

**MUNICIPAL CODE  
OF THE  
CITY OF  
CRIPPLE CREEK, COLORADO**

**2007**

A Codification of the General Ordinances  
of the City of Cripple Creek, Colorado

Published by

**COLORADO CODE PUBLISHING COMPANY**

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**OFFICIALS**  
**of the**  
**CITY OF CRIPPLE CREEK**

*Mayor*  
Bruce Brown

*Mayor Pro Tem*  
Steve Zoellner

*City Council*  
Milford Ashworth  
Chris Hazlett  
Terry Wahrer

*City Administrator*  
Ray White

*City Clerk*  
Debra Blevins

*City Attorney*  
Herbert C. Phillips

**CRIPPLE CREEK MUNICIPAL CODE**

**Supplementation Instructions**

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2011-13, adopted November 2, 2011.**

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December 2011

**CRIPPLE CREEK MUNICIPAL CODE**

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August 2011

**CRIPPLE CREEK MUNICIPAL CODE  
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This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2010-10, effective July 21, 2010.**

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This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2009-02, effective February 18, 2009.**

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Fort Collins, Colorado

June 2008

## SUPPLEMENTATION

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

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

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

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

## AMENDMENTS

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

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

The "Cripple Creek 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 "Cripple Creek 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 "Cripple Creek 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 "Cripple Creek 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 "Cripple Creek Municipal Code" is repealed in its entirety.

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## PREFACE

The City of Cripple Creek, a statutory city, 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  
CITY OF CRIPPLE CREEK, COLORADO**

ORDINANCE NO. 2007-04

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

*Be It Ordained by the City Council of the City of Cripple Creek, Colorado:*

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

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

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

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

(2) The *International Building Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-4-10 et seq.;

(3) The *International Plumbing Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-5-10 et seq.;

(4) The *International Mechanical Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-6-10 et seq.;

(5) The *International Residential Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-7-10 et seq.;

(6) The *International Existing Building Code*, 2003 edition, published by the International Code Council, as adopted in Section 18-8-10;

(7) The *International Fire Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-9-10 et seq.;

(8) The *International Energy Conservation Code*, 2003 edition, published by the International Code Council, as adopted in Section 18-10-10;

(9) The *International Property Maintenance Code*, 2003 edition, published by the International Code Council, as adopted in Section 18-11-10;

(10) The *International Fuel Gas Code*, 2003 edition, published by the International Code Council, as adopted and amended in Section 18-12-10 et seq.;

(11) The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted in Section 18-13-10;

(12) The *National Electrical Code*, 2005 edition, published by the International Code Council, as adopted and amended in Section 18-14-10 et seq.;

(13) The *ASME Safety Code for Elevators and Escalators*, 2003 edition, published by the American Society of Mechanical Engineers, as adopted in Section 18-15-10;

(14) The *International Code Council Electrical Code*, 2003 edition, published by the International Code Council, as adopted in Section 18-16-10;

(15) The *International Electrical Code Administrative Provisions*, 2003 edition, published by the International Code Council, as adopted in Section 18-17-10;

(16) The *International Code Council Performance Code*, 2003 edition, published by the International Code Council, as adopted in Section 18-18-10;

*Section 4.* The penalties provided by the Municipal Code of the City of Cripple Creek are hereby adopted as follows:

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

Any person who shall violate or fail to comply with any provision of this Code for which a different penalty is not specifically provided shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30 below. In addition, such person shall pay all costs and expenses in the case, including attorney fees. Each day such violation continues shall be considered a separate offense.

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

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

**(3) Sec. 2-2-90. Fine for absence of Councilmember. (Chapter 2, Article 2, Mayor and City Council)**

Any Councilmember who voluntarily and without lawful excuse absents himself or herself from any regular meeting of the City Council, any adjourned session of any regular meeting or any special meeting duly called, and of which special meeting the absent Councilmember has had three (3) hours' actual notice, shall be subject, upon motion of a majority of the City Council, to a fine of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00). The amount of any fine so imposed, if not paid, shall be deducted from the salary of the Councilmember so fined.

**(4) Sec. 2-4-110. Contempt power. (Chapter 2, Article 4, Municipal Court)**

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed three hundred dollars (\$300.00) and imprisonment not to exceed a term of ten (10) 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.

