

BENNETT MUNICIPAL CODE

2005

A Codification of the General Ordinances
of the Town of Bennett, Colorado

Published by

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BENNETT MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 615, adopted March 22, 2011.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

June 2011

BENNETT MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 613, adopted March 8, 2011.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

March 2011

BENNETT MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 592, adopted June 9, 2009.**

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August 2009

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 582, adopted May 20, 2008.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado
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BENNETT MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 559, adopted September 26, 2006.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado
March 2007

SUPPLEMENTATION

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

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

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

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

AMENDMENTS

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

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

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

(Set out full section number, title and contents)

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

The Bennett Municipal Code is amended by the addition of the following:

(Set out section title and contents)

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

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

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

or as follows:

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

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

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

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

COLORADO CODE PUBLISHING COMPANY

PREFACE

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

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

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

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

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

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

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

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**STATE OF COLORADO
TOWN OF BENNETT, COLORADO**

ORDINANCE NO. 526

AN ORDINANCE OF THE TOWN OF BENNETT, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF BENNETT; 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 Board of Trustees of the Town of Bennett, Colorado:

Section 1. The Code entitled the *Bennett Municipal Code*, published by Colorado Code Publishing Company, consisting of Chapters 1 through 18 and the tables and indices thereto, each inclusive (the "Code"), is hereby adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before the adoption date of this Ordinance, which are inconsistent with the provisions of the *Bennett Municipal Code*, to the extent of such inconsistency, are hereby repealed.

Section 3. The repeal established in Section 2 of this Ordinance 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 secondary codes were previously adopted by reference and incorporated in the *Bennett Municipal Code*. One (1) copy of each is on file in the Town Clerk's office:

- (1) The International Building Code, 2003 Edition, published by the International Code Council, as adopted in Section 18-1-10;
- (2) The National Electrical Code, 2002 Edition, published by the National Fire Protection Association, as adopted in Section 18-2-10;
- (3) The International Mechanical Code, 2003 Edition, published by the International Code Council, as adopted in Section 18-3-10;
- (4) The International Plumbing Code, 2003 Edition, published by the International Code Council, as adopted in Section 18-4-10;
- (5) The Uniform Fire Code, Appendices and the Uniform Fire Code Standards, 1997 Edition, published by the International Fire Code Institute, as adopted in Section 18-5-10;
- (6) The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, as adopted in Section 18-6-10;
- (7) The Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, as adopted in Section 18-7-10;

(8) The International Residential Code, 2003 Edition, published by the International Code Council, as adopted in Section 18-8-10;

(9) The International Fuel Gas Code, 2003 Edition, published by the International Code Council, as adopted in Section 18-9-10; and

(10) The Roadway Design and Construction Standards, February 23, 1999, published by the Town of Bennett, as adopted in Section 11-2-10.

Section 5. The following secondary code is hereby adopted by reference and incorporated in the *Bennett Municipal Code*. One (1) copy is on file in the Town Clerk's office.

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

Section 6. The penalties provided by the Municipal Code of the Town of Bennett are hereby adopted as follows:

(1) Sec. 1-4-20. General penalty for violation. (General Provisions - General Penalty)

(a) Unless otherwise provided in this Code or by ordinance, whenever in this Code or any other ordinance, resolution or rule of the Town the doing of any act is required, prohibited or declared to be unlawful or an offense or a misdemeanor, and no definite fine or specific penalty is provided for a violation thereof, any person who shall be convicted of or plead guilty or no contest to a violation of any such provision of this Code or other ordinance, resolution or rule of the Town, whether now in existence or hereinafter enacted, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Every day such violation continues shall constitute a separate offense.

(b) Whenever in this Code or any ordinance of the Town a minimum but not a maximum fine or penalty is imposed, the Court may, in its discretion, fine the offender any sum exceeding the minimum fine or penalty so imposed, but not exceeding the amount of one thousand dollars (\$1,000.00).

(c) The suspension or revocation of any license, permit or other privilege conferred by the Town shall not be regarded as a penalty for the purposes of this Code.

(d) All penalties in codes adopted by reference in this Code are hereby superseded by this Section.

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

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to a violation of any provision of this Code, shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count. Any voluntary plea of guilty or nolo contendere to the original charge or to a lesser or substituted charge shall subject the per-

son so pleading to all fines and/or penalties applicable to the original charge. Nothing in this Section shall be construed to prohibit incarceration in an appropriate facility, at the time of charging, of a juvenile violating any section of this Code.

(3) Sec. 1-4-40. Altering or tampering with Code; penalty. (General Provisions - General)

Any person who shall alter, change or amend this Code, except in the manner prescribed in this Article, or who shall alter or tamper with this Code in any manner so as to cause the ordinances of the Town to be misrepresented thereby, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 hereof.

