

CITY OF GREELEY, COLORADO
ORDINANCE NO. 12, 2021

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

BE IT ORDAINED BY THE CITY COUNCIL OF GREELEY, COLORADO:

Section 1. The code entitled "Greeley Municipal Code" published by Municipal Code Company, consisting of Titles 1 through 24, with tables and index, is adopted as a primary code by reference.

Section 2. All ordinances or portions of ordinances of a general and permanent nature enacted on or before January 1, 2021, which are inconsistent with the provisions of the Greeley Municipal Code, to the extent of such inconsistency and not otherwise saved from repeal, are hereby repealed.

Section 3. The repeal established in the foregoing section shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 4. The following codes and rules and regulations were adopted by reference and incorporated in the Greeley Municipal Code. One (1) copy of each such code is on file in the City Clerk's office:

- (1) The *Colorado Municipal Election Code of 1965*, Article 10 of Title 31 of the Colorado Revised Statutes, as adopted by reference in section 2-23.
- (2) The *Uniform Election Code of 1992*, Articles 1-13 of Title 1 of the Colorado Revised Statutes, as adopted by reference in section 2-23.
- (3) The *Colorado Mail Ballot Election Act*, Article 7.5 of Title 1 of the Colorado Revised Statutes, as adopted in section 2-23.
- (4) The *State of Colorado Department of Public Safety Rules and Regulations Concerning Minimum Standards for the Operation of Commercial Vehicles*, published by the Colorado Department of Public Safety, as adopted in section 16-68.

- (5) The *International Building Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 2 of Title 22.
- (6) The *International Residential Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 3 of Title 22.
- (7) The *International Mechanical Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 4 of Title 22.
- (8) The *International Property Maintenance Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 5 of Title 22.
- (9) The *International Existing Building Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 6 of Title 22.
- (10) The *International Energy Conservation Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 8 of Title 22.
- (11) The *International Plumbing Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 9 of Title 22.
- (12) The *International Fuel Gas Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 10 of Title 22.
- (13) The *National Electrical Code*, 2017 edition, published by the International Code Council, as adopted and amended in Chapter 11 of Title 22.
- (14) The *International Fire Code*, 2018 edition, published by the International Code Council, as adopted and amended in Chapter 12 of Title 22.

Section 5. The penalty provisions set forth in the Greeley Municipal Code are hereby adopted as set forth in Exhibit A.

Section 6. Additions or amendments to the Code, when passed in the form as to indicate the intention of the City to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 7. Ordinances adopted after January 1, 2021, which amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

Section 8. This Ordinance shall be in full force and effect following adoption and approval by the City Council, thirty (30) days following its publication.

PASSED AND ADOPTED, SIGNED AND APPROVED ON THIS 6TH DAY OF APRIL, 2021.

ATTEST



A handwritten signature in cursive script, likely belonging to the City Clerk.

City Clerk

CITY OF GREELEY, COLORADO

A handwritten signature in cursive script, likely belonging to the Mayor.

Mayor

EXHIBIT A

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

The penalty provisions set forth in the Greeley Municipal Code are hereby adopted as follows:

(1) Sec. 1-229. Penalties designated.

(a) No person shall violate any of the provisions of this Code. Such violations shall be subject to the punishment listed below:

(b) Misdemeanor offenses.

(1) Unless otherwise designated, any alleged criminal, non-administrative violation of this Code shall be classified as a misdemeanor offense and heard by the municipal court pursuant to chapter 10 of title 2 of this Code.

(2) A person who commits a misdemeanor offense, which includes traffic offenses, shall be subject to punishment by a fine of not more than \$1,000.00 or by imprisonment not to exceed one year, or by both such fine and imprisonment.

(c) Misdemeanor infractions.

(1) A person who violates any ordinance designated by this Code as a misdemeanor infraction, which includes traffic infractions and parking infractions, shall be heard by the municipal court and subject to punishment by a fine of not more than \$500.00.

(2) A person cited for a misdemeanor infraction shall be eligible to submit a plea and payment to the municipal court pursuant to procedures established in section 2-991.

(d) Upon conviction, a person may be sentenced to perform a certain number of hours of community or useful public service, in addition to any other penalty imposed, and the municipal court may assess a fee to cover the cost of participation in the community or useful public service.

(e) The municipal court may find a person to be indigent upon a showing of credible written evidence of indigency.

(2) Sec. 1-231. Juvenile penalties.

(a) The municipal court shall have the authority to apply all penalties to juvenile offenders who are at least ten but not 18 years of age as provided under this chapter, except as listed below.

(b) Pursuant to C.R.S. title 13, as amended from time to time, and notwithstanding any other provision of law, a child, as defined in C.R.S., title 19, art. 1, as amended from time to time, arrested for an alleged violation of a municipal ordinance, convicted of violating a municipal ordinance or probation conditions imposed by a municipal court or found in contempt of court in connection with a violation or alleged violation of a municipal ordinance shall not be confined in a jail, lockup or other place used for the confinement of adult offenders but may be held in a juvenile detention facility operated by or under contract with the department of human services or a temporary holding facility operated by or under contract with a municipal government which shall

receive and provide care for such child. A municipal court imposing penalties for violation of probation conditions imposed by such court or for contempt of court in connection with a violation or alleged violation of a municipal ordinance may confine a child pursuant to C.R.S., title 19, art. 2, as amended from time to time, for up to 48 hours in a juvenile detention facility operated by or under contract with the department of human services. In imposing any jail sentence upon a juvenile for violating any municipal ordinance, when the municipal court has jurisdiction over the juvenile pursuant to C.R.S., title 19, art. 2, as amended from time to time, a municipal court does not have the authority to order a child under 18 years of age to a juvenile detention facility operated or contracted by the department of human services.

(c) A juvenile offender may be sentenced up to 45 days of in-home detention.

(d) For any juvenile offender who turns 18 years of age at the time of sentencing, the municipal court shall have the authority to apply all penalties as provided under this chapter.

(3) Sec. 1-260. Administrative process.

Where authorized in specific chapters within this Code, certain violations may be sanctioned administratively. The hearing on those violations shall be in the nature of an administrative proceeding and shall proceed as set forth in chapter 12 of title 2 of this Code.

(4) Sec. 2-155. Quorum; penalty for nonattendance.

In the absence of a quorum, a minority of councilmembers present may adjourn from time to time and compel the attendance of absent members by a fine not exceeding \$10.00 for each offense.

(5) Sec. 2-983. Penalties; designated.

Any person convicted of violating a municipal ordinance may be punished as provided in chapter 9 of title 1 of this Code and other relevant Code provisions.

(6) Sec. 2-985. Suspension of sentence and probation.

In sentencing or fining a violator, a municipal judge shall not exceed the sentence or fine limitations established by ordinance. The municipal judge may suspend the sentence or fine, or both, of any violator and place him on probation for a period not to exceed one year.

(7) Sec. 2-986. Deferred sentencing and costs.

(a) In any case in which the defendant has entered a plea of guilty, the court accepting the plea may, with the written consent of the defendant, his attorney of record and the prosecuting attorney, continue the case for a period not to exceed two years from the date of entry of such plea for the purpose of entering judgment and sentence upon such plea of guilty.

(b) Prior to entry of a plea of guilty to be followed by deferred judgment and sentence, the prosecuting attorney, in the course of plea discussion, is authorized to enter into a written stipulation, to be signed by the defendant, his attorney of record and the attorney under which the defendant obligates himself to adhere to such stipulation. Upon full compliance with the stipulation by the defendant, the plea of guilty previously entered shall be withdrawn and the action against the defendant dismissed with

prejudice. Such stipulation shall specifically provide that, upon a breach by the defendant of any condition of the stipulation, the court shall enter judgment and impose sentence upon such guilty plea. Whether a breach of condition has occurred shall be determined by the court without a jury upon application of the prosecuting attorney and upon notice of hearing thereon of not less than five days to the defendant or his attorney of record. Application for entry of judgment and imposition of sentence may be made by the prosecuting attorney at any time within the term of the deferred judgment or within 30 days thereafter.

(c) When a defendant signs a stipulation by which it is, provided that judgment and sentence shall be deferred for a time certain, he thereby waives all rights to a speedy trial as provided by law.

(d) The defendant shall pay a reasonable deferral fee as determined by the municipal court and court costs in addition to the docket fee established in section 2-979.

(8) Sec. 2-1002. Notice; questionnaire.

The jury commissioner shall provide to all persons who are issued a summons to appear as a prospective juror in a case a juror questionnaire containing a list of pertinent and necessary questions to be answered in writing, including the name, age, occupation, residence and such other facts as may show whether a person is qualified to serve as a juror. Each person receiving such questionnaire shall answer truthfully the questions therein contained, in writing, and shall return the questionnaire to the jury commissioner. Every person receiving such questionnaire and failing to return the same, as provided for in this section, or who answers any of the questions on the questionnaire falsely is guilty of a misdemeanor infraction, and upon conviction thereof, shall be punished as provided in chapter 9 of title 1 of this Code.

(9) Sec. 2-1006. Failure of juror to appear.

If any person who is lawfully summoned to appear before the municipal court as a juror fails, neglects or refuses to appear as required by such summons, without reasonable excuse, he is guilty of contempt and shall be fined or imprisoned as the court may direct. The court shall have the power to issue an attachment directed to the chief of police, commanding him forthwith to bring before such court or judge the body of such juror so failing to attend and to show cause why he should not be punished for contempt, and on the appearance of such juror on such attachment, it shall be lawful for such court or judge to punish him for contempt or wholly discharge him if satisfactory excuse is made.

(10) Sec. 6-92. Incorrect registration of an automotive vehicle; penalty.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Notice of deficiency means the notice issued by the director of finance for a failure, neglect or refusal to pay any sales or use tax due or any penalties or interest thereon as provided in this chapter.

Penalty assessment means a written notice of the director of finance of his determination that a violation of C.R.S. § 42-3-101 et seq., as amended from time to time, has occurred and assessment and demand for the payment of the civil penalty provided for in subsection (c)(3) of this section.

(b) It is unlawful to register an automotive vehicle in violation of the provisions of C.R.S. § 42-3-101 et seq., as amended from time to time.

(c) Any person or business that causes an automotive vehicle to be registered in violation of the provisions of C.R.S. title 42, shall be assessed a \$500.00 civil penalty pursuant to the authority granted in C.R.S. § 42-3-101 et seq., as amended from time to time. The procedure for the assessment of such civil penalty shall be as follows:

(1) When the director of finance determines on such information as is available that a person or business has caused an automotive vehicle to be registered in violation of the provisions of C.R.S. § 42-3-101 et seq., as amended from time to time, a penalty assessment shall be provided to said person or business. Service of the penalty assessment shall be sufficient if provided by certified mail, return receipt requested, to the person or business at its last-known address. If the director of finance has also determined that sales or use taxes are due to the city on the purchase of such automotive vehicle, as provided in this chapter, such penalty assessment may be included in a notice of deficiency.

(2) A person or business shall pay the penalty provided in this subsection (c) within 20 days from receipt of the penalty assessment or within such time designated in the notice of deficiency, unless such person or business files a written protest with the director of finance in the manner provided in subsection (c)(3) of this section.

(3) If a person or business desires to protest a penalty assessment, such person or business shall request in writing a hearing before the director of finance as provided in section 6-225. Such protest must be filed within 20 days from the date of receipt of the penalty assessment or notice of deficiency. The request for hearing shall set forth facts which show that a violation of C.R.S. § 42-3-101 et seq., as amended from time to time, did not occur. The director of finance shall conduct a hearing and issue a final decision thereon as provided in section 6-225. If the decision affirms the penalty assessment, such person shall pay the civil penalty within 30 days from the date of said decision.

(4) A person or business may seek judicial review of the decision of the director of finance as provided for in sections 6-227 through 6-234. No such judicial review shall be available if a written request for hearing was not timely made in the manner provided for in subsection (c)(3) of this section.

(d) The director of finance may enforce collection of the penalty assessment in the same manner as provided in this chapter for the collection of unpaid sales or use taxes, penalties or interest.

(e) Nothing in this section shall preclude the collection of any tax or fee provided by law, the collection of any penalties or interest thereon provided by law, or the imposition of any other civil or criminal penalty provided by law.

(11) Sec. 6-93. Application to vehicles; penalty.

The purchase of an automotive vehicle, trailer or semitrailer inside or outside of the city by a person or business that is a resident of the city for use in the city, shall be subject to tax under this chapter, which tax shall be payable at the time the registration license is issued by the county clerk and recorder. Any person or business that is a resident of the city and that registers an automotive vehicle, trailer or semitrailer at an address outside the city is guilty of a violation of this chapter and shall be subject to the penalties and interests as provided for in this chapter.

Failure to properly register a trailer or semitrailer shall result in the assessment of a \$500.00 civil penalty in the same manner as provided for improperly registered automotive vehicles in section 6-92.

(12) **Sec. 6-193. Deficiencies from fraud; penalty.**

If any part of a deficiency is due to fraud with the intent to evade the tax, then there shall be added 100 percent of the total amount of the deficiency and in such case the whole amount of the tax unpaid, including the additions, shall become due and payable 20 days after written notice and demand by the director of finance, and an additional three percent per month on said amount shall be added from the date the return was due until paid.

(13) **Sec. 6-196. Penalty interest on unpaid use tax.**

Any use tax due and unpaid shall be a debt to the city, and shall draw interest at the rate imposed under section 6-197, in addition to the interest provided by section 6-191, from the time when due until paid.

(14) **Sec. 6-235. Failure to make return; penalty.**

If any person neglects or refuses to make a return in payment of the taxes as required by this chapter, the director of finance shall make an estimate, based upon such information as may be available, of the amount of the taxes due for the periods for which the taxpayer is delinquent; and upon the basis of such estimated amount, shall compute and assess in addition thereto a penalty equal to ten percent thereof, together with interest on such delinquent taxes at the rate of one percent per month from the date when due.

(15) **Sec. 6-245. Penalty.**

Any person who violates any of the provisions of this chapter and chapters 2 of this title and chapter 4 of title 10 of this Code is guilty of a violation of this chapter and shall be punished as provided in chapter 9 of title 1 of this Code.

(16) **Sec. 6-332. Violation; penalty.**

If any officer, agent or manager of a firm, partnership, joint venture, association, corporation or company, which is subject to the provisions of this chapter, fails, neglects or refuses to make any monthly installment payment in the manner prescribed in this chapter, such officer, agent or manager is guilty of a misdemeanor offense and on conviction, shall be punished by a fine of not less than \$25.00 and not more than \$999.00. Each day such payment is delinquent shall be considered a separate offense.

(17) **Sec. 6-361. False statements or information prohibited.**

No person applying for benefits under this chapter shall make any false statement or submit any false information, either knowingly or with a careless disregard for the truth of the statement made or information submitted. A violation of this section shall constitute a misdemeanor infraction and shall be punishable as provided in chapter 9 of title 1 of this Code.

(18) **Sec. 6-628. Criminal penalties.**

To the extent that violations of the ethical standards of conduct set forth in this article constitute violations of the Colorado Revised Statutes, as amended, they shall be punishable as provided therein. Such penalties shall be in addition to the civil sanctions set forth in this section. Criminal, civil and administrative sanctions against employees or nonemployees which are in existence on the effective date of the ordinance from which this chapter is derived shall not be impaired.

(19) Sec. 8-27. Violation.

It is unlawful for any person to engage in any business or occupation set out in this title without first having and obtaining all required licenses and paying the fee for the same set out in this title. Each day of violation shall be a separate offense and a person may be fined and convicted under this title for each day as a separate offense. Any and all said remedies are cumulative in nature and not exclusive of each other.

(20) Sec. 8-113. Breach of guarantee; license revocation, judicial remedies.

