hard-surfaced and adequately lighted at night with electric lamps.

17.33.070 - Applicant.

The applicant for a modular home district must satisfy the board of trustees of the town that he is financially able to carry out his proposed plan for developing the modular home zone.

17.33.080 - Inapplicable code sections.

The following sections of this code shall not be applicable to modular home districts:

16.04.030

16.12.020

16.12.040

16.16.010 through 16.20.050, inclusive

16.24.120

16.28.010 through 16.28.170, inclusive

17.33.090 - Authority.

It is the intention that the board of trustees of the town take all acts and make all decisions with regards to subdivisions, annexations and zoning insofar as modular home districts are concerned, to the exclusion of all other local governmental bodies; therefore, no other local governmental agency need grant its approval in any way to any application for a change of zoning to be a modular home district or for annexation to the town of any property to be so classified, all other ordinances of the town notwithstanding.

Chapter 17.36 - NONCONFORMING USES

Sections:

17.36.010 - Designated.

- A. The lawful use of land existing at the time of passage of the ordinance codified in this title, although such use does not conform to the provision hereof, may be continued, but if such nonconforming use is discontinued, subject to the provisions contained in this title, any further use of the premises shall be in conformity with the provisions of this chapter. (The fact that a building is temporarily unoccupied or not rented or in the process of reconstruction, restoration, or repair, as provided for in this section, shall not be considered a discontinuance of its use.)
- B. The lawful use of a building existing at the time of passage of the ordinance codified in this title may be continued, although such use does not conform with the provisions of this chapter, and such use may be extended throughout the building, provided no structural alterations, except those required by law or as provided for in this chapter, are made thereto. Any such building or structure may be repaired whenever such repairs are necessary or convenient to the use of such building, but if a building housing a nonconforming use is destroyed to an extent that practically complete reconstruction of the building above the ground is necessary, such nonconforming use shall be discontinued. Nothing in this section, however, shall prevent the reconstruction of church buildings existing at the time of the passage of the ordinance codified in this title.

17.36.020 - Existing large residences.

In the "A" district, large residences which exist at the time of the passage of the ordinance codified in this title, may be used as two-family dwellings; provided, however, that the provisions in this title as to lot area per family and the floor area per dwelling are observed.

Chapter 17.40 - AREA EXCEPTIONS

Sections:

17.40.010 - Generally.

The area regulations in the various districts shall be subject to the following exceptions and regulations as set forth in this chapter.

17.40.020 - "C" district.

In the "C" residence district a living room and bedroom may be combined and an auto court or cottage camp may be constructed with or without kitchens.

17.40.030 - "A" district.

In the "A" residence district two-family dwellings will be allowed in residences existing at the time of the passage of the ordinance codified in this title.

17.40.040 - Through lots.

Buildings on through lots and running from street to street may waive the requirements of a rear yard by furnishing an equivalent open space in lieu of such required rear yard.

17.40.050 - Rear yard.

In computing the depth of a rear yard for any buildings where such rear yard opens into an alley, one-half of such alley may be assumed to be a portion of the yard.

17.40.060 - Two-family dwelling.

For the purposes of area regulations, a semidetached two-family dwelling or row or group of houses shall be considered as one building occupying one lot.

17.40.070 - Required yard.

Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projections of sills, cornices, ornamental features and eaves; provided, however, that none of the above projections shall project into a court more than six inches nor into a minimum side yard more than twenty-four inches.

17.40.080 - Cornices.

No cornice shall project over the street line more than five percent of the width of such street, and shall in no case project more than four feet; provided further, no projection, sign or fixture shall interfere with the proper driving or parking of legal height vehicles.

17.40.090 - Fire escapes.

Open or enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers shall not project into a yard more than five feet, or onto a court more than three and one-half feet, and the ordinary projections of chimneys and flues may be permitted by the building inspector where the same are so placed as not to obstruct the light and ventilation.

17.40.100 - Accessory buildings.

An accessory building may occupy not more than thirty percent of the rear yard, and shall not be closer to the main building than seven feet unless it is made a portion of the main building.

17.40.110 - Yard court.

No yard, court, or other open space provided about any building for the purpose of complying with the provisions of these regulations shall be used as a yard, court, or open space for another building.

Chapter 17.44 - BUILDING PERMITS AND CERTIFICATE OF OCCUPANCY

Sections:

17.44.010 - Generally.