(4) Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code. (General Provisions - General Penalty)

Any person who violates any provision of any ordinance of a permanent and general nature passed or adopted after adoption of this Code, either before or after it has been inserted in this Code by a supplement, shall, upon conviction thereof, be punishable as provided by Section 1-4-20 unless another penalty is specifically provided for the violation.

(5) Sec. 2-7-150. Contempt power. (Administration and Personnel - Municipal Court)

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of twenty (20) days.

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

(6) Sec. 2-7-170. Court costs. (Administration and Personnel - Municipal Court)

The Municipal Court shall have the power to assess the following court costs and fees, in addition to fines, penalties and sentencing alternatives set forth in Section 2-7-160 above:

- (1) Court costs in the amount of thirty dollars (\$30.00).
- (2) Jury trial costs in the amount of fifty dollars (\$50.00).
- (3) An outstanding judgment warrant fee in the amount of thirty dollars (\$30.00).
- (4) A bench warrant fee in the amount of thirty dollars (\$30.00).
- (5) A default judgment fee in the amount of thirty dollars (\$30.00).

(6) Upon the entry of any deferred prosecution, deferred judgment and sentence, or where the defendant is placed on probation, the Court may assess a supervision fee in the amount of twenty-five dollars (\$25.00).

(7) For any stay of execution entered by the Court, the Court may assess an administrative fee in the amount of ten dollars (\$10.00).

(7) Sec. 2-7-180. Penalties and violations. (Administration and Personnel - Municipal Court)

(a) Any person who violates any of the specific Code provisions or ordinances listed in Appendix 2-A to this Chapter shall, upon the conviction of a plea of guilty or no contest, be fined in a sum of not less than the amounts set forth in the schedule of fines and penalties listed in Appendix 2-A to this Chapter.

(b) Unless otherwise provided in this Code, any person who is convicted of or pleads guilty or no contest to a violation of any such provision of this Code or other ordinance, resolution or rule of the Town, whether now in existence or hereinafter enacted, shall be punished by a fine of not more than one thousand dollars (\$1,000.00).

(8) Appendix 2-A. Municipal Court Penalties and Violations (Administration and Personnel)

<i>Code Section</i>	<i>Violation</i>	<i>1st Offense</i>	<i>2nd Offense</i>	<i>3rd Offense</i>
7-2-100	Dumping on property (Nuisance)	\$ 250	\$ 400	
7-3-30	Responsibility of owners	250	400	
7-5-20	Nuisance declared (weeds)	250	400	
7-7-20	Nuisance declared (animals)	75	100	\$ 150
10-4-40	Defacing property	150*	250*	350*
10-4-50	Defacing and destroying landmarks	150*	250*	350*
10-4-160	Defacing or destruction of written instruments	150*	250*	350*
10-5-40	Harassment	100	500	1,000
10-5-80	Assault	150	500	1,000
10-5-140	Throwing stones or missiles	50*	100*	200*
10-6-20	Curfew	25	50	100
10-7-30	Possession of alcoholic beverage by a minor	250	400	
10-7-80	Possession of drug paraphernalia	100	200	300
10-7-100	Possession of cannabis	100	200	300
10-8-10	Possession, use or sale of an illegal weapon	500	1,000	1,000
10-8-40	Concealed weapon	500	1,000	1,000
10-9-40	Noisy animals	50	100	200
11-5-60	Glass bottles, containers, (park)	50	75	100
11-5-70	Hours of public use (park)	25	50	100

*plus restitution

(9) Sec. 4-5-50. Collection of tax. (Revenue and Finance – Sales Tax)

(b) For the purpose of collection, administration and enforcement of this Article by the Executive Director, the provisions of Article 26 of Title 39, C.R.S., shall be deemed applicable and incorporated into this Article.

(10) Sec. 4-5-80. Violation. (Revenue and Finance – Sales Tax)

(b) Any person violating any of the provisions of this Article shall be guilty of a misdemeanor and, upon conviction shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(11) Sec. 4-6-80. Collection, administration, interest and penalties. (Revenue and Finance - Use Tax)

Except as set forth in this Article, the collection, administration and enforcement of the use tax imposed by Section 4-6-20 shall be performed by the Town Clerk in substantially the same manner as the collection, administration and enforcement of the Colorado Sales and Use Tax as provided in Article 2, Title 29, C.R.S., and Article 26, Title 39, C.R.S. Interest and penalties shall also be assessed and collected in accordance with Article 2, Title 29, C.R.S.

(12) Sec. 4-6-90. Violations; evasion of tax; penalty. (Revenue and Finance - Use Tax)

It is a violation of this Article for any person subject to the tax levied by this Article to refuse to make any return provided to be made; to make any false or fraudulent return or any false statements in any return; to fail or refuse to make payment to the Town Clerk of any taxes due the Town; or in any manner to evade the payment of the tax, or any part thereof imposed by this Article; or for any person to aid or abet another in any attempt to evade the payment of the tax imposed by this Article. Any person violating any provision of this Article shall be subject to prosecution and the imposition of penalties as provided by law.