A breach of the guarantee provided for at section 8-112 occurs if defects are found to exist in the work within the two-year period and if the public right-of-way contractor fails to commence efforts to correct the defects complained of within ten days following written notification identifying the defects, or if the public right-of-way contractor does commence efforts within the ten-day period but fails to complete the remedial work with due diligence. If a breach of guarantee occurs, the client may pursue all available judicial remedies and, in addition, the city shall deny new right-of-way permits to revoke the license of the right of contractor.

(21) Sec. 8-254. Penalty.

Any person, partnership, corporation, limited liability company, or other business entity who violates any provision of this chapter shall be guilty of a misdemeanor infraction and upon conviction thereof shall be punished as provided in chapter 9 of title 1 of this Code. Every day of such violation shall constitute a separate offense.

(22) Sec. 8-279. Penalty.

Any person violating any provision of this chapter commits a misdemeanor infraction and is subject to the punishment prescribed by chapter 9 of title 1 of this Code.

(23) Sec. 8-309. Penalties.

(a) Each day that a person violates any part of this chapter 9 shall be considered as a separate and distinct violation.

(b) Any violation of this chapter 9 is punishable pursuant to chapter 9 of title 1 of this Code. Any violation shall carry a minimum fine of \$250.00.

(24) Sec. 8-464. Violation; penalty.

The standards for payment of a fine in lieu of suspension shall be as provided for in C.R.S. § 44-3-601, and shall apply to any licensee who violates or whose employees violate any terms of this chapter or applicable state law Title 44, articles 3, 4 or 5, C.R.S., or the rules and regulations related thereto. Such licensee shall be subject to suspension or revocation of his license.

(25) Sec. 12-11. Violations.

(a) Any violation of this chapter shall be punishable as set forth in chapter 10 of title 1 of this Code.

(b) For the purposes of assessing sanctions for repeated offenses pursuant to this section, the term "violation" includes each violation at any property or for an owner, agent or tenant regardless of property location within the city; and, the term "violation" is limited to a violation of the same Code section. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(26) Sec. 12-12. Penalties; repeated offenses.

(a) Any person found guilty after trial or plea of guilt; Alford; nolo contendere; or deferred sentence plea to any provision of section 12-325 shall be guilty of a misdemeanor offense and fined not less than \$1,000.00, plus any additional penalties assessed pursuant to chapter 9 of title 1 of this Code, except as provided in subsection (b) of this section.

(b) A fine may be reduced to \$250.00 if the guilty party agrees to attend city-sponsored training related to neighborhood conduct and perform 15 hours of community service within the city, as so approved by the municipal court, within three months following his sentencing.

(c) A repeat offense that occurs within 365 days from the date of a finding of guilt pursuant to this section shall cause the full amount of the penalty as may be modified under subsection (b) of this section to be immediately reinstated in full.

(d) For the purposes of assessing penalties for repeated offenses pursuant to this section, the term "violation" includes each violation at any property or for a tenant, regardless of property location within the city; and the term "violation" is limited to a violation of the same Code section number.

(27) Sec. 12-106. Enforcement.

(a) The odor pollution control program established by this chapter shall be implemented, administered and enforced by the community development department or other city departments and/or divisions as determined by the city manager.

(b) The provisions of this chapter, which prohibits the causing or continuing of odor pollution, shall be enforced only upon the finding that a source is a significant odor generator as defined in section 12-69. An investigation of an odor alert condition as specified in subsection 12-101(j)(1)(a) shall occur promptly.

(c) In addition, to further implement and enforce this chapter, the city code enforcement officer may:

(1) Conduct research, monitoring and other studies related to odor pollution.

(2) Review public and private projects, including those subject to mandatory review or approval by other departments, for compliance with this chapter, if these projects are likely to cause odor pollution in violation of this chapter.

(3) Upon presentation of proper credentials, and after reasonable notice, enter, inspect and test any property or place regarding which complaints have been filed, or which has been designated as a significant odor generator, and inspect any reports, records or equipment deemed necessary at any time. An administrative search warrant may be obtained as provided in this Code upon failure of the owner or his authorized representative to permit such inspection upon request.

(d) If an odor alert condition is verified by the city code enforcement officer, that officer shall then:

(1) Determine the location of the complaints and/or observation which result in the establishment of the odor alert condition.

(2) Prepare a summary of the odor descriptions contained in the establishment of the odor alert condition.

(3) Determine the prevailing weather condition at the time of the alert, including, but not limited to, wind direction, temperature, wind velocity, humidity and general weather conditions.

(4) Visit the general area from which the complaints were generated in order to characterize the nature of the complaint.

(e) Following such action, the city code enforcement officer shall attempt to make a determination as to the industry or source of origin of the odor alert. Such determination may be made utilizing a triangulation procedure as outlined in state guidelines for certification or another recognized method.

(f) If the determination is made as to the origin of the odor alert, and such source has not been designated as a significant odor generator, the code enforcement officer shall notify the owner, operator or manager of the facility or other responsible party that the facility has been designated as the point source or origin of the odor alert.

Such notification shall contain the following:

(1) The date, times and locations of the occurrence of the odor nuisances.

(2) The potential for the industry or source to be designated as a significant odor generator, and the potential for enforcement action.

(g) If the determination is made as to the origin of the odor alert, and such source is a significant odor generator, the city code enforcement officer shall:

(1) Notify the owner, operator or manager of the facility or other responsible party that the facility has been designated as the point source or origin of the odor alert and is in potential violation of this chapter.

(2) Inspect the facility's operating log books pertaining to odor control, the instrumentation monitoring the odor control and process equipment, any processes and equipment that may relate to odor generation and control, and any other equipment and processes that are determined necessary by the city code enforcement officer.

(3) Make a determination as to the facility's compliance with this chapter and conformance with the parameters of its facility odor management plan.

(4) If the city code enforcement officer determines that a violation of this chapter exists or that an industry or facility is not operating within the parameters of its facility odor management plan, he shall notify the facility's owner, operator, manager or other responsible party of the noncompliance. Good faith negotiations shall then be entered into between the responsible party and the city code enforcement officer regarding the necessary corrective action and the time frame in which such action shall be taken. In the event the facility fails to comply with the notice and the action agreed upon, or if no agreement is reached, the city code enforcement officer may commence legal action as prescribed in this chapter.

(h) Suspension and revocation of permit.

(1) Any permit issued pursuant to this chapter may be revoked for violations of this chapter. No revocation shall be issued except upon notice delivered to the permittee by mailing the notice in regular mail addressed to the permittee at the address listed on

the application, a minimum of ten days prior to the date set for the hearing before the commission. Such notice shall inform the permittee of the time, date and place of the hearing, the purpose of the hearing, and shall set out the reasons therefor. However, if the violation of this chapter is deemed to be an immediate hazard by the enforcement official, and such report is submitted to the city clerk in writing, the city clerk shall be authorized to temporarily suspend the license until notice can be given and hearing held.

(2) If after such a hearing, the commission makes a finding based on a preponderance of the evidence that a violation of this chapter did in fact occur as alleged, the commission may continue suspension of or revoke the permit; the determination of whether to revoke such license shall be at the discretion of the commission and shall be dependent upon the circumstances surrounding the violation and its severity.

(3) The decision of continued suspension or revocation made by the commission may be appealed to the city council. In order to appeal such decision, written notice of appeal must be filed with the city clerk within five days after receipt of the decision. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the decision of continued suspension or revocation of the commission.

(4) The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled at the next regular city council meeting, if such notice is received by 12:00 p.m. on the Wednesday before the next regular council meeting. If notice is not received by the above-designated time, the hearing will be scheduled for the next following council meeting, if notice is received within five days after receipt of the decision by the commission. The hearing may be continued for good cause. The hearing shall be confined to the record made before the commission and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city council may affirm or reverse the order of the commission. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof.

(28) Sec. 12-156. Enforcement.

(a) The following shall be responsible for enforcing this chapter: city police officers, other law enforcement agents, city code compliance inspectors, or the city manager's designee.

(b) Violations of this chapter shall be deemed misdemeanor infractions punishable pursuant to chapter 9 of title 1 of this Code.

(c) Each violation shall constitute a separate infraction.

(29) Sec. 12-206. Code violation.

(a) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with chapter 2 of title 11 of this Code and shall be subject to penalties set forth in Chapter 10 of title 1 of this Code.

(b) In addition, if a permit holder violates a condition of a city-issued grading permit, this chapter or applicable state or federal laws or regulations regarding construction activities, the city shall revoke the grading permit. The city may reinstate the permit upon a showing of proof that the noncompliance has been corrected.

(30) Sec. 12-362. Penalties; repeated offenses.

(a) Any person found guilty after trial or plea of: guilt; Alford; nolo contendere; or deferred sentence plea to any provision of section 12-360 shall be guilty of a misdemeanor offense and fined not less than \$1,000.00, plus any additional penalties assessed pursuant to chapter 9 of title 1 of this Code, except as provided in subsection (b) of this section.

(b) Up to \$750.00 of the fine may be suspended if the guilty party agrees to attend city-sponsored training related to neighborhood conduct and perform 15 hours of community service within the city, as so approved by the municipal court, within three months following his sentencing.

(c) A repeat offense within 365 days from the date of a finding of guilt pursuant to this section shall cause the full amount of the penalty as may be modified under subsection (b) of this section to be immediately reinstated in full.

(d) For the purposes of assessing penalties for repeated offenses pursuant to this section, the term violation includes each violation at any property or for a tenant, regardless of property location within the city; and the term violation is limited to a violation of the same Code section number.

(31) Sec. 12-410. Parking and storage of inoperable vehicles prohibited; exceptions.

Except as provided in section 12-412, it shall be a Code violation punishable pursuant to chapter 10 of title 1 for any person, partnership, corporation or their agent, either as owner, lessee, tenant or occupant, of any lot or land within the city to park, store or deposit, or permit to be parked, stored or deposited thereon, an inoperable vehicle or unlicensed vehicle unless it is in a garage or other building.

(32) Sec. 14-247. Possession of drug paraphernalia; penalty.

(a) A person commits possession of drug paraphernalia if he possesses drug paraphernalia and knows or reasonably should know that the drug paraphernalia could be used for illegal purposes.

(b) A violation of this section is a misdemeanor infraction and shall be punishable under chapter 9 of title 1 of this Code, except that the maximum fine for violation of this section shall be \$100.00.

(33) Sec. 14-248. Manufacture, sale or delivery of drug paraphernalia; penalty.

Any person who sells or delivers, possesses with intent to sell or deliver or manufactures with intent to sell or deliver equipment, products or materials knowing, or under circumstances where one reasonably should know, that such equipment, products or materials could be used as drug paraphernalia commits a misdemeanor offense under this section.

(34) Sec. 14-249. Advertisement of drug paraphernalia; penalty.

Any person who places an advertisement in any newspaper, magazine, handbill or other publication and who intends thereby to promote the sale of equipment, products or materials designed and intended for use as drug paraphernalia commits a misdemeanor offense under this section.

(35) Sec. 14-251. Selling precursor drugs; penalty.

Any person who fails to comply with the imitations regarding sale of methamphetamine precursor drugs commits a misdemeanor offense.

(36) Sec. 14-386. Penalties.

Violations of this chapter are subject to any and all penalties as provided in chapter 9 of title 1 of this Code.

(37) Sec. 14-419. Criminal penalties.

Any person found to be in violation of this article shall, upon conviction, be fined up to the maximum penalty set forth in chapter 10 of title 1 of this Code. Each day such violation continues shall be considered a separate offense.

(38) Sec. 14-446. Penalty for false alarms.

(a) The permittee and the occupant of the premises wherein a fire or burglar alarm device is installed shall be subject to a penalty in an amount set in accordance with section 1-38 for each false alarm from the device which exceeds two in any calendar year.

(b) Alarms signaling a medical emergency shall be exempted.

(c) The chief of police and the fire chief are authorized to adopt policies and procedures regarding the administration of this section.

(39) Sec. 14-482. Penalty.

Any person who violates this chapter commits a misdemeanor infraction and shall be punished as provided in chapter 9 of title 1 of this Code.

(40) Sec. 16-35. Unsafe vehicles; penalty.

(a) It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this section and sections 16-37 to 16-64 and article III of this chapter, or which is equipped in any manner in violation of said sections and article III of this chapter or for any person to do any act forbidden or fail to perform any act required under said sections and article III of this chapter.

(b) The provisions of this section and sections 16-37 to 16-64 and article III of this chapter, with respect to equipment on vehicles shall not apply to implements of husbandry or farm tractors, except as made applicable in said sections and part.

(c) Nothing in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle, consistent with the provisions of this chapter or state law.

(41) Sec. 16-70. Safety belt systems; mandatory use; exemptions; penalty.

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Motor vehicle means a self-propelled vehicle intended primarily for use and operation on the public highways, including passenger cars, station wagons, vans, taxicabs, ambulances, motor homes and pickups. The term does not include motorcycles, low-power scooters, passenger buses, school buses and farm tractors and implements of

husbandry designed primarily or exclusively for use in agricultural operations. Safety belt system means a system utilizing a lap belt, a shoulder belt or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, which system conforms to federal motor vehicle safety standards.

(b) Unless exempted pursuant to subsection (c) of this section, every driver of and every front seat passenger in a motor vehicle equipped with a safety belt system shall wear a fastened safety belt while the motor vehicle is being operated on a street or highway in this municipality, and each such driver and front seat passenger shall be properly fastened into the safety belt system according to the manufacturer's instructions.

(c) Except as provided in C.R.S. title 42, the requirement of subsection (b) of this section shall not apply to:

(1) A child required by section 16-69 to be restrained by a child restraint system;

(2) A member of an ambulance team, other than the driver, while involved in patient care;

(3) A peace officer, level I, as defined or certified by the peace officers standards and training (P.O.S.T.) board while performing official duties so long as the performance of said duties is in accordance with rules and regulations applicable to said officer which are at least as restrictive as subsection (b) of this section and which only provide exceptions necessary to protect the officer;

(4) A person with a physically or psychologically disabling condition whose physical or psychological disability prevents appropriate restraint by a safety belt system if such person possesses a written statement by a physician certifying the condition, as well as stating the reason why such restraint is inappropriate;

(5) A person driving or riding in a motor vehicle not equipped with a safety belt system due to the fact that federal law does not require such vehicle to be equipped with a safety belt system;

(6) A rural letter carrier of the United States Postal Service while performing duties as a rural letter carrier;

(7) A person operating any motor vehicle which does not meet the definition of commercial vehicle as that term is defined in section 16-68 for commercial or residential delivery or pickup service; except that such person shall be required to wear a fastened safety belt during the time period prior to the first delivery or pickup of the day and during the time period following the last delivery or pickup of the day.

(d) Any person who operates a motor vehicle while he or any passenger is in violation of the requirement of subsection (b) of this section commits a traffic infraction.

(e) No driver in a motor vehicle shall be cited for a violation of subsection (b) of this section unless such driver was stopped by a law enforcement officer for an alleged violation of this chapter or state law other than a violation of this section.

(f) Testimony at a trial for a violation charged pursuant to subsection (b) of this section may include:

(1) Testimony by a law enforcement officer that the officer observed the person charged operate a motor vehicle or has otherwise obtained evidence that the person charged operated a motor vehicle while said operator or any passenger was in violation of the requirement of subsection (b) of this section; or

(2) Evidence that the driver removed the safety belts or knowingly drove a vehicle from which the safety belts had been removed.

(42) Sec. 16-106. Visual emissions prohibited; penalties.

(a) Emissions from gasoline-powered engines. It shall be unlawful for any owner or operator of any gasoline powered engine to cause or permit to be operated in the city any gasoline-powered engine which emits any visible air contaminants for a period of time greater than five seconds.