**(5) Sec. 4-5-60. Late charges. (Chapter 4, Revenue and Finance, Article 5, Gaming Device Fees)**

(a) In the event that any gaming licensee fails to pay the gaming device fee in a timely fashion, a late charge will be assessed against the gaming licensee in accordance with the following schedule:

(1) Payments received on the 11th through 15th day after the due date provided herein shall be assessed a late fee of five dollars (\$5.00) per day per device.

(2) Gaming device fees paid on the 16th through 20th day after the due date provided for herein shall be assessed a late charge of ten dollars (\$10.00) per day per device.

(3) Payments made on the 21st day after the due date provided for herein, or thereafter, shall be assessed a late charge of twenty dollars (\$20.00) per day, per device.

(b) Any partial payments shall be applied as full payment for the number of devices determined by dividing the partial payment by the then-existing gaming device fee and rounded to the nearest whole number that are covered. The late charge will be assessed on the remaining devices for which a gaming device fee has not been paid.

(c) The late charge shall be submitted with the payment of the gaming device fee.

(d) In addition to the other penalties set forth herein, in the event that any gaming licensee fails to pay the gaming device fee within thirty (30) days from its due date, the City Council may, in its sole and subjective discretion, institute procedures for the revocation of the business license for the gaming licensee. Notice of the revocation proceedings will be sent to the gaming licensee and a hearing will be held not less than ten (10) nor more than thirty (30)

days from the date of the notice of hearing sent to the gaming licensee. The notice shall be sent to the gaming licensee at the premises as set forth herein.

(e) In the event that the late charges and any delinquent gaming device fees are not paid on or before the date of the hearing, the City Council may hold said hearing and may elect to terminate the business license.

(f) Nothing contained herein shall be deemed a limitation of the remedies available to the City; and, in addition to the late charges, a summons may issue to enforce the misdemeanor provisions of this Article.

**(6) Sec. 4-5-70. Penalties. (Chapter 4, Revenue and Finance, Article 5, Gaming Device Fees)**

(a) In the event that any gaming licensee fails to make the gaming device fee payment in a timely fashion, or is suspected of providing false or misleading information to the City Clerk concerning the gaming device fee, notice thereof shall be sent by certified mail, return receipt requested, to the address supplied by the gaming licensee and by posting the notice on the premises in a conspicuous location. Service of the notice shall be deemed complete three (3) days after mailing and posting in the prescribed manner.

(b) In the event that the payment is not received within ten (10) business days from the date of the notice, in the event of nonpayment of the fee, or if the gaming licensee does not schedule a hearing before City Council in the event of false or misleading information within ten (10) business days from the date of the notice, then the gaming license and business license issued by the City shall immediately cease and terminate and the premises shall no longer be allowed to be used for gaming purposes; the premises shall not be considered for a new gaming license for a period of twelve (12) months from the end of said ten-day period, unless operated under a new gaming licensee unrelated, either directly or indirectly, to the gaming licensee failing to make the payments; and the gaming devices located upon the premises shall immediately, and forthwith, cease being used for any purposes.

(c) If the defaulting gaming licensee desires to continue operating the gaming establishment, all gaming device fees in arrears and all current gaming device fees, plus interest at the statutory rate, shall be paid prior to such gaming licensee recommencing operations. In addition, any past due amount for gaming device fees shall be deemed to be a first and prior lien against the real and personal property located at the premises, which lien may be foreclosed as provided for by statute, and which amount shall bear interest at the statutory rate.

(d) The failure to pay the gaming device fee in a timely fashion or supplying materially false or misleading information concerning this Article to the City Clerk shall also be deemed to be a misdemeanor. The owner of the premises may be punished in accordance with the provisions of Section 1-4-20 of this Code. Each day that such violation exists after the ten-business-day notice period shall be deemed a separate offense.