(13) Sec. 6-1-120. License renewal. (Business Licenses and Regulations - Business Licenses)

(b) If the application for renewal and fee therefor are not received on or before the expiration date of the current license, and the licensee continues to engage in the business for which the license was issued, then in addition to other penalties which may be imposed, there shall be imposed a penalty of ten percent (10%) of the amount of the license fee. In addition to the above penalty provision, it is unlawful for a licensee to continue to engage in any business or activity after his or her license therefor has expired.

(14) Sec. 6-1-200. Penalty. (Business Licenses and Regulations – Business Licenses)

Failure to comply with the terms of this Article shall constitute a violation of this Code. Any person who is found guilty of, or pleads guilty or nolo contendere to the violation of any Section of this Article shall be subject to a penalty as set forth in Section 1-4-20 of this Code.

(15) Sec. 7-1-230. Violations and penalties. (Health, Sanitation and Animals – Administration and Abatement of Nuisances)

Any person who violates any of the provisions of this Chapter shall be subject to the provisions of Section 1-4-20 of this Code.

(16) Sec. 8-2-60. Payment of traffic infraction penalty before appearance. (Vehicles and Traffic - Traffic Enforcement Procedures)

(a) The Court Clerk shall accept payment of a traffic infraction penalty by a defendant without an appearance before the Court:

- (1) If payment is made within the period beginning ten (10) days following the date of issuance of the charging document and ending at the close of business the day prior to the date set for first appearance; and
- (2) If payment is allowable per the fine schedule.

(b) At the time of payment, which shall include all costs, fees and surcharges regularly assessed by the Court for defendants pleading or being found guilty of noncivil municipal

violations, the defendant shall sign a waiver of rights and acknowledgement of guilt or liability upon a form approved by the Court.

(c) This procedure shall constitute an entry in satisfaction of judgment.

(17) Sec. 8-2-100. Judgment on traffic infraction after final hearing. (Vehicles and Traffic - Traffic Enforcement Procedures)

(b) If the defendant is found guilty or liable, the Court shall assess an applicable penalty and such additional costs and fees as are otherwise generally imposed in noncivil municipal offenses, together with applicable surcharges; and the Court Clerk shall report the judgment and the points, if any, to be assessed against the defendant's driving privilege to the State Motor Vehicle Division.

(18) Sec. 8-2-120. Default on traffic infraction. (Vehicles and Traffic – Traffic Enforcement Procedures)

(b) The amount of the judgment shall be the appropriate penalty that would be assessed after a finding of guilt or liability, plus costs and other Court fees assessable to municipal violations generally upon conviction of noncivil municipal charges, together with applicable surcharges.

(19) Sec. 8-4-50. Enforcement. (Vehicles and Traffic - Snow Parking Restrictions)

(c) A person is guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Article is committed, continued or permitted. Upon conviction of any violation of the provisions of this Article, the person shall be punishable by, and the Court shall assess, a fine of not less than thirty dollars (\$30.00) nor more than one thousand dollars (\$1,000.00), and no portion of said fine shall be suspended.

(20) Sec. 11-2-20. Penalties. (Street, Sidewalks and Public Property – Street Design Standards)

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be deemed guilty of a misdemeanor and subject to the penalty set forth in Section 1-4-20 of this Code.

(21) Sec. 11-3-90. Violation, penalty. (Streets, Sidewalks and Public Property Excavations)

Any person who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(22) Sec. 13-2-50. Construction, repair and replacement of mains and lines. (Municipal Utilities - Sewer Regulations)

(e) Any person who performs any construction, repair or replacement of mains and lines without obtaining a permit and approval therefor by the Sewer Department violates these provisions. Such person shall pay a penalty in the amount of one hundred dollars (\$100.00).

(23) Sec. 13-3-50. Regulation. (Municipal Utilities - Water Regulations)

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bath tubs and other openings must not be left running for any purpose other than the use for which they are intended. In addition to the

penalty provided herein for code violations, the water supply may be turned off where any such waste occurs. In such case, a penalty of ten dollars (\$10.00) must be paid before the water is turned on again.

(24) Sec. 13-3-440. Enforcement; penalties. (Municipal Utilities - Water Regulations)

(b) Any person who violates any of the provisions provided in this Division is guilty of a violation of this Division and shall be punished by a warning for the first violation, a fine of one hundred dollars (\$100.00) for the second violation during the calendar year, two hundred fifty dollars (\$250.00) for the third violation during the calendar year, five hundred dollars (\$500.00) for the fourth violation during the calendar year, and five hundred dollars (\$500.00) for the fifth violation during the same calendar year. Additionally, for the fifth violation, the Town may install a flow restrictor to limit water to indoor use only.