(b) Emission from diesel-powered engines. It shall be unlawful for any owner or operator of any diesel powered engine to cause or permit to be operated in the city any diesel-powered engine which emits any visible air contaminants which exceed 20 percent opacity for a period of time greater than five seconds; provided, however, that the percentage opacity standard of this section shall not apply to diesel-powered locomotives engaged in switching or railroad yard activities. Emissions from such locomotives shall not exceed 40 percent opacity for longer than ten seconds.

(c) Deception by owner. It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any other way attempt to deceive a licensed repair garage or the department in order to avoid compliance with the provisions of this chapter.

(d) Deception by licensed garage. It shall be unlawful for any licensed repair garage or its agents to misrepresent any fact, falsely certify any repair or in any other way attempt to mislead the department into believing that air pollution standards are being met.

(e) For the purposes of this section, the term "opacity" means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration, or the degree (percentage) to which transmittance of light is reduced by an air contaminant emission.

(f) Violation of this section shall be punishable by a fine of not less than \$100.00, except that the minimum fine shall be reduced to \$25.00 if evidence of repairs by a certified mechanic or disposal of the vehicle are provided to the court.

(43) Sec. 16-107. Penalties.

No person shall operate a motor vehicle registered or required to be registered in the state or any vehicle otherwise required to display a valid verification of emissions test, nor shall any person allow such a motor vehicle to be parked on public property or on private property available for public use, without such vehicle displaying a valid verification of emissions test. The owner of any motor vehicle which is in violation of this subsection (a) because it is parked without displaying a valid verification of emissions test shall be responsible for payment of any penalty imposed under this section unless such owner proves that the motor vehicle was in the possession of another person without the owner's permission at the time of the violation.

(1) Police officers, at any time upon reasonable cause, may require the driver of a vehicle to stop and submit such vehicle to an inspection in order to determine whether such vehicle has a valid verification of emissions test if required by the provisions of C.R.S. §§ 42-4-301 to 42-4-316. In the event that such vehicle does not display a valid verification of emissions test, the officer shall issue a summons to the driver.

(2) Any vehicle owner who violates any provision of this section is guilty of a traffic offense.

(3) Any nonowner driver who violates any provision of this section is guilty of a traffic offense.

(4) The owner or driver may, in lieu of appearance, submit to the court, within 30 days after the issuance of the notice and summons, the certification or proof of mailing specified in this section.

(44) Sec. 16-128. Visible emissions from diesel-powered motor vehicles unlawful; penalty.

(a) (1) No owner or operator of a diesel-powered vehicle shall cause or knowingly permit the emission from such vehicle of any visible air contaminants which exceed the emission level as described in C.R.S. title 42, article 4, part 4, as amended from time to time, within the program area as defined in C.R.S. title 42, article 4, part 4, as amended from time to time.

(2) As used in this section:

Air contaminant means any fume, odor, smoke, particulate matter, vapor, gas or combination thereof, except water vapor or steam condensate.

Emission means a discharge or release of one or more air contaminants into the atmosphere.

Opacity means the degree to which an air contaminant emission obscures the view of a trained observer, expressed in percentage of the obscuration or the percentage to which transmittance of light is reduced by an air contaminant emission.

Trained observer means a person who is certified by the department of health as trained in the determination of opacity.

(b) (1) A police officer or other peace officer who is a trained observer, or an environmental officer employed by a local government and certified by the department of health to determine opacity, at any time upon reasonable cause, may issue a summons personally to the operator of a motor vehicle emitting visible air contaminants in violation of subsection (a) of this section.

(2) Any owner or operator of a diesel-powered motor vehicle receiving the summons issued pursuant to subsection (1) of this subsection (b) or mailed pursuant to subsection (b) of subsection (4) of this subsection (b) shall comply therewith and shall secure a certification of opacity compliance from a state emissions technical center that such vehicle conforms to the requirements of this section. Said certification shall be returned to the owner or operator for presentation in court as provided in subsection (3) of this subsection (b).

(3) a. Any owner who violates any provision of this section is guilty of a traffic offense, except as provided in subsection (b) of this subsection (3).

b. If the owner submits to the court of competent jurisdiction within 30 days after the issuance of the summons proof that the owner has disposed of the vehicle for junk parts or immobilized the vehicle and if the owner also submits to the court within such time the registration and license plates for the vehicle, the owner shall be punished by a fine.

(4) a. Any nonowner operator who violates any provision of this section is guilty of a traffic offense and, upon conviction thereof, except as provided in subsection (b) of this subsection (4), shall be punished by a fine.

b. If the operator submits to the court of competent jurisdiction within 30 days after the issuance of the summons proof that the operator was not the owner of the vehicle at the time the summons was issued and that the operator mailed, within five days after issuance thereof, a copy of the notice and summons by certified mail to the owner of the vehicle at the address on the registration, the operator shall be punished by a fine.

(5) Upon a showing of good cause that compliance with this section cannot be made within 30 days after issuance of the notice and summons, the court of competent jurisdiction may extend the period of time for compliance as may appear justified.

(6) The owner or operator, in lieu of appearance, may submit to the court of competent jurisdiction, within 30 days after the issuance of the notice and summons, the certification or proof of mailing specified in this subsection (b) together with a fine.

(45) Sec. 16-155. Size and weight violations; penalty.

Except as provided in section 16-63, it is a traffic offense for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in sections 16-156 to 16-166 or otherwise in violation of said sections or section 16-165, except as permitted in section 16-164. The maximum size and weight of vehicles specified in said sections shall be lawful throughout the city, and the city shall have no power or authority to alter said limitations, except as express authority may be granted in said sections.

(46) Sec. 16-198. Designation of highway maintenance, repair or construction zones; signs; increase in penalties for speeding violations.

(a) If maintenance, repair or construction activities are occurring or will be occurring within four hours on a portion of a street or public right-of-way, the department of public works may designate such portion of the street or public right-of-way as a street maintenance, repair or construction zone. Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this section is subject to the increased penalties and surcharges imposed by section 16-560(d).

(b) The department of public works shall designate a maintenance, repair or construction zone by erecting or placing an appropriate sign in a conspicuous place before the area where the maintenance, repair or construction activity is taking place or will be taking place within four hours. Such sign shall notify the public that increased penalties for speeding violations are in effect in such zone. The department of public works shall erect or place a second sign after such zone indicating that the increased penalties for speeding violations are no longer in effect. A maintenance, repair or construction zone begins at the location of the sign indicating that the increased penalties are in effect and ends at the location of the sign indicating that the increased penalties are no longer in effect.

(c) Signs used for designating the beginning and end of a maintenance, construction or repair zone shall conform to department of transportation requirements. The department of public works may display such signs on any fixed, variable or movable stand. The department of public works may place such a sign on a moving vehicle if required for certain department activities, including, but not limited to, street and highway painting work.

(47) Sec. 16-460. Careless driving; penalty.

(a) Any person who drives a motor vehicle, bicycle, electrical assisted bicycle or low-power scooter in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic and use of the streets and highways and all other attendant circumstances is guilty of careless driving.

(b) A person convicted of careless driving of a bicycle, electrical assisted bicycle or low-power scooter shall not be subject to the provisions of state statutes regarding suspension of driver's licenses.

(48) Sec. 16-468. Compulsory insurance; penalty.

(a) No owner of a motor vehicle or low-power scooter required to be registered in the state shall operate the vehicle or permit it to be operated on the public highways of the city when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time.

(b) No person shall operate a motor vehicle or low-power scooter on the public highways of the city without a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time.

(c) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a peace officer, no owner or operator of a motor vehicle or low-power scooter shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect.

(d) Any person who violates the provisions of subsection (a), (b) or (c) of this section commits a traffic offense.

(e) Testimony of the failure of any owner or operator of a motor vehicle or low-power scooter to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by the applicable provisions of C.R.S. title 10, as amended from time to time, when requested to do so by a peace officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (a) or (b) of this section, that such owner or operator of a motor vehicle violated subsection (a) or (b) of this section.

(f) No person charged with violating subsection (a), (b) or (c) of this section shall be convicted if he produces in court a bona fide complying policy or certificate of self-insurance which was in full force and effect, as required by the applicable provisions of C.R.S. title 10, as amended from time to time, at the time of the alleged violation.

(g) (1) Any person who violates the provisions of subsections (a), (b) or (c) of this section shall be punished by a minimum mandatory fine of not less than \$500.00. The court may suspend up to one-half of the fine upon a showing that appropriate insurance has been obtained. Nothing in this subsection shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(2) Upon a second or subsequent conviction under this within a period of five years following a prior conviction under this section, in addition to any imprisonment imposed, the defendant shall be punished by a minimum mandatory fine of not less than \$1,000.00, and the court shall not suspend such fine. The court may suspend up to one-half of the fine upon showing that appropriate insurance as required has been obtained.

(49) Sec. 16-469. Radar jamming devices prohibited; penalty.

(a) (1) No person shall use, possess or sell a radar jamming device.

(2) No person shall operate a motor vehicle with a radar jamming device in the motor vehicle.

(b) (1) For the purposes of this section, the term "radar jamming device" means any active or passive device, instrument, mechanism or equipment that is designed or

intended to interfere with, disrupt or scramble the radar or laser that is used by law enforcement agencies and peace officers to measure the speed of motor vehicles. The term "radar jamming device" includes, but is not limited to, devices commonly referred to as jammers or scramblers.

(1) For the purposes of this section, the term "radar jamming device" shall not include equipment that is legal under FCC regulations, such as a citizens' band radio, ham radio or any other similar electronic equipment.

(c) Radar jamming devices are subject to seizure by any peace officer and may be confiscated and destroyed by order of the court in which a violation of this section is charged.

(d) The provisions of subsection (a) of this section shall not apply to peace officers acting in their official capacity.

(50) Sec. 16-470. Use of earphones while driving; penalty.

(a) No person shall operate a motor vehicle while wearing earphones.

(b) As used in this section, the term earphones includes any headset, radio, tape player or other similar device which provides the listener with radio programs, music or other recorded information through a device attached to the head and which covers all of or a portion of the ears. The term "earphones" does not include speakers or other listening devices which are built into protective headgear, or mobile phone receivers designed to be used on only one ear.

(c) Any person who violates this section shall be punished by a fine of not less than \$25.00 and not more than \$100.00.

(51) Sec. 16-560. Traffic offenses classified; schedule of fines.

(a) It is a traffic offense for any person to violate any provision of this chapter.

(b) Pursuant to C.M.C.R. 210(b)(4), the court may by order, which may from time to time be amended, supplemented or repealed, designate the traffic offenses, the penalties for which may be paid at the office of the court clerk or violations bureau.

(c) The court in addition to any other notice, by published order to be prominently posted in a place where fines are to be paid, shall specify by suitable schedules the amount of fines to be imposed for violations, designating each violation specifically in the schedules. Such fines will be within the limits set by ordinance.

(d) The penalties and surcharges imposed for speeding violations under section 16-561 are doubled if a speeding violation occurs within a maintenance, repair or construction zone that is designated by the department of public works pursuant to the requirements of section 16-198.

(e) Any person convicted of violating section 16-161 and section 16-162 shall be fined whether the defendant acknowledges the defendant's guilt pursuant to the procedure set forth in section 16-566 is found guilty by a court of competent jurisdiction. Any violation of section 16-161 or section 16-162 is a traffic infraction and shall be punishable under chapter 9 of title 1 of this Code, except shall be punished by a fine of not more than \$1,000.00.

(f) Fines and costs shall be paid to, receipted by and accounted for by the violations clerk or court clerk.

(52) Sec. 16-561. Violation; penalties.

The following penalties set forth in full apply to this chapter and the city traffic code adopted in this chapter:

(1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.

(2) Every person convicted of a violation of any provision stated or adopted in this chapter shall be punished as provided in chapter 9 of title 1 of this Code. Unless otherwise defined in this chapter, punishment by imprisonment or a fine in excess of \$500.00 for violations of traffic regulations under this traffic code is prohibited with the following exceptions:

Chapter Violation/Penalty Exceptions

Section 16-351	Speeding of 40 miles or more over the speed limit
Section 16-355	Speed contests, speed exhibitions—aiding and facilitating—immobilization of motor vehicle—definitions
Section 16-459	Reckless driving
Section 16-460	Careless driving
Section 16-468	No insurance
Section 16-472	Eluding or attempting to elude a police officer
Section 16-639	Fail to stop for school bus

(53) **Sec. 16-573. Notice to appear or pay fine; failure to appear; penalty.**

(a) For the purposes of this article, tender by an arresting officer of the summons or penalty assessment notice shall constitute notice to the violator to appear in court at the time specified on such summons or to pay the required fine and surcharge thereon.

(b) Any person who violates any provision of this section commits a traffic offense.

(54) **Sec. 16-640. Regulations for school buses; regulations on discharge of passengers; penalty; exception.**

(a) The state board of education, by and with the advice of the executive director of the department, shall adopt and enforce regulations not inconsistent with this chapter to govern the operation of all school buses used for the transportation of schoolchildren and to govern the discharge of passengers from such school buses. Such regulations shall prohibit the driver of any school bus used for the transportation of schoolchildren from discharging any passenger from the school bus which will result in the passenger's immediately crossing a major thoroughfare, except for two-lane highways when such crossing can be done in a safe manner, as determined by the local school board in consultation with the local traffic regulatory authority, and shall prohibit the discharging or loading of passengers from the school bus onto the side of any major thoroughfare whenever access to the destination of the passenger is possible by the use of a road or street which is adjacent to the major thoroughfare. For the purposes of this section, the term "major thoroughfare" means a freeway, any U.S. highway outside any incorporated limit, interstate highway or highway with four or more

lanes, or a highway or road with a median separating multiple lanes of traffic. Every person operating a school bus or responsible for or in control of the operation of school buses shall be subject to said regulations.

(b) Any person operating a school bus under contract with a school district who fails to comply with any of said regulations is guilty of breach of contract, and such contract shall be canceled after notice and hearing by the responsible officers of such district.

(c) Any person who violates any provision of this section is guilty of a traffic offense and, upon conviction thereof, shall be punished by a fine or by imprisonment in the county jail or by both such fine and imprisonment.

(d) The provisions of this section shall not apply in the case of public transportation programs for pupil transportation under C.R.S. § 22-51-104(1)(c), as amended from time to time.

(55) Sec. 16-670. Violations.

Unless otherwise specified, all violations of this chapter shall be designated parking infractions and shall be punished pursuant to chapter 12 of title 1. Those violations designated as traffic infractions shall be punished pursuant to chapter 9 of title 1.

(56) Sec. 16-769. Penalty.

Every person and railroad company violating any of the provisions of this chapter shall be punished as provided by chapter 9 of title 1 of this Code.

(57) Sec. 18-8. Failure to pay assessment for city repairs.

Failure to pay an assessment, as provided for in section 18-7, within such period of 30 days described therein shall cause such assessments to become a lien against the adjacent property and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer to be placed upon the tax list for the current year to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by the laws of the state.

(58) Sec. 18-27. Violation; penalty by reference.

Any owner, contractor or other person failing, neglecting, omitting, resisting or refusing to comply with any of the conditions, terms, regulations or requirements of this chapter, upon conviction thereof, shall be fined as provided in chapter 9 of title 1 of this Code.

(59) Sec. 18-124. Maintenance of number assigned required; penalty by reference for noncompliance.

All numbers of buildings shall be maintained in a plain and legible manner upon the front part thereof, which number shall be the number assigned by the city engineer. Any owner of any buildings or person having control thereof who, upon notice by the city engineer, fails or refuses to properly number such building, upon conviction thereof, shall be punished as provided in chapter 9 of title 1 of this Code.

(60) Sec. 18-357. Failure to comply; penalty.

Failure by any property owner or person in possession of property to comply with the duties imposed in any provision of this chapter, within the times and in the manner

provided therein, shall constitute a Code violation and shall be subject to the penalties provided in chapter 10 of title 1 of this Code.

(61) Sec. 20-88. Violations; penalties.