**(7) Sec. 4-6-70. Penalty. (Chapter 4, Revenue and Finance, Article 6, Telephone Occupation Tax)**

If any officer, agent or manager of a telephone utility company which is subject to the provisions of this Article shall fail, neglect or refuse to make or file the annual statement of accounts as required in Section 4-6-20 above, said officer, agent, manager or person shall, on conviction thereof, be punished in accordance with the provisions of Section 1-4-20 of this Code; provided that each day after said statement becomes delinquent during which said officer, agent, manager or person fails, neglects or refuses to make and file such statement shall be considered a separate and distinct offense,

**(8) Sec. 6-1-350. Renewal of license. (Chapter 6, Business Licenses and Regulations, Article 1, Business Licenses)**

(a) At any time within thirty (30) days prior to the expiration of its current license, a licensee shall make application for a license renewal for the succeeding year and pay the required fee. Unless otherwise provided for by this Chapter, if application is so made and no action or proceeding is pending against the licensee for suspension or revocation of his or her current license, he or she may continue in his or her business or activity for the succeeding period unless or until his or her application for license renewal is denied.

(b) The applicant shall have a thirty-day grace period subsequent to the expiration of the previous year's term to make application for the renewal license. No penalties for nonrenewal shall attach until expiration of the grace period.

(c) In the event a suspension or revocation proceeding is pending when a license renewal is applied for, the business or activity may continue in operation during the pendency of such suspension or revocation proceeding; however, the application for a license renewal shall not be acted upon until the suspension or revocation proceeding has been completed.

(d) Whenever a license fee payment is not received on or before the expiration date of any license issued to a licensee for a current license term, all applicable grace periods have expired and the licensee continues to engage in the business for which the license is issued, a penalty of fifty dollars (\$50.00) shall be imposed and collected. The City Council shall be authorized to waive or adjust any and all of such penalty and additional fee when, in its judgment, delinquency is not the fault of the licensee and to collect or require the payment thereof would be an injustice.

(e) The processing and approval of renewing a business license shall be at the discretion of the City Clerk. The City Clerk shall have the ability to issue the renewal of a business license, provided that the application for renewal and scope of the renewal does not exceed or substantially change the type and scope of the existing business license. The City Clerk shall, in his or her sole discretion, be entitled to submit any request for a renewal to the City Council for specific action.

**(9) Sec. 6-1-570. Late application for new business. (Chapter 6, Business Licenses and Regulations, Article 1, Business Licenses)**

(a) If any person engages in any business or activity for which a license is required, without having first made application therefor, the license fee shall be deemed due upon the

day the person actually commenced such business. Upon subsequent application for such license, the City Clerk shall impose and collect a penalty of fifty dollars (\$50.00) in addition to the license fee.

(b) No license shall be issued for any current period until the amount of the original license fee and all accrued penalties have been paid; provided that the City Clerk shall be authorized to waive or adjust any and all such penalties whenever, in his or her judgment, the delinquency is not the fault of the applicant and to collect or require the payment thereof would be an injustice.

**(10) Sec. 6-1-580. Penalties in general. (Chapter 6, Business Licenses and Regulations, Article 1, Business Licenses)**

Unless otherwise provided for by the specific provisions of this Chapter, any person violating any part of this Chapter shall be punished in accordance with the provisions of Section 1-4-20 of this Code. Each twenty-four (24) hours such violation continues shall constitute a new and separate offense, provided that the City Council shall be authorized to waive or adjust any and all of such penalty whenever, in its judgment, to collect the fine would be an injustice.

**(11) Sec. 6-5-60. Suspension or revocation; fine. (Chapter 6, Business Licenses and Regulations, Article 5, Alcoholic Beverages)**

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

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

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

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

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed

suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

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

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

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

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

**(12) Sec. 7-1-190. Certified assessment. (Chapter 7, Health, Sanitation and Animals, Article 1, Administration and Abatement of Nuisances)**

In case any assessment is not paid within thirty (30) days after the same has been certified to the City Clerk by the City Council, the City Clerk shall certify to the County Treasurer, list of all delinquent assessments, giving the name of the owner as it appears of record, the number of lot, block and subdivision, or other legal descriptions sufficient to identify such property upon the records of the County Treasurer, and the amount of the assessment. Said certification shall be the same in substance and in the same form as required for the certification of special assessments, and the County Treasurer, upon the receipt of such certified list, shall place the same upon the tax list for the current year and collect the special assessment in the same manner as other taxes are collected, with a ten-percent penalty thereon; and all the laws of the State for the assessment and collection of general taxes, including the laws for the sale of property for taxes and the redemption thereof, shall apply to and have full force and effect for the collection of such assessments.