(c) Each day of violation shall constitute a separate offense.

(25) Sec. 16-2-10. Enforcement. (Land Use and Development - Administrative Process)

(a) General. It is unlawful to erect, construct, alter, maintain or use any building or land area in violation of any provision of this Chapter. No permit, certificate, license or other approval, the use of which is subject to the provisions of these regulations, shall be issued by any department, agency or board until it has been determined that all substantive requirements have been met and all procedures have been followed. If any person, including but not limited to the officers or agents of a corporation responsible for its action or inaction and the partners or members of a partnership, company or joint venture, shall violate or cause the violation of any of the provisions of this Chapter, they and each of them shall be guilty of a separate offense for each and every day or portion thereof during which a violation is committed or continues. Upon conviction thereof, they shall be liable for a fine of up to one thousand dollars (\$1,000.00) per violation.

(c) Persons liable. The owner, tenant or occupant of any building, land or part thereof, as well as any architect, builder, contractor, agent or other person who participates in, assists, directs, creates or maintains any situation that is in violation of this code, may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

(26) Sec. 16-11-350. Enforcement. (Land Use and Development - Sign Regulations)

It shall be unlawful to erect, construct, install maintain, repair or use any sign or structure in violation of any provision of this Article. Any person who violates any provision of this Article shall be punished as set forth in Section 1-4-20 of this Code. Each day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person shall be a separate offense. This Section shall not be construed to limit any other enforcement rights of the Town provided for in this Code.

(27) Sec. 18-1-40. Violations. (Building Regulations - Building Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not

more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment.

(28) Sec. 18-2-50. Violations. (Building Regulations – Electrical Code)

Any person who violates any of the provisions of this Article shall be guilty of a misdemeanor, and shall be punished by a fine or imprisonment as set forth in Section 1-4-20 of this Code. Each day during any portion of which any violation of any provision of this Article is committed, continued or permitted by any such person shall be a separate offense.

(29) Sec. 18-3-40. Violations. (Building Regulations - Mechanical Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment.

(30) Sec. 18-4-40. Violations. (Building Regulations - Plumbing Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment.

(31) Sec. 18-5-40. Violations. (Building Regulations - Fire Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine as set forth in Section 1-4-20 of this Code.

(32) Sec. 18-6-40. Violations. (Building Regulations - Dangerous Buildings Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine as set forth in Section 1-4-20 of this Code.

(33) Sec. 18-7-40. Violations. (Building Regulations - Housing Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine as set forth in Section 1-4-20 of this Code.

(34) Sec. 18-8-40. Violations (Building Regulations - Residential Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment.

(35) Sec. 18-9-40. Violations (Building Regulations - Fuel Gas Code)

Any person, firm, building superintendent, building manager, contractor, contractor's superintendent, corporation or other entity who violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and of a separate offense for each and every day or portion thereof during which any violation continues, and shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment not to exceed one (1) year or both such fine and imprisonment.

Section 7. The Code includes certain substantive changes and additions to the general and permanent ordinances of the Town of Bennett enacted on or before June 22, 2004. Such substantive changes are set forth in Exhibit A attached hereto and incorporated herein by reference, and shall be published as required by C.R.S. §31-16-204. Non-substantive changes to the same shall be posted in the office of the Town Clerk.

Section 8. Additions or amendments to the Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

Section 9. Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

Section 10. The Town Clerk shall distribute such sets of the Code and amendments thereto as may be necessary to the various departments of the Town for official use of town officers, boards and commissions. All volumes designated for official use shall remain the property of the Town for the use of such town officials and their successors and shall bear such designation. The Town Clerk shall prepare or cause to be prepared a list of the town officers, and boards and commissions who shall receive for official use copies of such Code. The Town Clerk shall make the Code and supplements thereto available to the public, and shall charge therefor such fees as are reasonable and permitted by law.

Section 11. Ordinance No. 467 adopting the Bennett Land Development Regulations shall not be affected by the adoption of this Ordinance and Code.

Section 12. If any paragraph, section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid, unconstitutional and/or unenforceable, such provisions shall be deemed to be separate, distinct and independent and the remaining provisions of this Ordinance shall continue in full force and effect.

Section 13. This Ordinance shall become effective thirty (30) days after publication thereof as provided by Colorado Revised Statutes §31-16-105.

ADOPTED AND ORDERED PUBLISHED on this 8th day of February, 2005.

TOWN OF BENNETT, COLORADO

ATTEST:

(signature)

Alfred Pete Pedro, Mayor

(signature)

Tam M. Intermill, Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

Sam Light, Town Attorney

TOWN OF BENNETT

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