Any person or entity convicted of violating any provision of this title related to the tapping water or sewer mains, installing water service lines, meters, or other infrastructure, and taking and using water or sewer service through any of the same, shall be punishable as provided in chapter 9 of title 1 of this Code.

(62) Sec. 20-223. Wasting water unlawful.

(a) It is unlawful for any person using city water to use said water to allow or permit water to run to waste upon his premises, buildings, houses or lots, in, through or out of any water closet lavatory, urinal, bathtub, hose, hydrant, faucet or other fixtures, appliances or apparatus whatsoever, or in any manner through neglect or by reason of faulty or imperfect plumbing or fixtures.

(b) It is unlawful for any person, partnership, company or corporation or other entity using city water, at any time during a declared drought, to use water to clean any hard surface upon or adjacent to the premises, building, house or lot. For the purposes of this section, the term "hard surface" includes, but is not limited to, driveways, sidewalks and streets and street gutters. Use of water in cleaning property such as roof gutters, eaves, windows or in preparation for painting is allowed as long as waste does not occur.

(c) It is unlawful for any person, partnership, company or corporation or other entity using city water to allow, either manually or automatically, the sprinkling or watering of hard surface; to allow excessive runoff of water from the premises, building, house or lot; and/or to allow the excessive pooling of water upon or adjacent to the premises, houses or lots. Runoff that is more than five gallons per minute is considered excessive.

(d) Penalties.

(1) Any person who violates any of the provisions of this section is guilty of violation of this section and shall be punished by a fine of \$100.00 for the first conviction during the calendar year, \$250.00 for the second conviction during the calendar year, \$500.00 for the third conviction during the calendar year and \$500.00 and a flow restrictor to limit water to indoor use only of water service for the fourth conviction during the same calendar year may be required.

(2) Each day of violation shall constitute a separate offense as provided in section 1-230.

(e) Intent. The violations described in this section are strict liability offenses, as defined in chapter 10 of this Code.

(63) Sec. 20-226. Sprinkling restrictions; drought levels; penalty.

(a) *Sprinkling.* The following provisions shall apply at all times unless modified by subsequent sections of the ordinance codified herein:

(1) Waste of water is prohibited at any time.

(2) Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. from May through August even when water supplies are adequate.

(3) Drip irrigation, low-volume spray or bubbling sprinklers, hose-end sprinklers and weeping-type soaker hoses are allowed to water trees, shrubs or flower beds at any time.

(4) Hand-watering of vegetables and flower gardens, trees and shrubs and individual brown spots in a lawn is allowed at any time, so long as water waste does not occur. Hand-watering means holding in the hand a hose with attached positive shutoff nozzle and does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(5) Except during time of adequate water supply, hand-watering to clean hard surfaces such as driveways and parking lots is prohibited. Hand-watering to clean property, such as roof gutters, eaves, windows or in preparation for painting, is allowed as long as water waste does not occur.

(6) Public organizations. The use of water for sprinkling lawns, gardens and trees on the grounds of public organizations, public parks and public golf courses served by the city water system will be permitted at any time with written variance from the director of water and sewer. The public organizations to which this subsection refers include, but are not limited to, county facilities, the University of Northern Colorado campus, School District #6 grounds, and City of Greeley grounds, including parks, golf courses and Linn Grove cemetery.

(7) New lawn variance. The use of water for sprinkling newly seeded or sodded lawns less than one month old will be allowed during times determined by the director of water and sewer pursuant to a permit for the same. Issuance of such a permit is contingent upon proof of proper soil preparation before installation of turf. Proper soil amendment is considered to be the equivalent of adding compost at a rate of four cubic yards per 1,000 square feet of planted area, incorporated to a depth of six inches. Permits shall be posted on the property.

(8) Large user variance. The use of water for sprinkling large areas with multiple addresses, such as homeowners' associations, or other special circumstances, may be allowed during the times and days of the week as determined by the director of water and sewer and defined by a permit for the same. Such written permits shall be posted on the property.

(9) Except during a time of declared adequate water supplies, there shall be no lawn watering between January 1 and April 14. Charging and testing of sprinkler systems is allowed. Sprinkling may be allowed by written variance.

(10) Unusual circumstances. The director of water and sewer may issue variance permits to address any other circumstances that, in the director's sole discretion, are deemed appropriate.

(b) *Restrictions.*

(1) *Even-odd schedule.*

a. Even-numbered addresses may sprinkle on even days of the month.

b. Odd-numbered addresses may sprinkle on odd days of the month.

c. On May 31, July 31 and August 31, odd addresses may sprinkle in the morning and even addresses may sprinkle in the evening.

(2) *One-day-per-week watering.* All properties may use water for sprinkling only one day per week.

a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays.

b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Saturdays.

c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Fridays.

(3) *Two-days-per-week watering.*

- a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays and Thursdays.
- b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Wednesdays and Saturdays.
- c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Tuesdays and Fridays.
- d. There shall be no watering on Mondays except by written variance.

(4) *Three-days-per-week watering.*

- a. Single-family residences and duplexes with addresses ending in an even number may sprinkle on Sundays, Tuesdays and Thursdays.
- b. Single-family residences and duplexes with addresses ending in an odd number may sprinkle on Mondays, Wednesdays and Saturdays.
- c. All other customers, commercial, industrial, multifamily and homeowners' associations may sprinkle on Sundays, Tuesdays and Fridays.

(5) *Hand-watering.* The term "hand-watering" means holding in the hand a hose with attached positive shutoff nozzle. The term "Hand-watering" does not include operating a hose with a sprinkler or manually operating an irrigation controller.

(c) *Drought levels.* On the determination by the city water and sewer board, after an analysis, including, but not limited to, the Colorado Big Thompson quota, the level of storage in city reservoirs, snow pack and yield thereof, and the long-range weather forecast, that the city's water supply situation is adequate or in a mild drought, moderate drought or severe drought, the city council may, by resolution, declare one of the following four sets of watering restrictions to be in effect:

(1) When the city's water supply is adequate. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees by customers not subject to the water budget rate structure will be permitted three days per week between April 15 and the end of the irrigation season. The use of city water for sprinkling of private residences by single-family residential customers subject to the water budget rate structure will be permitted on any day of the week between April 15 and the end of the irrigation season.

(2) When the city's water supply is in a mild drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One day per week between April 15 and May 14.
- b. Two days per week between May 15 and June 14.
- c. Three days per week between June 15 and August 31.
- d. One day per week between September 1 and the end of the irrigation season.
- e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

(3) When the city's water supply is in a moderate drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:

- a. One day per week between April 15 and May 14.
- b. Two days per week between May 15 and August 31.
- c. One day per week between September 1 and the end of the irrigation season.
- d. New sod or seed variances are not allowed between May 15 and August 31.
- e. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

- (4) When the city's water supply is in a severe drought. The use of city water for sprinkling of private residences, commercial and industrial property, church or other nonprofit or governmental organization lawns, gardens and trees will be permitted:
- a. One day per week between April 15 and May 14.
 - b. Two days per week between May 15 and June 14.
 - c. No sprinkler irrigation between June 15 and August 1 will be permitted, except for trees and shrubs.
 - d. Two days per week between August 1 and August 31.
 - e. One day per week between September 1 and the end of the irrigation season.
 - f. No new sod or seed variances are allowed.
 - g. Sprinkler irrigation shall not occur between 10:00 a.m. and 6:00 p.m. daily.

When the city council declares which set of water restriction are in place, the city council may define city policy regarding the use of warnings prior to notices of violation being issued.

(d) *Penalties.*

(1) Any person who violates any of the provisions of this section during a calendar year shall be punished by a fine of \$100.00 for the first violation, \$250.00 for the second violation, \$500.00 for the third violation, and \$500.00 and the cost of installing a flow restrictor to limit water use to indoor use only for the fourth and subsequent violations.

(2) Violations on property other than residential property shall be punished by fines which are double those described in subsection (d)(1) of this section.

(3) Each day of violation shall constitute a separate offense as provided in section 1-230 and shall be a strict liability offence.

(4) During a declared severe drought, all fines are doubled or up to \$1,000.00, whichever is less.

(64) **Sec. 20-793. Violation; penalty.**

Any violation of any provision of this chapter shall be a violation of the ordinances of the city, punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall continue shall constitute a separate offense punishable as such.

(65) **Sec. 20-832. Violation; penalty.**

(a) Any violation of any provision of this chapter shall be a violation of the ordinances of the city, punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall continue shall constitute a separate offense, punishable as such.

(b) Nothing in this section or other sections of this Code shall preclude the city from utilizing any and all applicable remedies for the collection and enforcement of the gas permit fee; any and all said remedies are cumulative in nature and not exclusive of each other.

(66) **Sec. 22-425. Notice of violations and penalties.**

Notice of violations and penalties shall conform to subsections (1) and (2) of this section.

(1) *Violations.*

a. Whenever the authority having jurisdiction determines that there are violations of this code, a written notice shall be issued to confirm such findings.

b. Any order or notice issued pursuant to this code shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service or mail or be delivering the same to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last-known address of the owner, occupant, or both.

(2) *Penalties.*

a. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant to this code or violates any condition attached to a permit, approval, or certificate shall be subject to the penalties established by the city as provided in chapter 10 of title 1 of this code, and, if applicable, as limited by subsection (2)c of this section.

b. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction shall result in each day that such violation continues being regarded as a new and separate offense.

c. Any person, firm, or corporation who shall willfully violate any of the applicable provisions of this article shall be guilty of a misdemeanor infraction punishable pursuant to the provisions of chapter 10 of title 1 of this code, including assessing a fine as outlined in the citation fine schedule shown below.

City of Greeley Citation Fine Schedule

Violation	Ordinance or Rule Provision	1 st	2 nd	3 rd
Failure to obtain an electrical permit	22-424	\$250.00	\$600.00	Discretionary (up to \$1,000.00 per day)
Failure to request an electrical inspection	22-424	\$250.00	\$600.00	Discretionary (up to \$1,000.00 per day)
Failure to correct electrical code violations within a reasonable time (30 days)	22-425	\$300.00	\$500.00	Discretionary (up to \$1,000.00 per day)
Providing false or misleading advertising	22-433	\$250.00	\$500.00	Discretionary (up to \$1,000.00 per day)
Deception, misrepresentation or fraud in obtaining or attempting to obtain an electrical permit	22-424	\$1,000.00	\$1,000.00	Discretionary (up to \$1,000.00 per day)
Any other violation of the city electrical code	chapter 11 of this title	Up to \$1,000.00	Up to \$1,000.00	Discretionary (up to \$1,000.00 per day)

(67) Sec. 22-617. Violation; penalty.

Any person, firm or corporation violating the ordinance codified in this chapter shall be punished as provided by section 3-4 of the city Charter and chapter 9 of title 1 of this Code.

(68) Sec. 22-656. Fines and penalties for violation of chapter provisions; failure to comply with district designation plan.

Failure to comply with requirements of a district designation plan shall be a violation punishable in accordance with this section. Whenever any work is being done contrary to the provisions of this chapter or any plan adopted by the commission or approved by city council, a code enforcement officer or other authorized city official may issue a stop-work order by notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, city official or commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Code. The maximum penalty for violation of this chapter shall be the same as for violation of any other city ordinances as found in this Code at sections 1-229 and 1-230.

(69) Sec. 24-388. Violations and penalties.

(a) Any and all violations of the provisions of this chapter shall be subject to the penalties contained in chapter 9 of title 1 of this Code and any other penalties permitted under law.

(b) Whenever the city manager or designee determines that a person is violating or failing to comply with any provisions of this chapter, the city manager or designee may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties or remedies otherwise allowed by law.

(c) The city may seek and obtain remedies provided by law, including, but not limited to, civil and criminal penalties and temporary or permanent injunctive relief against persons for noncompliance with the provisions and requirements of this chapter.

(70) Sec. 24-1397. Violation and enforcement.

(a) It shall be unlawful to construct, drill, install or cause to be constructed or installed any oil and gas facility within the city unless approval has been granted by the city pursuant to this title. The unlawful drilling or redrilling of any well or the production therefrom shall constitute a code violation. The city shall have the right to abate the violation at the sole reasonable expense of the operator by any means to include, but not be limited to:

(1) Injunctive or other civil remedy.

(2) A stop-work order by the community development director.

(3) Removal of the nuisance by city personnel or city contractors.

(b) Any person, firm, corporation or legal entity that constructs, installs or uses, or which causes to be constructed, installed or used, any oil and gas well or well site in violation of any provision of this chapter shall be subject to the sanctions contained in chapter 10 of title 1 of this Code and any other sanctions permitted under law.

(71) **Sec. 1-177. Jail term in lieu of fine.**

Every person against whom any fine or penalty is adjudged, who has not been adjudged destitute and who refuses or neglects to pay the fine or penalty, shall be committed to the county jail one day for each \$25.00 of the fine or penalty and costs, provided that such imprisonment shall not exceed 90 days for any one offense.

(72) **Sec. 2-28. Penalties for election offenses.**

Any person violating the provisions of this chapter or the election codes, as adopted by the city, shall be subject to penalties provided for in chapter 9 of title 1 of this Code.

(73) **Sec. 2-91. Unlawful acts.**

(a) It is unlawful:

(1) For any person willfully and knowingly to circulate or cause to be circulated or sign or procure to be signed any petition bearing the name, device or motto of any person, organization, association, league or political party, or purporting in any way to be endorsed, approved or submitted by any person, organization, association, league or political party, without the written consent, approval and authorization of the person, organization, association, league or political party;

(2) For any person to sign any name other than the person's own name to any petition or knowingly to sign the person's name more than once for the same measure at one election;

(3) For any person knowingly to sign any petition relating to an initiative or referendum in a municipality who is not a registered elector of that municipality at the time of signing the petition;

(4) For any person to sign any affidavit as circulator without knowing or reasonably believing the statements made in the affidavit to be true;

(5) For any person to certify that an affidavit attached to a petition was subscribed or sworn to before the person unless it was so subscribed and sworn to before the person and unless the person so certifying is duly qualified under the state laws to administer an oath;

(6) For any officer or person to do willfully, or with another or others conspire, or agree, or confederate to do, any act that hinders, delays or in any way interferes with the calling, holding or conducting of any election permitted under the initiative and referendum powers reserved by the people in section 1 of article V of the state constitution or with the registering of electors therefor;

(7) For any officer to do willfully any act that shall confuse or tend to confuse the issues submitted or proposed to be submitted at any election or refuse to submit any petition in the form presented for submission at any election;

(8) For any officer or person to violate willfully any provision of this article.

(b) Any person commits a violation subject to penalties listed under chapter 9 of title 1 of this Code who:

(1) Willfully destroys, defaces, mutilates or suppresses any initiative or referendum petition;

(2) Willfully neglects to file or delays the delivery of the initiative or referendum petition;

(3) Conceals or removes any initiative or referendum petition from the possession of the person authorized by law to have custody of the petition;

- (4) Adds, amends, alters or in any way changes the information on the petition as provided by the elector; or
- (5) Aids, counsels, procures or assists any person in doing any of such acts.
- (c) This section shall not preclude a circulator from striking a complete line on the petition if the circulator believes the line to be invalid.

(74) Sec. 2-1031. Payment of fees and costs.