Before any building is erected or structurally altered, a building permit shall be obtained by applying to the town clerk and paying a fee of one cent per square foot floor area (outside porches excluded). The minimum fee is two dollars and fifty cents.

17.44.020 - Certificate for occupancy for land.

- A. Certificate of occupancy for the use of vacant land or the change in the use of land as provided for in this section, shall be applied for before any such land is occupied or used, and a certificate of occupancy shall be issued within ten days after the application has been made, provided such use is in conformity with the provisions of these regulations.
- B. The certificate of occupancy shall state that the building, or proposed use of a building or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the building inspector, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected. No fee shall be charged for an original certificate applied for coincident with the application for a building permit; for all other certificates or for copies of the original certificate there shall be a fee charged of one dollar each.
- C. No permit for excavation for any building shall be issued before application has been made for certificate of occupancy.

17.44.030 - Plats required.

All applications for building permits shall be accompanied by a plat in duplicate drawn to scale showing the actual dimensions of the lot to be built upon the size of the building to be erected, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications shall be kept in the office of the building inspector.

17.44.040 - Permits.

Whenever any application or permit is required under the provisions of this chapter, such permit shall be issued or application granted when it appears to the town clerk that the applicant has met the requirements for which the permit is sought or application made.

Chapter 17.48 - CHANGES AND AMENDMENTS

Sections:

17.48.010 - Procedure.

The council may, from time to time, on its own motion or on petition, after public notice and hearings as provided by law, amend, supplement, or change the boundaries or regulations in this title or subsequently established. Whenever the owners of fifty percent or more of the frontage in any district or part thereof present a petition duly signed and acknowledged to the council, requesting an amendment, supplement, or change of the regulation prescribed for such district or part thereof, it shall be the duty of the council to vote upon such petition within ninety days after the filing by the petitioners with the clerk of the council; in the case of a protest to the proposed amendment, supplement, or change presented, duly signed and acknowledged by the owners of twenty percent, or more, either of the area of the lots included in such proposed change, or those immediately adjacent in the rear thereof extending one hundred feet from the street frontage of such opposite lots such amendment, supplement or change shall not be passed except by two-thirds vote of the council.

Chapter 17.50 - HOME OCCUPATIONS*

Sections:

17.50.010 - Use by review; special use permit.

1. Definitions.
 - a. "Use by review" in this chapter means any use permitted only upon issuance of a special use permit by the planning commission.
2. Special use permit.
 - a. Before granting a special use permit, the planning commission shall find in writing, based on evidence and testimony, that all of the following conditions do in fact exist:
 - i. The requested use is a use listed as a use by review in the district in which the parcel is located.
 - ii. The granting of the special use permit will not substantially modify the land use plan or the town master plan or the intent, purpose and spirit of this chapter.
 - iii. The special use proposal incorporates reasonable means to create an environment harmonious with that of the surrounding properties.
 - iv. The special use will not adversely affect the public health, safety or welfare.
3. Finality; appeal.
 - a. The findings and decisions of the planning commission shall be final. Appeals to the district court shall be made within 30 days from the date of the action by the planning commission.

17.50.020 - Home occupations.

1. Definitions.
 - a. "Home occupation" in this section shall mean any use for gain or support in a residential zone conducted on the parcel and carried on by the inhabitants there, and no others, which use is clearly incidental and secondary to the use of the parcel for residential purposes and which does not change the character thereof.
2. Home occupations shall be a use by review for R-1, R-2 and R-3 districts.
3. Specific repeal.
 - a. Town of Sugar city Municipal Code Section 17.38.070 titled "Review - Permit Issuance" is hereby repealed upon adoption of this chapter. Chapter 17.56 - APPEALS

Sections:

17.56.010 - From ruling of building inspector.

Appeal from the ruling of the building inspector concerning the enforcement of the provisions of this title may be made to the board of adjustment within such time as shall be prescribed by the board by general rule. The applicant shall file with the building inspector and with the board of adjustment a notice of appeal, specifying the grounds thereof. The building inspector shall transmit to the board all papers constituting the record from which the appealed action was taken.

17.56.020 - Review of decision—Procedure.