In any case where a respondent is found liable of a code violation, the administrative hearing officer shall that respondent pay costs within the limits declared by this chapter, and:

- (1) If any amount ordered paid by the administrative hearing officer is not paid on or before the due date for payment, a late payment fee shall be added to the amount owed. A late payment fee may only be assessed once per case.
- (2) If any amount ordered paid by the administrative hearing officer, including a late payment fee, is not paid on or before the due date for payment, interest on such amount, excluding the late payment fee, shall accrue at the rate established by C.R.S. § 39-21-110.5.
- (3) All amounts due and unpaid, including accrued interest and any late payment fee, shall be paid upon notice and demand and may be collected by the city by any legal means. Where the Code violation involves property and the owner of the property is the respondent, the city may obtain a lien against the property. The lien shall have priority over all liens, except general taxes and prior special assessments. If respondent fails to pay the lien for 30 calendar days, the lien may be certified by the director of finance to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.
- (4) The administrative hearing officer may waive all or a portion of the fines, fees, or costs if the administrative hearing officer determines respondent to be indigent.
- (5) All fines, fees, and costs ordered paid by the administrative hearing officer shall be collected by the director of finance and deposited in the general fund of the city.

(75) Sec. 6-31. Penalty waiver authority.

The director of finance is authorized to waive, for good cause shown, any penalty assessed as provided in this chapter and chapter 2 of title 10; and any interest imposed in excess of six percent per year shall be deemed a penalty.

(76) Sec. 6-194. Sales tax; neglect or refusal to make return or to pay.

If a person neglects or refuses to make a return in payment of the sales tax or to pay any sales tax, as required, the director of finance shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of \$15.00 for such failure or ten percent thereof and interest on such delinquent taxes at the rate imposed under section 6-197 plus 1/2 percent per month from the date when due, not exceeding 18 percent in the aggregate.

(77) Sec. 6-195. Use tax; neglect or refusal to make return or to pay.

If a person neglects or refuses to make a return in payment of the use tax or to pay any use tax as required, the director of finance shall make an estimate, based upon such

information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to ten percent thereof and interest on such delinquent taxes at the rate imposed under section 6-197, plus 1/2 percent per month from the date when due.

(78) Sec. 6-295. Violations; penalties.

The following penalties, herewith set forth in full, shall apply to this chapter:

- (1) It is unlawful for any person to violate any of the provisions stated or adopted in this chapter.
- (2) Every person convicted of a violation of any provisions stated or adopted in this chapter shall be punished as provided in chapter 9 of title 1 of this Code.
- (3) Each day that a violation exists shall constitute a separate offense.

(79) Sec. 8-21. Renewal.

(a) This section does not apply to chapter 13 of this title.

(b) Unless otherwise specified, each license issued pursuant to this title shall be for a period of one year from the date of issuance. An application for renewal shall be filed no less than 30 calendar days prior to the expiration of the period for which the license is issued.

(1) In the event a license required by the title, excepting chapter 13 of this title, is not procured and the fee therefor paid 30 days after the due date, then a late renewal may be approved by the licensing officer or chief of police if the renewal is filed within 90 days of the due date and good cause is shown for late filing of the renewal application. Otherwise, any unpaid renewal shall result in termination of the expired license and subject the licensee to the penalties and restrictions of this chapter, including section 8-27.

(2) When an application for renewal is received in proper form by the licensing officer or chief of police and approved for late renewal, then a penalty of five percent shall be added to and become a part of the license fee charged, and in the event the same shall remain unpaid 60 days after the annual anniversary due date, then an additional five percent shall be added to and become a part of the license fee levy.

(c) When an application for renewal is received in proper form by the licensing officer or chief of police, the licensing officer or chief of police shall investigate or shall refer the renewal application to the appropriate department for investigation and its recommendation with respect to the approval or denial of the renewal application.

(1) Where a background investigation is required for an original application, a background investigation is required before a license will be renewed unless otherwise specified in this title.

(2) Such license may be renewed by the licensing officer or chief of police prior to completion of the background investigation; provided, however, that the background investigation must be completed within 30 days of the renewal. Should the information contained in the background investigation make the applicant ineligible for renewal of the license, the license shall be deemed not renewed upon transmission of written notice to the licensee.

(d) The application fee shall be required on applications for renewal of an existing license and shall be set annually by the city manager in writing.

(e) The licensing officer or chief of police may refuse to renew a license on any grounds specified in this chapter which authorize the licensing officer or chief of police to deny a license or to revoke a license.

In the event the licensing officer or chief of police fails to renew a license, an applicant shall be entitled to a hearing on such failure to renew. The applicant shall submit a written request for a hearing within ten days of the decision not to renew the license.

(80) Sec. 8-208. Violations and penalties.

In addition to the revocation, suspension or denial of a license or manager's permit issued, any person, including, but not limited to, any customer or pawnbroker, who violates any of the provisions of this chapter commits a misdemeanor infraction and is subject to the punishment prescribed by chapter 9 of title 1 of this Code.

(81) Sec. 8-462. Penalty guidelines.

Violations of any provisions of this chapter shall result in penalties according to the generally accepted and practiced state penalty guidelines provided below. Nothing in the following guidelines is meant to restrict the licensing authority from issuing a lesser penalty, a higher penalty, or additional penalties as allowed by this chapter or state law, up to an including suspension or revocation of a license or the imposition of a fine in lieu of suspension as provided under the provisions of C.R.S. § 44-3-601.

<i>Code Violation</i>	<i>Suspension</i>
<i>Sale to Minor:</i>	
First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional
Within 1 Year	suspension as stated in first incident above

<i>Code Violation</i>	<i>Suspension</i>
<i>Purchase of Alcohol from Someone Other Than a Wholesaler:</i>	
First Incident 1 Charge	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	10 days total, 5 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale to Intoxicated Patron:</i>	

First Incident 1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
3 + Charges	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as state in first incident above
<i>Failure to Meet Food Requirement (H and R/Brew Pubs):</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations, with 30 days to comply
Second Incident Within 1 Year	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Video Poker Gambling:</i>	
First Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Permitting Illegal Gambling:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	45 days total, 15 served and 30 held in abeyance for a period of one year from date of hearing, pending no further violations
Third Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Failure to Maintain Adequate Books/Records:</i>	
First Incident	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Sale After Legal Hours:</i>	
First Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations

Second Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Permitting Disturbances:</i>	
First Incident	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	Days held in abeyance automatically imposed from first incident, plus additional suspension as stated in first incident above
<i>Violations on Follow-up Inspections:</i>	
For each incident	3 days total, 1 served and 2 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Failure to Report Manager Corporate, Financial Change:</i>	
First Incident	5 days total, all 5 held in abeyance for a period of one year from date of hearing, pending no further violations
Second Incident	10 days total, 3 served and 7 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Underage Employee Selling or Serving:</i>	
First Incident 1 Charge	7 days total, 2 served and 5 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	14 days total, 4 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
3 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Shake a Day (Dice or Dice Cup Pools):</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations
2 Charges	30 days total, 10 served and 20 held in abeyance for a period of one year from date of hearing, pending no further violations
<i>Altered Alcohol:</i>	
1 Charge	15 days total, 5 served and 10 held in abeyance for a period of one year from date of hearing, pending no further violations

(82) Sec. 8-502. Teen night/boxing tournaments.

(a) No premises holding a license issued by the liquor authority may promote, hold, conduct or allow in its premises to be promoted, held or conducted any teen night or similar event, in which underage persons are specially solicited, attracted and/or invited by the licensee or anyone recruited by the licensee on the licensee's behalf to

the licensed premises during evening hours after 8:00 p.m. of any day during which the establishment is open for business, and during which time adult patrons are present primarily for the purpose of consuming alcohol, except that this section shall not apply to licensed premises in which multiple facilities are located and at such times as two or more unrelated and otherwise lawful activities or events are taking place simultaneously.

(b) This section is not intended to prohibit or limit teenage activities which, as otherwise provided and allowed by applicable law, may be advertised and/or held in or upon any such licensed establishment which ceases all alcohol sales for the time of such activity, making alcohol unavailable for sale or provision on the premises during that time.

(c) Boxing tournaments or similar events.

(1) Except as set forth below, no premises holding a license issued by the liquor authority may promote, hold, conduct or allow anywhere on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, in which persons are engaged, encouraged and/or compensated for fighting in a manner creating a public display and intended or purported to serve as entertainment.

(2) Island Grove Regional Park shall be authorized to promote, hold, conduct or allow on its premises or grounds to be promoted, held or conducted any boxing tournament, kickboxing tournament or similar event, provided that:

a. Such event is sanctioned and approved by the state boxing commission pursuant to the Colorado Professional Boxing Safety Act, C.R.S. § 12-10-101, et seq.

b. An individual involved in the event as a promoter, fighter, boxer, referee, judge, second or inspector shall maintain current licensure through the state boxing commission.

c. The event abides by the security policies and procedures established for boxing, kickboxing or related events by Island Grove Regional Park management.

(d) Penalties.

(1) Any person, firm, corporation or other entity who violates any of the provisions of this section or who allows any provision of this section to be violated commits a misdemeanor offense and, upon conviction thereof, may be punished as set forth in chapter 9 of title 1 of this Code, except that any term of imprisonment imposed shall not exceed 90 days.

(2) The issuance of a charge or summons and complaint hereunder against the owner or licensee of a licensed establishment shall not foreclose or prevent the issuance of a similar charge or complaint against the individual who actually committed the violation or allowed the violation of this section to occur.

(e) Severability. If any provision of this section or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this section which can be given effect without the invalid provision or application, and to this end the provisions of this section are declared to be severable.

(83) Sec. 10-61. Trap setting.

(a) Setting a steel-jaw trap or any other type of trap that is designed to kill, injure or maim an animal is prohibited. Any finding of violation of this section shall be a misdemeanor offense.

(b) In addition to the penalty set out above, unlawfully set traps may be confiscated and destroyed by authorized personnel.

(84) Sec. 12-4. Failure to pay a lien.

Failure to pay an assessment within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state.

(85) Sec. 12-5. Failure to pay assessment for city abatement.

Failure to pay an assessment within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer, to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the state.

(86) Sec. 12-101. Air quality standards and violations.

(a) *Stale matter.* No person whatsoever shall keep, collect or use, or cause to be kept, collected or used, in the city, any stale, putrid or stinking fat or grease or other stale matter in such a way as to be experienced as an odor alert condition at or beyond the property line, other than normal weekly trash accumulation.

(b) *Sewer inlet.* No person shall, in the city, deposit in or throw into any sewer (sanitary or storm), sewer inlet or privy vault that shall have a sewer connection any article whatever that might cause such sewer, sewer inlet or privy vault to become nauseous to others or injurious to public health.

(c) *Transporting of garbage, manure.* Every cart or vehicle used to transport manure, garbage, swill or offal in any street in the city shall be fitted with a substantial tight box thereon so that no portion of such filth will be scattered or thrown into such street or observable to the olfactory senses.

(d) *Streets, streams and water supply.* No person shall throw or deposit, or cause or permit to be thrown or deposited, any offal composed of animal or vegetable substances, or both, any dead animal, excrement, garbage or other offensive matter whatever upon any street, avenue, alley, sidewalk or public or private grounds. No person shall, in the city, throw or deposit or cause or permit to be thrown or deposited anything specified in any foregoing part of this section or any other substance that would tend to have a polluting effect into the water of any stream, ditch, pond, well, cistern, trough or other body of water, whether artificially or naturally created, or so near any such place as to be liable to pollute the water.

(e) *Dead animal; removal.* When any animal shall die in the city, it shall be the duty of the owner or keeper thereof to remove or properly dispose of the body of such animal promptly. If such body shall not promptly be removed, the same shall be

deemed a nuisance, and such owner or keeper will be the author of the nuisance. When the body of any such dead animal shall be in any street, highway or public grounds in the city, it shall be the duty of the city animal control officer to cause such body to be removed promptly. Removal of a dead animal from any private property, where the owner or occupant fails to act, shall cause the city code enforcement officer to respond. Any cost for such disposal shall be assessed to the owner of such animal, if known, or landowner where such animal is located, if the landowner is deemed the party responsible for care and control of the animal.

(f) *Animal pens and barns.* Any area in which animals are kept in which manure or liquid discharges of such animals shall collect and accumulate so that offensive odor shall be allowed to propagate and/or where flies and rodents are unreasonably attracted shall be declared a nuisance and is prohibited. Such limitations shall extend to all such uses, including, but not limited to, animal feeding operations, stables, kennels and pet care, boarding and sale operations, whether of a personal or commercial nature and regardless of historic establishment as a land use.

(g) *Stagnant ponds.* The permitting of stagnant water on any lot or piece of ground within the city limits is hereby declared to be a nuisance, and every owner or occupant of a lot or piece of ground within the city is hereby required to drain or fill up said lot or piece of ground whenever the same is necessary so as to prevent stagnant water or other nuisance accumulating thereon, and it shall be unlawful for any such owner or occupant to permit or maintain any such nuisance.

(h) *Manure and waste accumulation; application.* Except as provided at section 12-1, no manure or other such waste products, whether of a solid or liquid form, may be accumulated or permitted as a land application such as for soil fertilization or for dust abatement or control in any fashion within the city. Within any animal feeding or containment operations or industrial use where animal (or human) waste products accumulate or are processed, removal of waste products must occur regularly to prevent observation of odor at or beyond the property boundaries of the source of the waste.

(i) *Odor-control equipment; continuous operation.* Except as provided in subsection (k) of this section, it shall be unlawful for any odor-control equipment such as, but not limited to, wastewater lagoon aerators, air scrubbers or filters, for industrial facilities to be out of operation while a source which generates the odor is in operation.

(j) *Nuisance.* It shall be deemed an unlawful nuisance for any person to cause or permit the emission of odorous air contaminants or particulate air contaminants from any source such as to result in detectable odors and/or particulate emissions within the city, as defined above, which leave the premises upon which they originated and which interfere with the reasonable and comfortable use and enjoyment of property. An odor is deemed to interfere with reasonable and comfortable use and enjoyment of property if it is detectable by a trained observer and if it meets or exceeds any of the following limits:

(1) It is an odor alert condition and a violation if odorous contaminants are detected when one volume of the odorous air has been diluted with seven or more volumes of odor-free air or beyond the property boundary from which the emission originates.

a. In order to determine the source of the odorous emission, two odor measurements shall be made within a period of one hour, these measurements being separated by at least 15 minutes. These measurements shall be made at or beyond the

property boundary or at the receptor and shall be made both upwind and downwind of the possible source in order to verify the source and intensity.

b. The Barnebey-Chaney Scentometer or any other instrument, device or technique designated by the state air pollution control division may be used in the determination of the intensity of an odor and in the enforcement of the ordinance codified herein.

c. Personnel shall be certified and equipment shall be certified and maintained in accordance with the specifications and recommendations of the manufacturer and the state air pollution control division.

(2) It is considered an odor alert condition and a violation exists when the city is in receipt of three or more calls from individuals representing separate properties within the city within a six-hour period relating to a single odor description. The city shall provide a designated phone number to call to report an odor complaint. The complaints shall be recorded by a staff member or by electronic means and shall be considered as an individual odor complaint when the following information is provided:

a. Name, address and telephone number of complainant.

b. Time and date of call.

c. Description of odor nuisance, including estimated location or source of complaint and any prevailing wind or weather conditions observed.

(3) It is a violation to continuously emit particulate air contaminants above levels allowed in the U.S. EPA National Ambient Air Quality Standards (NAAQS) and/or Colorado Department of Health Air Standards, whichever is more strict, and then at no more than 20 percent opacity.

The city shall investigate all complaints to verify the source of the odor nuisance and take appropriate corrective action.

(k) *Exceptions.* Violation of the odorous air contaminant standard may not be subject to penalty or enforcement action if any of the following circumstances are deemed to exist:

(1) Upset conditions or the breakdown of a device, facility or process that causes an odorous emission if the upset condition or breakdown could not be reasonably anticipated and prevented and if immediate action is taken to eliminate the upset condition and/or repair the equipment. The city shall be verbally notified of the upset condition or breakdown within eight hours of the occurrence and written notification detailing the upset condition or breakdown, and measures taken to correct it, shall be submitted within three working days of the event.

(2) The routine start-up, shutdown, cleaning, maintenance or testing of:

a. Machinery or equipment causing the emission.

b. Machinery or equipment designated to control, reduce or eliminate emissions, where the person undertaking such activities notifies the city in writing 48 hours in advance and the procedure is not conducted during a high-pollution alert. Such notice shall include the date, duration and approximate time that the repair or maintenance activity shall be engaged in. Approval of the activity must be provided in writing by the city, which may add limitations to the proposed actions if deemed necessary to best address the public welfare. After receipt of said notice, the city may, if deemed necessary, issue public service advisories that odor conditions may exist.

(3) Temporary sources or events, such as rodeos, county fairs and stock shows.

(4) Odorous air contaminants existing solely within residences, or solely within commercial and industrial plants, works or shops, or to affect the relations between

employers and employees with respect to or arising out of any condition of air pollution, provided that such odors do not penetrate the atmosphere and extend beyond the property boundary so as to become a public nuisance.

(l) *Compliance.* The city may find the person responsible for a violation of the odor standards described in this chapter to be a significant odor generator for which a facility odor management plan is required for submission to and acceptance by the city. Violations of this chapter are subject to the penalties provided in chapter 9 of title 1 of this Code and the procedures attached hereto and specified in section 12-106.

(87) Sec. 12-102. Designation as a significant odor generator.

Designation. Upon investigation, and determination that the exceptions of section 12-101(k) do not apply, the city code enforcement officer may refer a site to the air quality and natural resources commission for consideration of designation as a significant odor generator and cause the following to occur:

(1) The commission shall consider the evidence presented and any related testimony by the source and the public during its public designation hearing. At the close of such hearing, if the commission finds that the evidence and testimony presented proves by a preponderance that a violation of section 12-101 has occurred, the commission may formally designate the source as a significant odor generator, such designation to be provided in writing to the source within two weeks of such hearing and which shall be accompanied by a set of requirements for submission of and consideration of a facility odor management plan.

(2) The source designated by the commission as a significant odor generator shall be required to submit a facility odor management plan in accordance with the commission's findings. A reasonable period of time within which to conduct this evaluation and analysis, and the date of submission of the proposed plan to the city, shall be prescribed by the commission. Upon receipt of the plan by the city, the city manager or his designated code enforcement officer shall:

a. Review the document for adequacy and use of the best available odor control technology.

b. If deemed necessary by the city, the report may be submitted to the county health department or a private consultant for review and recommendation to the city and the commission.

Such plan shall be considered and reviewed by the commission in a manner identical to the designation hearing. If said plan is found inadequate, the commission shall, in writing, provide the source with a listing of areas of deficiency and a time period within which to modify the plan for further consideration by the commission.

(3) At the conclusion of the hearing process on the submitted plan, the commission shall provide a written confirmation and acceptance of the final plan. Acceptance of the facility odor management plan by the commission shall be accompanied by an odor control permit issued to the significant odor generator conditioned upon the payment of fees as set forth in section 12-71.

a. Failure to operate within the parameters of the agreed-upon facility odor management plan may result in suspension of the odor control permit. Continued operation of the industry or source while the odor control permit is suspended may result in a requirement to submit an amended facility odor management plan and/or a summons to municipal court with the application of penalties as set forth in chapter 9 of title 1 of this Code.

- b. The odor control permit shall be issued on a graduated basis as follows:
1. The initial issuance shall be for a period of three months.
 2. At the end of the three-month period, the permit shall be renewed for a period of six months, provided that no verified violations of the allowable odor intensity have occurred.
 3. At the end of the six-month permit, provided that there were no verified violations of the allowable odor intensity, the permit shall be renewed for an additional 12-month period.
 4. At the end of the 12-month permit, provided that there were no verified violations of the allowable odor intensity, the permit shall be renewed for an additional 15-month period.
 5. For any permit period within which an odor violation is confirmed, at the time of renewal the commission will conduct a hearing to consider any corrections needed to the facility odor management plan prior to renewal of the permit. A new odor control permit may be issued beginning with a three-month permit and a new fee assessed or a permit may be issued for the next issuance period.
 6. Upon verification of three or more odor violations at any time during any issuance period, a hearing before the commission will be promptly scheduled and conducted. At the conclusion of said hearing, the commission may consider corrective actions or suspend the permit. Any new permit issued as a result of said hearing will commence with a three-month permit and assessment of the fee for an initial application as provided in subsection 12-71(a).
- c. The permittee shall submit an application for renewal at least 30 days prior to the expiration of any odor control permit. An expired odor control permit shall continue in force, and remain fully effective and enforceable, provided that a timely application for renewal has been filed, until the date that a new permit is issued by the commission. If an industry or source which is required to hold an odor control permit operates without a valid odor control permit, the application of penalties as set forth in chapter 9 of title 1 of this Code shall result.
- (4) Compliance for a period of three years with the facility odor management plan submitted by the source found to be a significant odor generator shall, at the request of the source, remove such source from the classification as a significant odor generator and relieve such source of the need to hold an odor control permit, but does not relieve such source from continuing compliance with the ordinance codified herein.

(88) Sec. 12-104. High-pollution prohibition; solid-fuel-fired heating device.

- (a) No person may operate a solid-fuel-fired heating device, except a wood stove or insert certified by the state department of health or a noncertified wood stove or insert fitted with an approved retrofit antipollution kit, during a high-pollution day unless an exemption has been granted pursuant to subsection (c)(1) or (2) of this section. It shall be the duty of all persons owning or operating a solid-fuel-fired device to be aware of any declaration of a high-pollution day by the county health department.
- (b) At the time of the declaration of a high-pollution day, the city manager shall allow five hours for the burn-down of existing fires in solid-fuel-burning devices prior to the initiation of enforcement.
- (c) Exemptions. The following conditions are allowed exemptions to subsection (a) of this section:
- (1) Exemption for sole heat source:

- a. A person who relies on a solid-fuel-fired heating device installed prior to October 1, 1987, as his sole source of heat, may apply to the city manager or his designee for an exemption from subsection (a) of this section.
- b. A person applying for an exemption must sign a sworn statement that he relies on a solid-fuel-fired heating device as his sole source of heat.
- c. An exemption obtained under this section shall be effective for 12 months from the date it is granted.
 - (2) Exemption for economic need:
 - a. A person who relies on a solid-fuel-fired heating device installed prior to October 1, 1987, because of economic need, may apply to the city manager or his designee for exemption from subsection (a) of this section.
 - b. A person applying for this exemption must demonstrate economic need by certifying eligibility for energy assistance according to economic guidelines established by the United States Office of Management and Budget under the Low-Income Energy Assistance Program (L.E.A.P.), as administered by the county.
 - c. An exemption obtained under this section shall be effective for 12 months from the date it is granted.
 - (3) Exemption for cooking purposes. Appliances designed and used primarily for cooking purposes shall be exempt from the provisions of subsections (a), (b) and (c) of this section.
 - (4) Exemption for solid-fuel boilers that require state emission permits. Solid-fuel boilers that require state emission permits are exempt from the provisions of this chapter.
 - (d) Wood stove installation and reinstallation. No person shall install a new wood stove, whether freestanding or insert, unless it is certified by the state department of health. No person shall reinstall a noncertified wood stove, whether freestanding or insert, unless an approved retrofit antipollution kit is available and installed prior to the reinstallation of the wood stove.
 - (e) Violation; penalty. Any person who violates any provision of this section or performs any unlawful acts, as defined in this chapter, any person who fails to perform any act required by this section or any person who fails or refuses to comply with any lawful order given pursuant to this section, upon first violation, shall be issued a warning; upon second violation, shall be issued a summons and upon conviction shall pay a fine of \$25.00 or successfully complete a class on proper use of solid-fuel-fired burning devices in lieu of payment of the \$25.00 fine; and upon third and succeeding violations shall be issued a summons and upon conviction shall be punished as provided in chapter 9 of title 1 of this Code. Each day of any such violation is a separate offense and punishable accordingly.
 - (f) Three-year review. The building inspection advisory and appeals board shall reevaluate the program every three years during the normal Code review process.
 - (g) Public awareness program. The city manager or his designee shall initiate a public awareness program to encourage the proper use and operation of solid-fuel-burning devices and encourage the public in those practices which minimize the potential for air pollution.

(89) Sec. 12-207. Penalties and enforcement.

- (a) Whenever any person is in noncompliance with the provisions of this chapter, the administrative hearing officer may impose penalty fines up to the amount of \$1,000.00 per day per violation and pursue sanctions defined in chapter 10 of title 1 of this Code

and any other sanctions permitted under law. Each repeat violation must be set forth on a notice of violation form and served as set forth in chapter 12 of title 2 of this Code.

(b) Whenever the city manager or designee determines a person is violating or failing to comply with any provision of this chapter, the city manager or designee may immediately issue a cessation order causing the person to immediately cease all operations which violate and fail to comply with this chapter until such person has complied with the provisions of this chapter. This order of cessation of activities is additional to any other penalties, sanctions or remedies contained in this chapter or otherwise allowed by law.

(c) The city may seek and obtain remedies, including, but not limited to, civil and administrative sanctions and temporary or permanent injunctive relief against persons for noncompliance with the provisions, standards and requirements of this chapter.

(d) Any fee which shall not be paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this chapter or any ordinance of the city, the administrative hearing officer is hereby empowered and directed to enforce this provision as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this chapter.

(90) Sec. 12-245. Administrative hearing procedures.

A notice of violation issued under section 12-244 shall proceed in accordance with chapter 12 of title 2 of this Code and shall be subject to penalties as set forth in chapter 10 of title 1 of this Code.

(91) Sec. 12-360. Unlawful acts; hours; sound level; proximity to public sessions; penalties; repeat offenses.

A person commits a violation of this section if he uses or operates sound-amplifying equipment:

(1) Out of doors, except between 7:00 a.m. and 10:00 p.m.

(2) Indoors, if the projection of the sound is plainly audible to persons out of doors and at or beyond the property line from which the sound is being emitted.

(3) At a sound level higher than necessary to accomplish the purposes for which a permit from the chief of police was granted.

(4) Within 500 feet of any place where a public council, board or court is in session.

(5) That produces any noise emitted at levels which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of a reasonable person of normal sensitivities.

(92) Sec. 12-468. Nuisance; abatement; notice.

(a) If an owner of any lot, block or parcel of ground within the city, or any tenant or agent in possession or in charge thereof, fails or refuses to remove or eliminate prairie dog infestations or prairie dog nests or burrows as required in section 12-467 within 30 days after being served notice to do so by an agent or employee of the city, the city may have the prairie dogs, nests or burrows removed and abated by an employee of the city or by a private firm or individual, as provided in this section, and charge the cost thereof to such owner, tenant or agent, together with an additional \$50.00 plus 20 percent for inspection, administration and other costs. In the event that the health department or other public health official identifies the presence of a communicable

disease, abatement shall occur within such shorter time as specified by the health department or official.

(b) Issuance of notice of violation. The city manager or designee may inspect any lot, block or parcel of ground within the city upon receipt of a complaint, from referral by another city department or upon observation during the normal course of duties, concerning prairie dog infestation. If, after inspection, the city manager or designee determines that a violation exists, a notice of violation may be issued to the owner, tenant or agent of the lot, block or parcel, and the notice of violation may be issued without prior notice. If the city manager or designee cannot serve the notice of violation directly to the owner, tenant or agent, the notice shall be served as set forth in chapter 12 of title 2 of this Code. The notice shall also specify that all procedures and acts undertaken to abate said nuisance shall conform to all municipal, state and federal law and regulations governing the taking, trapping, killing or disposal of wildlife and wildlife nests and burrows.

(c) In addition to charges for abatement, failure to comply with requirements of this chapter also constitutes a Code violation and is subject to the penalty provisions of chapter 10 of title 1 of this Code.

(d) If it is determined that employees of the city are not available to abate the nuisance pursuant to the provisions of this section, the city may solicit bids from properly licensed individuals or firms to undertake the necessary abatement, retaining the lowest qualified bidder to accomplish the abatement.

(e) In the event that a private person or firm accomplished the abatement as provided in this section, the city shall provide a copy of the lowest bid with the notice for payment served on any owner, tenant or agent as provided in section 12-469.

(f) In order to encourage the provision of services to protect the public health and safety and to allow the city to allocate its limited fiscal resources, nothing contained in this section shall be intended or construed to impose any duty of care, liability or obligation on the city or any of its employees or agents where none otherwise existed.

(g) Nothing contained herein shall be construed or intended to authorize the destruction or removal of an animal declared a public nuisance in violation of any state or federal law, rule or regulation related to any threatened or endangered animal.

(93) Sec. 12-470. Failure to pay assessment.

Failure to pay an assessment as provided for in section 12-469 within 30 days shall cause such assessment to become a lien against the lot, block or parcel of land upon which abatement occurred and shall have priority over all liens, except general taxes and prior special assessment, and the same may be certified at any time after such failure to so pay by the director of finance to the county treasurer to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection as provided by the laws of the state.

(94) Sec. 12-502. Failure to pay a lien.

Failure to pay an assessment as provided for at section 12-608 within such period of 30 days described therein shall cause such assessment to become a lien against such lot, block or parcel of land and shall have priority over all liens, except general taxes and prior special assessments and the same may be certified at any time after such failure to so pay the same within 30 days, by the director of finance to the county treasurer to

be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by state law.

(95) Sec. 12-569. Infected or dangerous vegetation or seeds prohibited.

No person shall import or bring into the city any trees, vines, shrubs or seeds which are infected or are in such a condition as to be dangerous to the life or health of plants or trees in the city, and no person shall sell any such items. The city manager or his designee shall have the right to order any person to cease and desist from importing, receiving for resale or selling any such infected trees, vines, shrubs or seeds. Failure by any person to whom such order is delivered to comply with the terms thereof shall be a violation subject to the penalties provided in chapter 10 of title 1 of this Code.

(96) Sec. 12-607. Noxious weeds; failure to comply.

When any owner, tenant or agent fails to eliminate or manage noxious weeds or to take steps as otherwise provided in section 12-606(h) within seven calendar days after personal service, mailing or posting of notice, the administrative authority may have the noxious weeds controlled or removed by an employee of the city or by a private individual or firm, and charge the cost thereof to such owner, tenant or agent, together with an additional \$50.00 plus 20 percent for inspections and other incidentals. In the event that the city must eradicate noxious weeds upon any property located within its jurisdiction, the city may assess the whole cost of the eradication, including up to 100 percent of inspection, eradication and other incidental costs in connection with eradication, upon the lot or tract of land where the noxious weeds are located; except that no tax lien shall be levied against land administered as part of a public right-of-way.

(1) The original abatement notice to the owner, tenant or agent in charge shall specify that the costs shall be charged to the property owner if the noxious weed condition is not cured or other authorized action taken within seven calendar days from the date of personal service, posting or mailing of the notice.

(2) In addition to charges for noxious weed removal, failure to comply with the requirements of this chapter is subject to the penalty provisions of chapter 10 of title 1 of this Code.

(97) Sec. 14-447. Payment of penalty.

All false alarm charges, as prescribed in section 14-446, shall be paid to the finance department within 20 days of the notice date.

(98) Sec. 14-460. Violations; penalty by reference.

It is unlawful for any person, firm or corporation to violate or fail to comply with any provision of this chapter. The violation or failure to comply with any provision of this chapter shall be punished as provided in chapter 9 of title 1 of this Code.

(99) Sec. 16-13. Duties and powers of traffic superintendent.

(a) The position of traffic superintendent is hereby established in the department of public works. The traffic superintendent shall be appointed by the director of the department of public works and shall exercise the powers and duties provided in this chapter consistent with the provisions of this Code relating to the department of public

works. In the absence of such appointment or at such times as the traffic superintendent may be absent from the city or unable to perform his duties, the said duties are and shall be vested in the director of the department of public works.