At any time within thirty days from the date of a decision by the board of adjustment, any person aggrieved by a decision of the board of adjustment may request a review of such decision by the board of trustees. A person making an appeal shall notify the board of adjustment and the city clerk in writing of his intention to do so and shall specify the grounds therefor. Upon receipt of a notice of appeal the board of adjustment shall forthwith forward to the city clerk all documents and materials in the possession of the board of adjustment relating to the matter on appeal. The board of trustees may conduct such inquiry, hold hearings, or conduct such other proceedings as it deems necessary concerning the appeal, and the person appealing shall be entitled to be present upon all such occasions and present such matters as he deems necessary. The board of trustees shall render its decision within seventy-five days from the time the notice

of appeal is received by the city clerk, and a copy of the decision of the board of trustees shall be filed with the minutes of the board as well as with the minutes and documents of the board of adjustment.

17.56.030 - Classification of districts.

When any district has been classified or is about to be classified into any one of the prescribed classes, the owners thereof may appeal to the board for a higher classification. It shall be the duty of the board to carefully examine all the facts and to determine all present usages which are below the requirements of the higher class requested and the board shall have authority to require the elimination or correction of any one, any part, or all of the nonconforming usages as may be justified by the circumstances before such higher classification is assigned to such district.

Chapter 17.60 - VIOLATIONS—PENALTIES

Sections:

17.60.010 - Enforcement.

It shall be the duty of the building inspector to see that this title is enforced. Appeal from the decision of the building inspector may be made to the board of adjustment as provided in Sections 17.44.010 and 17.44.020.

17.60.020 - Violation—Penalty.

Any person, firm, or corporation that violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this title shall be guilty of a misdemeanor. Each day that a violation is permitted to exist shall constitute a separate offense. Any buildings erected, raised, converted, or land or premises used in violation of any of the provisions of this title or the requirements thereof are common nuisances, and such common nuisances may be abated in such manner as nuisances are now or may hereafter abated under existing law.

Title 18 - MOBILE HOME PARKS

Chapters:

Chapter 18.04 - GENERAL PROVISIONS

Sections:

18.04.010 - Purpose.

The purpose and intention of this title is, as hereinafter specified, to create mobile home parks and to regulate the location and use of mobile homes.

18.04.020 - Intent.

The intention of a mobile home park is to permit low density mobile home uses in a park-like atmosphere. The mobile home park is intended for those areas where the owner proposes to develop and rent or lease individual mobile home spaces.

18.04.030 - Use of structures.

In a mobile home park no building shall be used and no building shall be erected, altered or enlarged, which is arranged, intended or designed for other than independent mobile homes, or independent trailer house coaches, and customary service buildings.

18.04.040 - Location of mobile homes.

- A. An occupied mobile home of any kind shall be only parked in a mobile home space within a mobile home park or on a lot in a modular home district as provided for by the ordinances of the town.
- B. No mobile home of any kind shall be parked in any street, alley, lot or highway within the limits of the town for more than twenty-four hours.

Chapter 18.08 - DEFINITIONS

Sections:

18.08.010 - Generally.

The words and phrases defined in this chapter shall have the meanings as set forth in this chapter.

18.08.020 - Dependent mobile home.

"Dependent mobile home" means a mobile home not connected to public water or public sewage and not containing a flush toilet, complete sink, and bath or shower.

18.08.030 - Independent mobile home.

"Independent mobile home" means a mobile home having a flush toilet and a bath or shower and a complete sink, and further, is connected to sewerage and water connections located on or adjacent to the mobile home space.

18.08.040 - Licensee.

"Licensee" means any person licensed to operate and maintain a mobile home park under the provisions of this title.

18.08.050 - Mobile home.

"Mobile home" includes any complete structure used for living, sleeping, business or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses, or skirting; and which has been or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" does not include motor homes or recreational type vehicles. The term "mobile home" includes two or more separately towed units which are bolted or otherwise fastened together to form a complete living unit but does not include modular homes.

18.08.060 - Mobile home park.

"Mobile home park" means any park, court, camp, lot, area, piece, parcel, tract or plot of ground upon which mobile homes are used, whether for compensation or not, including all accessory uses thereof.

18.08.070 - Mobile home space.

"Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

18.08.080 - Natural or artificial barrier.

"Natural or artificial barrier" means any river, pond, canal, railroad, levee, embankment, or major street.

18.08.090 - Permittee.

"Permittee" means any person to whom a permit is issued to construct a mobile home park under the provisions of this title.

18.08.100 - Person.

"Person" means any individual, firm, trust, partnership, association or corporation.

18.08.110 - Street.

"Street" means any recognized thoroughfare in the city.

Chapter 18.12 - GENERAL REQUIREMENTS

Sections:

18.12.010 - Area requirements.

The tract to be used for a mobile home park shall be not less than three acres. Additions to mobile home parks previously approved, constructed and operated pursuant to this chapter may be of less than three acres, but all other provisions of this chapter shall apply to any such expansion or addition.

18.12.020 - Financial ability and schedule of construction required.

The applicant for a mobile home park permit or for a zoning change to permit a mobile home park must satisfy the planning commission that he is financially able to carry out the proposed plan and shall prepare and submit a schedule of construction, which construction shall commence with a period of one year following the approval by the planning commission and shall be completed within a period of two years.

18.12.030 - Development plan.

The applicant for a mobile home park permit or for a zoning change to permit the same shall prepare or cause to be prepared a development plan for the mobile home park and shall present three copies of the plan for review and approval by the planning commission. The plot plan shall show topography and location and size of:

- A. Mobile home sites;
- B. Service buildings;
- C. Off-street parking areas;
- D. Electrical outlets;
- E. Sewer outlets;
- F. Water outlets;
- G. Water lines;
- H. Sewer lines;
- I. Recreation areas;
- J. Landscaped areas and walls or fences;
- K. Roadways;
- L. Sidewalks, or walkways, if provided.

18.12.040 - Conformance with requirements.

The mobile home park shall conform with the following requirements:

- A. The park shall be located on a well-drained site, properly graded to insure rapid drainage and freedom from stagnant pools of water.
- B. Mobile home parks shall have a maximum density of eight trailers per gross acre and a minimum space of two thousand eight hundred square feet for each trailer.

1. In those cases where three thousand square feet is allocated for each trailer, and each mobile space is separately fenced, no central recreational area will be required.
- C. Each mobile home space shall be at least thirty-five feet wide and clearly defined.
 1. Where the provisions of subdivision 1 of subsection B of this section is applicable, then each space shall contain three thousand square feet.
- D. Mobile homes shall be so located on each space that there shall be at least twenty feet of clearance between mobile homes; provided, however, that with respect to mobile homes parked end-to-end, the end-to-end clearance may be less than twenty feet but shall not be less than fifteen feet unless a division fence is erected between mobile home spaces. No mobile home shall be located closer than twenty-five feet from any building within the park. All mobile homes shall be so located on each space so as to have a uniform setback from the front of each space throughout the mobile home park, and in no event shall the distance from the front of the space to the front wall or furthest front wall of the mobile home be less than six feet. Mobile homes shall be located at least fifteen feet from the property line bounding the park.
- E. All mobile home spaces shall front upon a private roadway of not less than forty-five feet in width, which shall have unobstructed access to a public street, alley or highway:
 1. Where traffic is controlled to one direction, the width of a roadway shall be twenty feet.
 2. Where a mobile home space has a driveway leading to the private roadway, the space need not front on the private roadway.
- F. Walkways, not less than thirty inches wide, shall be provided from the mobile home spaces to serve buildings.
- G. All roadways and walkways within the mobile home park shall be hard surfaced and adequately lighted at night with electric lamps.
- H. Laundry facilities for the exclusive use of the mobile home occupants may be provided in a service building.
- I. At least one electrical service outlet supplying at least one hundred twenty volts and two hundred forty volts shall be provided for each mobile home park.
- J. A recreational area shall be provided at a central location in the mobile home park at the rate of two hundred square feet for each trailer space.
- K. A solid fence or wall or chain link fence shall be provided between the mobile home park and any adjoining property zoned for residential purposes. The fence or wall shall not be less than four feet high nor more than six feet high. The owner shall be responsible for the maintenance of the fence or wall. The requirements of this subsection may be omitted when a statement is signed by all land owners within two hundred feet of the mobile home park stating that each understands the plans and has reviewed the required plot plans and that each has no objection to the mobile home park.
- L. Two parking places for each mobile home space shall be provided off of the private roadway upon which the mobile home space fronts.

18.12.050 - Utility service.

All communications, electrical, water and sewage lines shall be placed underground and shall be of such size, nature and character as the town may prescribe to meet the needs of the mobile home park. Each mobile space shall have a separate soft water meter.

18.12.060 - Water supply.