(b) It shall be the general duty of the traffic superintendent or other official vested with the responsibility for traffic, as provided herein, to determine the installation and proper timing and maintenance of official traffic control devices, to conduct analyses of traffic accidents and to devise remedial or corrective measures, to conduct investigation of traffic conditions, to plan the operation of traffic on the streets and highways of the city and to cooperate with other municipal officials in the development of ways and means to improve traffic conditions, and to carry out such additional powers and duties as are imposed by this chapter.

(c) By way of example, but not by way of limitation, the traffic superintendent or other official vested with the office as provided herein is hereby empowered and authorized, consistent with the provisions of this chapter, to act as follows:

- (1) Install, maintain and remove traffic control devices;
- (2) Designate and mark medians and traffic islands;
- (3) Conduct speed zoning studies and post speed limits as permitted by law;
- (4) Designate minimum speed as provided by law;
- (5) Regulate speed and traffic movement by traffic signals and provide for the synchronization of such signals wherever practicable;
- (6) Designate one-way streets and roadways;
- (7) Designate through streets or roadways and control entrances thereto;
- (8) Designate stop or yield intersections and erect stop or yield signs thereat;
- (9) Establish restrictions, prohibitions and regulations for the parking, standing or stopping of vehicles;
- (10) Designate special parking zones for taxicabs, press, television, radio cars and the like;
- (11) Designate parking meter zones and establish time limitations thereon based on an engineering and traffic investigation;
- (12) Establish tow-away zones;
- (13) Designate upon what streets, if any, angle parking shall be permitted;
- (14) Designate and sign intersections at which drivers shall not make a right or left turn, a U-turn or any turn at all times or during certain times;
- (15) Designate and sign intersections where multiple turns shall be allowed;
- (16) Mark centerlines and lane lines and place other pavement markings necessary for the regulation and control of traffic;
- (17) Install and maintain crosswalks at intersections or other places where there is particular danger to pedestrians crossing the roadway;
- (18) Establish safety zones at such places where necessary for pedestrian protection;
- (19) Install pedestrian-control signals and designate those crossings where angle crossing by pedestrians shall be permitted;
- (20) Establish truck routes and truck loading zones; establish bus stops and taxicab stands;
- (21) Designate and sign those streets and roadways where pedestrians, bicyclists or other nonmotorized traffic, or persons operating a motor-driven cycle shall be excluded as provided by law;
- (22) Designate and sign those streets upon which vehicles or loads of a certain weight shall be prohibited;

- (23) Provide for temporary street or alley closures by the erection of barricades;
- (24) Issue special permits for curb loading operations, for the movement of vehicles having excess size or weight, for parades or processions, etc.;
- (25) Designate and sign those pedestrian areas in which nonmotorized vehicles such as skateboards, scooters, bicycles, etc., are prohibited. Operation of such nonmotorized vehicles where prohibited by such posted signs shall be a violation of this section, subject to the penalties prescribed by chapter 9 of title 1 of this Code, except that no jail sentence is authorized for such a violation.
 - a. This subsection shall not apply to city parks.
 - b. This subsection shall not authorize any restriction on handicapped vehicles such as wheelchairs.

(100) **Sec. 16-331. Passing lane; definitions; penalty.**

- (a) A person shall not drive a motor vehicle in the passing lane of a highway if the speed limit is 65 miles per hour or more unless such person is passing other motor vehicles that are in a nonpassing lane or turning left or unless the volume of traffic does not permit the motor vehicle to safely merge into a nonpassing lane.
- (b) For the purposes of this section:
 - (1) The term "nonpassing lane" means any lane that is to the right of the passing lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway.
 - (2) The term "passing lane" means the farthest to the left lane if there are two or more adjacent lanes of traffic moving in the same direction in one roadway; except that, if such left lane is restricted to high occupancy vehicle use or is designed for left turns only, the passing lane shall be the lane immediately to the right of such high occupancy lane or left turn lane.

(101) **Sec. 16-471. Operation of bicycles and other human-powered vehicles.**

- (a) Every person riding a bicycle or electrical assisted bicycle shall have all of the rights and duties applicable to the driver of any other vehicle under this Code, except as to special regulations in this Code and except as to those provisions which by their nature can have no application. Said riders shall comply with the rules set forth in this section and section 16-54.
- (b) It is the intent of the city council that nothing herein contained shall in any way be construed to modify or increase the duty of the department of transportation or any political subdivision to sign or maintain highways or sidewalks or to affect or increase the liability of the state or any political subdivision under the Colorado Governmental Immunity Act, C.R.S. title 24, article 10, as amended from time to time.
- (c) No bicycle or electrical assisted bicycle shall be used to carry more persons at one time than the number for which it is designed or equipped.
- (d) No person riding upon any bicycle or electrical assisted bicycle shall attach the same or himself to any motor vehicle upon a roadway.
- (e) (1) Any person operating a bicycle or an electrical assisted bicycle upon a roadway at less than the normal speed of traffic shall ride in the right-hand lane, subject to the following conditions:
 - a. If the right-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the right as judged safe by

the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

- b. A bicyclist may use a lane other than the right-hand lane when:
 - 1. Preparing for a left turn at an intersection or into a private roadway or driveway;
 - 2. Overtaking a slower vehicle; or
 - 3. Taking reasonably necessary precautions to avoid hazards or road conditions.
- c. Upon approaching an intersection where right turns are permitted and there is a dedicated right-turn lane, a bicyclist may ride on the left-hand portion of the dedicated right-turn lane even if the bicyclist does not intend to turn right.

(2) A bicyclist shall not be expected or required to:

- a. Ride over or through hazards at the edge of a roadway, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes; or
- b. Ride without a reasonable safety margin on the right-hand side of the roadway.

(3) A person operating a bicycle or an electrical assisted bicycle upon a one-way roadway with two or more marked traffic lanes may ride as near to the left-hand curb or edge of such roadway as judged safe by the bicyclist, subject to the following conditions:

a. If the left-hand lane then available for traffic is wide enough to be safely shared with overtaking vehicles, a bicyclist shall ride far enough to the left as judged safe by the bicyclist to facilitate the movement of such overtaking vehicles unless other conditions make it unsafe to do so.

b. A bicyclist shall not be expected or required to:

- 1. Ride over or through hazards at the edge of a roadway, including, but not limited to, fixed or moving objects, parked or moving vehicles, bicycles, pedestrians, animals, surface hazards or narrow lanes; or
- 2. Ride without a reasonable safety margin on the left-hand side of the roadway.

(f) (1) Persons riding bicycles or electrical assisted bicycles upon a roadway shall not ride more than two abreast except on paths or parts of roadways set aside for the exclusive use of bicycles.

(2) Persons riding bicycles or electrical assisted bicycles two abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

(g) A person operating a bicycle or electrical assisted bicycle shall keep at least one hand on the handlebars at all times.

(h) (1) A person riding a bicycle or electrical assisted bicycle intending to turn left shall make a left turn in the manner prescribed in subsection (h)(2) of this section.

(2) A person riding a bicycle or electrical assisted bicycle intending to turn left shall approach the turn as closely as practicable to the right-hand curb or edge of the roadway. After proceeding across the intersecting roadway to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as much as practicable, out of the way of traffic. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway that the bicyclist had been using. After yielding and complying with any official traffic control device or police officer regulating traffic on the highway along which the bicyclist intends to proceed, the bicyclist may proceed in the new direction.

(3) Notwithstanding the provisions of subsections (h)(1) and (2) of this section, the transportation commission and local authorities in their respective jurisdictions may

cause official traffic control devices to be placed on roadways and thereby require and direct that a specific course be traveled.

(i) (1) Except as otherwise provided in this subsection (i), every person riding a bicycle or electrical assisted bicycle shall signal the intention to turn or stop in accordance with section 16-292; except that a person riding a bicycle or electrical assisted bicycle may signal a right turn with the right arm extended horizontally.

(2) A signal of intention to turn right or left when required shall be given continuously during not less than the last 100 feet traveled by the bicycle or electrical assisted bicycle before turning and shall be given while the bicycle or electrical assisted bicycle is stopped waiting to turn. A signal by hand and arm need not be given continuously if the hand is needed in the control or operation of the bicycle or electrical assisted bicycle.

(j) (1) A person riding a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian. A person riding a bicycle in a crosswalk shall do so in a manner that is safe for pedestrians.

(2) A person shall not ride a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk where such use of bicycles or electrical assisted bicycles is prohibited by official traffic control devices or local ordinances. A person riding a bicycle or electrical assisted bicycle shall dismount before entering any crosswalk where required by official traffic control devices or local ordinances.

(3) A person riding or walking a bicycle or electrical assisted bicycle upon and along a sidewalk or pathway or across a roadway upon and along a crosswalk shall have all the rights and duties applicable to a pedestrian under the same circumstances, including, but not limited to, the rights and duties granted and required by section 16-255.

(k) (1) A person may park a bicycle or electrical assisted bicycle on a sidewalk unless prohibited or restricted by an official traffic control device or local ordinance.

(2) A bicycle or electrical assisted bicycle parked on a sidewalk shall not impede the normal and reasonable movement of pedestrian or other traffic.

(3) A bicycle or electrical assisted bicycle may be parked on the road at any angle to the curb or edge of the road at any location where parking is allowed.

(4) A bicycle or electrical assisted bicycle may be parked on the road abreast of another such bicycle or bicycles near the side of the road or any location where parking is allowed in such a manner as does not impede the normal and reasonable movement of traffic.

(5) In all other respects, bicycles or electrical assisted bicycles parked anywhere on a highway shall conform to the provisions of article 12 of this chapter regulating the parking of vehicles.

(l) (1) Any person who violates any provision of this section commits a violation of this Code.

(2) Any person riding a bicycle or electrical assisted bicycle who violates any provision of this Code other than this section which is applicable to such a vehicle and for which a penalty is specified shall be subject to the same specified penalty as any other vehicle.

(m) Except as authorized by section 16-13, the rider of an electrical assisted bicycle shall not use the electrical motor on a bike or pedestrian path.

(102) Sec. 16-705. Compliance; notice.

Whenever the grade of any street, alley or highway of the city, over which a railroad track is constructed, is in any manner changed, the owning railroad company shall raise or lower (as the case may be) the roadbed and track to correspond with such grade, within ten days after receiving written notice of the change, or change of grade. Failure to do so shall be subject to a penalty as provided in chapter 9 of title 1 of this Code for each and every day thereafter during which such failure continues, unless for good cause shown the city council allows additional time.

(103) Sec. 20-301. Penalties.

Penalties for violating any provision of this chapter shall be treated administratively in accordance with chapter 10 of title 1 of this Code.

(104) Sec. 20-520. Administrative fines.

Following the issuance of a notice of violation, a compliance order or order to show cause, the director may fine a user in an amount not to exceed \$1,000.00 per violation. The director shall determine the applicable fine using the city's administrative penalty evaluation form and administrative penalty matrix. Each day on which noncompliance occurs, or continues, shall constitute a separate and distinct violation. In the case of monthly or other long-term average discharge limits, the director may assess fines for each day during the period of violation. The director may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(1) The director may add unpaid charges and fines to the user's next scheduled sewer service charge or utilize other collection remedies. All unpaid fines and charges shall constitute a lien against the user's property. In that case, the director of finance shall file such lien to protect the city's interest. Fines and charges remaining unpaid for 60 calendar days shall accrue interest at the rate set forth in section 6-197 on the unpaid balances.

(2) Issuance of an administrative penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

(105) Sec. 20-567. Code infraction and administrative hearing procedures.

A notice of violation issued under section 20-566 is a misdemeanor infraction and shall proceed in accordance with section 2-1032 and shall be subject to the provisions of this chapter and penalties as set forth in chapter 10 of title 1 of this Code.

(106) Sec. 20-639. Enforcement.

(a) Any fee which has not be paid when due may be recovered in an action at law by the city in addition to any other remedies or penalties provided by this chapter or this Code.

(b) Authorized employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair, or the enforcement of the provisions of this chapter.

(c) The director of public works or designee may issue a notice of violation to any property owner and/or developer who has not installed and maintained permanent stormwater control measures in accordance with this chapter.

(d) A violation noticed under this chapter shall be deemed a misdemeanor infraction, shall proceed in accordance with section 2-1032, and shall be subject to penalties set forth in chapter 10 of title 1 of this Code.

(107) Sec. 20-898. Withdrawals by city.

The city shall be empowered to withdraw from the performance guarantee escrow the sums specified below as assessments for failure by the grantee to perform faithfully the following obligations:

(1) For the grantee's failure to comply with the complaint resolution mechanism of section 20-873, the council may assess the sum of \$250.00 per day for each day or part thereof that the grantee fails to so comply;

(2) For the grantee's failure to comply with the timetable for installation of the system as required by section 20-927, the council may assess the sum of \$250.00 per day for each day or part thereof that the grantee fails to so comply;

(3) For the grantee's failure to comply with the recordkeeping and filing requirements of sections 20-922 and 20-923, the council may assess the sum of \$100.00 per day for each day or part thereof that the grantee fails to so comply;

(4) For the grantee's failure to comply with any other provision of this chapter relating to the installation, maintenance and operation of the cable communications system, the council may assess the sum of \$100.00 per day for each day or part thereof that the grantee fails to so comply;

(5) For the grantee's failure to make any payment to the city required under this chapter, including without limitation, the franchise fee required by sections 20-922 through 20-923, the cost and expense of indemnification under section 20-895 and the penalties imposed by sections 20-940 and 20-942, the council may authorize withdrawal from the performance guarantee escrow of the amount that the grantee has failed to pay.

(108) Sec. 20-942. Penalty.

Any violation of this chapter shall be punishable as provided in chapter 9 of title 1 of this Code. Each day upon which any violation shall occur shall constitute a separate violation.

(109) Sec. 22-43. Section 114.4 amended; violation penalties.

Sec. 114.4 of the building code is amended to read as follows:

114.4 Violation penalties. Any person violating any of the provisions of this code is 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, and upon conviction of any such violation, such person shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(110) Sec. 22-86. Section R113.4 amended; violation penalties.

Sec. R113.4 of the residential code is amended to read as follows:

Any person violating any of the provisions of the code is guilty of a separate offense for each and every day or portion thereof during which any violation of any of the

provisions of the code is committed, continued or permitted, and upon conviction of any such violation, such person shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(111) Sec. 22-164. Section 108.4 amended; violation penalties.

Sec. 108.4 of the mechanical code is amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(112) Sec. 22-194. Section 106.4 amended; violation penalties.

Sec. 106.4 of the property maintenance code is amended to read as follows:

106.4 Violation penalties. Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof shall be subject to punishment as provided in chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(113) Sec. 22-240. Section 113.4 amended; violation penalties.

113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who repairs or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the code official or of a permit or certificate issued under the provisions of this code shall be subject to punishment as provided in chapter 10 of title 1 of this Code.

(114) Sec. 22-309. Section 108.4 amended; violation penalties.

Sec. 108.4 of the plumbing code is amended to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(115) Sec. 22-350. Section 108.4 amended; violation penalties.

Sec. 108.4 of the fuel gas code is amended to read as follows:

108.4 Violation penalties. Persons who shall violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be punishable pursuant to chapter 10 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(116) **Sec. 22-424. Permits and approvals.**

Permits and approvals shall conform to subsections (1) through (9) of this section.

(1) *Permits required.* No person, whether or not required to be licensed by the state electrical board as an electrical contractor, master electrician, journeyman electrician or residential wireman, shall install, alter, or repair any electrical wiring, apparatus or equipment unless a permit for such electrical work has been issued. A permit must be obtained for each separate project. Application for permits shall be made on forms provided by the building inspection division and the required permit fee shall accompany each application.

(2) *Homeowner permit.* A person may obtain a permit to personally install electrical work on their own property or residence. The application for a homeowner permit shall include a notarized affidavit stating that the homeowner is knowledgeable of the requirements of the National Electrical Code® and that they will be personally responsible for performing the installation of the electrical work outlined on the permit application.