An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park. Each mobile home space shall be provided with a cold

soft water tap. An adequate supply of hot water shall be provided at all times in the service buildings for all washing and laundry facilities.

18.12.070 - Service buildings.

- A. Service buildings, housing sanitation and laundry facilities, or any of such facilities, shall be permanent structures complying with all applicable codes, ordinances, and statutes regulating buildings, electrical installations and plumbing sanitation systems.
- B. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any debris that will be a menace to the health of any occupant or the public or constitute a nuisance.

18.12.080 - Sewage and refuse disposal.

Each mobile home space shall be provided with a trapped sewer at least four inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home located in such space and having any or all of such facilities. The trapped sewer in such space shall be connected to discharge the mobile home waste into a public system.

18.12.090 - Garbage receptacles.

Each mobile home unit shall be provided with at least one thirty-gallon plastic or metal trash and garbage can with a tight-fitting cover to permit disposal of all garbage, trash and rubbish.

18.12.100 - Animals and pets.

No licensee or permittee shall allow the owner or person in charge of any dog, cat or other pet or animal to run at large or commit any nuisance within the limits of any mobile home park.

18.12.110 - Existing mobile home parks.

Any mobile home park in existence as of June 15, 2005 shall have until June 15, 2015 to be in compliance with all provisions of this chapter except that each park shall submit to the town of Sugar city no later than June 15, 2006 a satisfactory detailed plan for achieving such compliance. The city shall inspect each park at intervals of two years to ensure that satisfactory progress is being made in accordance with the plan submitted to the city. The failure of the owner and/or manager of any park to comply with the plan submitted on behalf of the park shall constitute a violation of this chapter.

18.12.120 - Existing mobile homes.

Notwithstanding any other provision of this chapter, a mobile home unit, including any unit which might be defined as a manufactured housing unit located in a mobile home park, which has been installed before May 10, 2005, and does not constitute a health or safety hazard, may continue to be occupied although such unit does not conform with the requirements of this section, provided such unit shall not be enlarged, added to, or increased in floor space in any manner which would violate the provisions of this chapter. If such a unit is removed from the space, the space shall not be occupied with another mobile home unit unless such unit conforms to the requirements of this chapter and a permit is issued therefor. Where there are unique, unnecessary and unreasonable hardships in the way of carrying out the strict letter of the requirements of this section, a mobile home park owner may apply to the city council pursuant to the provisions of Section 18.24.010 of this title for a variance from the requirements of this section. A separate variance is required for each individual unit or space. For purposes of this section, "unique, unnecessary and unreasonable hardship" specifically does not include solely financial impact on the mobile park owner in complying with the requirements of this chapter.

Chapter 18.16 - REGISTRATION

Sections:

18.16.010 - Register of occupants.

- A. It shall be the duty of each licensee and permittee to keep a register containing a record of all mobile home owners and occupants located within the park. The register shall contain the following information:
 - 1. The name and address of each mobile home owner or tenant occupying a mobile home;
 - 2. The name and address of the owner of each mobile home and motor vehicle;
 - 3. The make, model, year and license number of each mobile home and motor vehicle;
 - 4. The state, territory or country issuing such licenses;
 - 5. The date of arrival and of departure of each mobile home.
- B. The mobile home park owners, managers or caretaker shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register.
- C. The register record for each occupant registered shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

18.16.020 - Responsibility of licensee.

The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, and its facilities and equipment, in a clean, orderly and sanitary condition. The attendant or caretaker shall be answerable, with the licensee or permittee, for the violation of any provision of the regulations for the mobile home parks.

Chapter 18.20 - LICENSES AND PERMITS

Sections:

18.20.010 - License—Required.

No person shall operate a mobile home park without first obtaining a license to do so pursuant to the provisions of this title.

18.20.020 - License—Fee—Expiration.

- A. It is unlawful for any person to maintain or operate a mobile home park unless such person shall first obtain a license from the town clerk.
- B. The annual license fee for each mobile home park shall be a minimum of fifty dollars or ten dollars per developed space, whichever is greater, which is not refundable.
- C. A mobile home park license is not transferable.
- D. Expiration date of the mobile home park license shall be December 31st of each year.

18.20.030 - License—Revocation or suspension.

If the town determines, upon proper inspection by the inspecting officer of the town, that the sanitary condition of the mobile home park has become so unsanitary as to endanger health or welfare of occupants of the mobile home park or the surrounding community, or that the sanitary facilities have become inadequate to properly protect the occupants of the mobile home park, the town governing body shall have the power to require the holder of the mobile home park license within ten days, to set the mobile home park in proper sanitary condition. If, upon notice from the town to the holder of the license as set forth in this chapter, the owner or manager of the mobile home park fails or refuses to place the park or court in sanitary condition, the town governing body shall have the right to revoke the license.

18.20.040 - Permit—Application—Information required.

A written application for a permit to construct a mobile home park shall be required for any person, firm or corporation constructing the mobile home park. The application shall be filed in duplicate with the town clerk and shall include the following items:

- A. The name and address of the applicant;
- B. The location and legal description of the mobile home park site;
- C. The name and address of the manager of the mobile home park;
- D. The number of mobile homes the mobile home park will accommodate;
- E. A plan showing the location of all mobile homes, buildings, roadways, recreation areas, off-street parking areas, electrical outlets, sewer outlets, water outlets, water mains, sewer mains and other improvements and facilities constructed or to be constructed in the mobile home park. The plan shall be drawn at a scale of one inch equals one hundred feet or larger;
- F. Such further information as may be required to determine if the proposed mobile home park will comply with this title and other ordinances and requirements.

18.20.050 - Permit—Application—Filing and affidavit.

The application shall be filed by the owner or manager of the mobile home park and sworn to before a notary public. The person or persons filing the application and affidavit shall be the person or persons owning or managing the mobile home park and the person or persons responsible for the upkeep and maintenance and sanitary control. Any change in the management of the mobile home park shall be registered with the town clerk by a sworn affidavit by the new manager.

18.20.060 - Permit—Investigation of application and park.

Upon receipt of the completed application, plans and filing fees, the town clerk shall transmit a copy of the application and to the town planning commission which shall:

- A. Check the application for compliance with this title and other town codes and ordinances;
- B. Determine the condition of sanitation of the mobile home park.

18.20.070 - Permit—Issuance.

If the application is found to be in compliance with this title and other town codes and ordinances, and the site is found to be in conformance with sanitary regulations, the planning commission shall authorize the town clerk to issue a permit for a mobile home park.

18.20.080 - Permit—Revocation after inspection.

Upon the issuance of the permit for a mobile home park or court, the town shall have the authority to have the mobile home park inspected by the proper inspecting officer of the town, and if it is found that the holder of the permit has made any false or misleading statements in his application or has placed or caused to be placed more mobile homes in the mobile home park or court than provided for and set forth in the application for permit, or that the holder of the permit has violated or caused to be violated any provision of this title, the town governing body shall have the power to revoke the permit.

18.20.090 - Failure to perform acts—Hearing for revocation.

When any permittee fails to commence or complete construction as specified in Section 18.12.020, when any licensee fails to renew a license as required in Section 18.20.020, then the town clerk shall give notice to such licensee or permittee by mail to the address shown on the permit that the town governing body will hold a hearing not sooner than ten days from the date of mailing such notice to determine whether the license or permit to operate a mobile home park should be revoked.

Chapter 18.24 - VARIANCES

Sections:

18.24.010 - Granting.

The town council may grant a variance to this title based upon a written application therefor. A variance shall only be granted following a public hearing, notice of which shall be published at least ten days prior to the hearing. No variance shall be granted which will substantially defeat the purposes of this title. In granting any variance, the town council shall specify in writing its basis therefor.

Chapter 18.28 - VIOLATION—PENALTY

Sections:

18.28.010 - Fine.

Any person who commits, takes part or assists in any violation of this title, or who maintains any building or premises in or upon which a violation has been committed or shall exist, shall be fined not less than twenty-five dollars nor more than three hundred dollars, and each and every day that such violation continues shall constitute a separate offense.

18.28.020 - Injunction or other remedies for violation.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used, in violation of this regulation, the appropriate authorities of the area, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation or to prevent the occupant of the building, structure or land.

INTRODUCED IN FULL, PASSED AND ORDERED PUBLISHED on the ____ day of ____, 2024.

ADOPTED and approved the ____ day of ____, 2024.

TOWN OF SUGAR CITY

DATED this ____ day of ____, 2024.

BY: _____

Mayor, Town of Sugar City

ATTEST:

Town Clerk, Town of Sugar City