(3) *Working without permit; penalty.* Any person who commences any electrical work for which a permit is required without first having obtained such permit shall be subject to punishment as provided in chapter 10 of title 1 of this Code and section 22-425 and, in addition, shall be obligated to pay a permit fee equal to twice the regular permit fee. However, the foregoing provision regarding punishment and payment of double fees shall not apply to emergency electrical work when it appears to the satisfaction of the chief electrical inspector that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. The foregoing exculpatory provision shall apply only if the person required to obtain the permit does apply for the permit as soon as practical following the installation of the electrical work.

(4) *Application.*

a. Activity authorized by a permit issued under this code shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this code applicable thereto and in accordance with the approved plans and specifications. No permit issued under this code shall be interpreted to justify a violation of any provision of this code or any other applicable law or regulation. Any addition or alteration of approved plans or specifications shall be approved in advance by the authority having jurisdiction, as evidenced by the issuance of a new or amended permit.

b. A copy of the permit shall be posted or otherwise readily accessible at each work site or carried by the permit holder as specified by the authority having jurisdiction.

(5) *Content.* Permits shall be issued by the authority having jurisdiction and shall contain the following:

a. Operation or activities for which the permit is issued.

b. Address or location where the operation or activity is to be conducted.

c. Name and address of the permittee.

d. Permit number and date of issuance.

e. Name of licensed electrical contractor (if applicable).

f. Inspection requirements.

(6) *Issuance of permits.* The authority having jurisdiction shall be authorized to establish and issue permits, certificates, notices, and approvals, or orders pertaining to

electrical safety hazards pursuant to 22-424, except that no permit shall be required to execute any of the classes of electrical work specified in the following:

a. Installation or replacement of equipment such as lamps and of electric utilization equipment approved for connection to suitable permanently installed receptacles. Replacement of flush or snap switches, fuses, circuit breakers, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.

b. The process of manufacturing, testing, servicing, or repairing electric equipment or apparatus.

c. Installation of equipment and circuits operating at less than 50 volts, unless required by the International Fire Code® for fire alarm systems; however, all work installed under this exception shall meet the applicable requirements of NEC® article 720, article 725, article 760, article 770, article 800, article 810, article 820, and/or article 830 and is subject to inspection by the authority having jurisdiction.

Note: This exception shall not be applicable to NEC® article 411—Lighting Systems Operating at 30 Volts or Less.

(7) *Permit fee schedule.* The permit fee schedule as established in section 22-33 is adopted for all electrical permits issued under the scope of this code.

(8) *Inspection and approvals.*

a. Upon the completion of any installation of electrical equipment that has been made under a permit, it shall be the duty of the person, firm, or corporation making the installation to notify the electrical inspector having jurisdiction, who shall inspect the work within a reasonable time.

b. Where the electrical inspector finds the installation to be in conformity with this code, local ordinances and all rules and regulations of the state electrical board, the inspector shall issue to the person, firm, or corporation making the installation a certificate of approval, authorizing the connection to the supply of electricity and shall send written notice of such authorization to the electric utility company. This connection to the utility company's supply shall be revocable by the electrical inspector for cause.

c. When any portion of the electrical installation within the jurisdiction of an electrical inspector is to be hidden from view by the placement of parts of the building, the person, firm, or corporation installing the electrical equipment or system shall notify the electrical inspector, and such electrical equipment or system shall not be concealed until it has been approved by the electrical inspector or until two work days have elapsed from the time of the notification, provided that on large installations, where the concealment of equipment and systems proceeds continuously, the person, firm, or corporation installing the equipment and systems shall give the electrical inspector due notice in advance, and inspections shall be made periodically during the progress of the work.

d. If, upon inspection, any installation is found not to be fully in conformity with the provisions of this code, and all applicable statutes, ordinances, rules, and regulations, the inspector making the inspection shall at once forward to the person, firm, or corporation making the installation a written notice stating the defects that have been found to exist.

(9) *Revocation of permits.* Revocation of permits shall conform to the following:

a. The authority having jurisdiction shall be permitted to revoke a permit or approval issued if any violation of this code is found upon inspection or in case there

have been false statements or misrepresentations submitted in the application or plans on which the permit or approval was based.

b. Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, represent for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by this code shall be in violation of this code. Such violations shall be cause for immediate suspension or revocation of any related certificates or permits issued by this jurisdiction. In addition, any such violation shall be subject to any other criminal or civil penalties as available by the ordinances of the city and state statutes.

c. Revocation shall be constituted when the permittee is duly notified by the authority having jurisdiction.

d. Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefor has been suspended or revoked pursuant to the provisions of this code, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this code.

e. A permit shall be predicated upon compliance with the requirement of this code and shall constitute written authority issued by the authority having jurisdiction to install electrical work. Any permit issued under this code shall not take the place of any other license or permit required by other regulations or ordinances of the city.

f. The authority having jurisdiction shall be permitted to require an inspection prior to the issuance of a permit.

g. A permit issued under this code shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

(117) Sec. 22-463. Section 110.4 amended; violation penalties.

Sec. 110.4 of the fire code is amended to read as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be punishable pursuant to chapter 9 of title 1 of this Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(118) Sec. 24-663. Standards for PUD establishment.

(a) Land area shall be zoned as a planned unit development only upon the application of all landowners of the area and only if the city council, after considering planning commission recommendations, has concluded on the basis of a preliminary plan submitted by the landowner that the area will be suitable for development pursuant to a PUD plan.

(b) In reaching recommendations and decisions as to rezoning land to the PUD district, the planning commission and the city council shall apply the following standards in addition to the standards and procedures of section 24-625 applicable to the rezoning of land:

(1) Area requirements. The area of a proposed PUD shall be of substantial size to permit its design and development as a cohesive unit fulfilling the stated purpose of these regulations and to establish the PUD as a meaningful part of the larger

community. Each proposed PUD shall therefore be evaluated as to its adequacy in size with respect to both the nature and character of its internal design and to its specific location within the city. The minimum size of a PUD to be considered for establishment shall be two acres, except as provided for in subsection (c) of this section.

(2) Consistency with the land use chapter of the comprehensive plan. A PUD proposal shall be found to be consistent with all applicable elements of the land use chapter of the city's adopted comprehensive plan with respect to its proposed internal design and use and its relationship to adjacent areas and the city as a whole before it may be zoned as a PUD.

(3) Upon the specific request of the landowner or upon the recommendation of the planning commission or city council, the two-acre requirement in subsection (b)(1) of this section may be waived if, after considering the proposed development requested, the city council finds that such waiver would be beneficial to the city and foster the objectives of this Development Code and the land use chapter of the city's comprehensive plan.

(c) The city council may authorize, by its approval of a preliminary planned unit development plan, a mix of land uses, as well as variations in density, setback, height, lot size, lot coverage, open space, street width, parking and landscaping. Any such variations granted by the city council shall be based upon the findings by the council that the PUD plan:

(1) Provides an innovative design which would be equal to or better than development which would occur under base standard zoning district requirements;

(2) Accomplishes specific goals and objectives of the land use chapter of the city's comprehensive plan;

(3) Includes land uses which are required to be in a PUD;

(4) Meets the overall intent of this Development Code; or

(5) Provides equivalent site design trade-offs for the exceptions granted (i.e., more open space for higher density, etc.).

(d) The general performance standards in chapter 9 of this title and design review performance standards in chapter 12 of this title, as well as other applicable provisions of this Development Code, including overlay districts in article III of chapter 8 of this title, areas of ecological significance in chapter 13 of this title, hillside development standards in chapter 14 of this title and signs in chapter 17 of this title shall be considered in the planning and design of a PUD and shall be the point from which negotiation between the city and the applicant begins.

(e) The PUD shall, at all times, be under the unified control or ownership of an individual, a legal entity or a legally established association or organization, such as a property owner's association, responsible for the ownership and maintenance of all required improvements and common facilities, infrastructure, amenities, elements and areas. All documents establishing said association or organization shall be reviewed and approved by the city attorney's office prior to any approval of a final PUD plan and shall be recorded as part of the PUD approval documents.

(f) Strict conformance with an approved PUD plan and all related approval documents shall be required, except as may be permitted under section 24-675. Nonconformance with approved plans and documents shall constitute a zoning violation and shall be subject to all penalties as described in chapter 9 of title 1 of this Code.

(g) A filing plat shall be submitted concurrently with any final PUD on a previously unsubdivided site, tract or parcel of land and/or in order to create parcels, dedicate and vacate easements and/or rights-of-way.

(h) No more than one PUD plan shall be approved for any specific parcel of property at any given time. The most recently approved PUD plan shall constitute the valid PUD plan unless rendered invalid in accordance with law, and any prior approved PUD plan shall automatically terminate upon the final approval of a subsequent PUD plan.

(119) Sec. 24-953. Fines and penalties.

(a) Failure to comply with requirements of this article or of a district designation plan shall be a violation punishable in accordance with this section.

(b) Whenever any work is being done contrary to the provisions of this article or any plan adopted by the commission or approved by city council, a code enforcement inspector or other authorized city official may issue a stop-work order by posting notice at the property or providing notice in writing, served in person or by certified mail on the owner or any persons engaged in the performance of such work, until authorized by the code enforcement officer, city official or commission to proceed with the work. This order of cessation of work is in addition to any other penalties or remedies allowed by this Development Code.

(c) A penalty may be imposed by the commission. The maximum penalty for violation of this article shall be the same as for violations that are sanctioned administratively, pursuant to chapter 10 of title 1 of this Code and shall proceed as set forth in chapter 12 of title 2 of this Code.

(120) Sec. 24-1159. Kennels.

The following provisions shall apply to all kennels:

(1) No person or owner shall keep or operate any kennel or other animal establishment without having first applied for and received written land use permission therefor. Such permission is valid indefinitely unless revoked as provided in this section. For the purposes of this section, every premises so used is a separate enterprise and requires separate land use approval.

(2) Before any land use approval for a kennel or other animal establishment shall be issued and periodically thereafter, as deemed necessary by the city police department, an animal control officer shall conduct a physical inspection of the proposed kennel or other animal establishment and determine whether it is in compliance with the requirements of this section. Land use approval may be denied or revoked if:

a. The applicant has made any material misrepresentations or has falsified the application.

b. The applicant, directly or otherwise, refused to allow the animal control officer to make reasonable inspection of the facility.

c. The applicant has been previously convicted for violation of chapter 7 of this title or state standards pursuant to the Pet Animal Care and Facilities Act as called out in C.R.S. § 35-80-101 et seq.

d. The animal control officer determines, after inspection, that the kennel or other animal establishment does not comply with the relevant requirements of chapter 7 of this title and/or this section.

- (3) All kennels or other animal establishments shall provide the following:
- a. Adequate shelter from the elements for the animals.
 - b. Adequate facilities for preventing the escape of animals from the premises.
 - c. Adequate facilities for keeping the animal environment clean and free of filth.
 - d. Confinement and treatment of animals shall be in a manner that is humane and appropriate, which shall include the following minimum standards for dog enclosures:
 1. Each individually enclosed dog that does not have access to a run or exercise area must be provided a minimum amount of floor space, calculated as follows: find the mathematical square of the sum of the length of the dog in inches (measured from the tip of the nose to the base of the tail) plus six inches; then divide the product by 144 and multiply by two. The calculation is: (length of dog in inches + six) (squared) divided by 144 times two equals required floor space in feet. The maximum required floor space is 24 square feet and the minimum floor space is six square feet.
 2. Each primary enclosure, in which a dog spends the majority of its day, shall have the following minimum floor space requirements:

Extra-small dogs up to 10" high	4.5 sq. ft.
Small dogs up to 16" high	6.0 sq. ft.
Medium dogs up to 22" high	9.0 sq. ft.
Large dogs up to 26" high	12.0 sq. ft.
Extra-large dogs up to 30" high	16.0 sq. ft.
Giant breeds over 30" high	18.0 sq. ft.

(i) The height of the enclosure shall be 1 1/2 times the height of the dog at the shoulder, with a maximum height required of 48 inches and a minimum height of 18 inches. If more than one dog occupies these primary enclosures, space will be calculated for the largest dog, with each additional dog needing one-half of the minimum space required. These dimensions are exclusive of the exercise area which is also required for each animal housed in such an enclosure. The exercise area or run may be contiguous with the primary enclosures specified above. Each dog housed in the specified primary enclosure must be provided the opportunity to exercise for a minimum of 60 minutes over a 24-hour period. An exercise plan is required pursuant to subsection (3)d.4 of this section.

3. If crates are used with the written consent of the owner to house his dogs, including weaned puppies, the minimum space requirements are as follows: dogs, regardless of weight, will have a crate that is a minimum of the length of the dog from the tip of its nose to the base of its tail, plus three inches while the dog is standing, and shall have space enough for the dog to turn around and lie down. Crates of such minimum dimensions shall be used to house only one dog. An exercise area or run must be provided for animals housed in a crate; crated dogs shall be provided an opportunity to exercise for a minimum of 60 minutes over a 24-hour period. An exercise plan is required pursuant to subsection (3)d.4 of this section.

4. Dog runs and exercise areas shall meet the following minimum space requirements:

(i) The length of the runs and exercise areas shall be a minimum of three times the length of the dog from the tip of its nose to the base of its tail; the width shall allow the dog to turn around easily; and the height shall be 1 1/2 times the height of the dog at

the shoulders, with the maximum height required of 48 inches, the minimum of 18 inches.

(ii) Indoor/outdoor runs that have the primary enclosure and the exercise area in combination shall for measuring purposes be considered an exercise run and shall be measured from the extreme inside to the extreme outside for length determination.

(iii) Outdoor or indoor runs used as a combined primary enclosure and exercise area shall be measured from one extreme end to the other extreme end for length. The same criteria will apply to freestanding runs used for exercise areas only.

e. Adequate supervision of the animals in the kennel facility must be present to the following standards:

1. There must be a minimum of one human supervisor (at least 16 years of age), present at all times and able to directly view each enclosure or common area where dogs from different owners are commingled.

2. If more than 15 dogs are housed in a common area or enclosure, there must be at least one adult supervisor present for each 15 dogs housed within each enclosure or common area, with a maximum of 60 dogs housed in any enclosure or common area at a single time.

3. Where after-business hours or overnight boarding care is provided, the applicant must provide an animal care and supervision plan if human supervision is not provided during this period. Such plan must address how animal care and emergency needs will be managed in the absence of human supervision.

f. Evidence that the operation is in compliance with all other state standards pursuant to the Pet Animal Care and Facilities Act, as called out in C.R.S. § 35-80-101 et seq.

For the purposes of this section, commercial businesses for which the principal use is either a pet shop or grooming operation, a pet management plan may be submitted in lieu of compliance with the confinement and exercise standards within this section. Such plan must demonstrate compliance with animal care and welfare standards as provided in chapter 7 of this title and include a description, at a minimum, of pet enclosure accommodations related to area, location, duration of enclosure periods and access to food, water and shelter.

g. Failure to operate in compliance with the provisions and standards as set forth herein as observed and reported by the chief of police, an animal control officer, or as set forth in this or other chapters of this Development Code shall be a violation of this chapter and subject to the fines and penalties as set forth in chapter 10 of title 1 of this Code.

(4) Nonconforming uses: properties on which a kennel operation was lawfully established under prior Code provisions, and for which said use has not been abandoned for the most recent 12-month period from the effective date of the ordinance codified herein may continue such use until any one of the following conditions occurs:

a. A change of ownership of the business;

b. Conviction of any violation of any section of this Development Code associated with the operation of the business, including, but not limited to, nuisance conditions or behaviors;

c. Physical expansion of the structure or area within which the business is operating;
or

d. One year from the effective date of the ordinance codified herein setting forth kennel uses and a design review land use designation.