**(13) Sec. 7-6-350. Penalties. (Chapter 7, Health, Sanitation and Animals, Article 6, Animals)**

Failure to comply with the terms of this Division shall constitute a civil infraction. Any person who is found guilty of, or pleads nolo contendere to the commission of, the civil infraction shall be subject to a civil penalty as set forth below. For each day, or portion thereof, during which any violation continues, a person may be cited for a separate civil infraction:

(1) For violation of Section 7-6-120, License required, the following fines shall be imposed:

- a. First offense:                   \$ 50.00
- b. Second offense:                 75.00

c. Third and subsequent: 125.00

(2) For violation of Section 7-6-290, Running at large prohibited, the following fines shall be imposed:

a. First offense: \$ 50.00

b. Second offense: 100.00

c. Third offense: 200.00

d. Subsequent offenses: 400.00

(3) For all other violations of this Division, such fine as the Municipal Court deems proper, not to exceed monetary penalty set forth in Section 1-4-20 of this Code.

**(14) Sec. 8-1-60. Violation; penalty. (Chapter 8, Vehicles and Traffic, Article 1, Model Traffic Code)**

(a) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(b) Every person convicted of a violation of any provision of this Article or the Model Traffic Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment.

**(15) Sec. 8-2-20. Business district parking restrictions. (Chapter 8, Vehicles and Traffic, Article 2, Parking Regulations)**

(a) Parking of all motor vehicles shall be prohibited on Bennett Avenue, Carr Avenue and Myers/Masonic Avenues between "B" Street and Fifth Street; on Third and Fourth Streets between Carr Avenue and Warren Avenue; and on Second Street between Carr Avenue and Myers Avenue, except as expressly set forth herein.

(b) All City-owned parking lots shall have a four-hour parking limit.

(c) This Article shall not apply to authorized emergency vehicles or motor vehicles owned and/or operated by the City or City employees.

(d) Loading zones shall be exempt from the provisions of this Article. Loading zones shall be marked and shall allow parking for twenty (20) minutes only while loading and unloading operations are in progress. Parking for loading or unloading property shall be limited to those areas marked and designated for such purpose.

(e) Construction and delivery vehicles shall apply to the Police Department for, and may be entitled to receive, a police permit to allow parking for times in excess of those listed in this Article. The terms, conditions and restrictions for parking of said construction or delivery vehicles shall be as set forth in the police permit and shall include, but not be limited to, duration of the permit, location and times parking shall be allowed and the type of motor vehicle involved. The Police Department shall have exclusive authority to grant and/or revoke any and all construction or delivery vehicle parking permits. The fee for receipt of such a permit shall be ten dollars (\$10.00).

(f) Handicapped parking will be allowed in designated areas.

(g) Parking of any motor vehicle, regardless of whether said vehicle has any special parking permit, shall not be allowed between the hours of 2:00 a.m. and 6:00 a.m., to allow for street cleaning and snow removal on all paved streets.

(h) No double-parking of any motor vehicle shall be allowed. *Double parking* is defined as the parking of any motor vehicle such that the closest part of the motor vehicle to the curb is more than twelve (12) inches from the curb.

(i) In the event any motor vehicle is parked in violation of the terms of this Article, the motor vehicle shall be ticketed and the fine for such violation shall be fifteen dollars (\$15.00). In the event any motor vehicle receives and has more than two (2) such parking tickets outstanding and unpaid, said motor vehicle shall be towed at the expense of the owner thereof and shall be impounded until all outstanding parking tickets are paid.

**(16) Sec. 8-2-30. Residential parking restrictions. (Chapter 8, Vehicles and Traffic, Article 2, Parking Regulations)**

(a) Parking on all public streets within the City and located in any R-1, R-2, R-3 and/or R-4 zone, as set forth in Chapter 16 of this Code, shall be limited to residents only.

(b) All residents and their guests shall display on each motor vehicle parked on any residential street a permit, issued by the City, identifying that motor vehicle as belonging to said resident and/or guest of the resident.

(c) Residents shall be entitled to receive any number of permits for motor vehicles owned or operated by them by registering the motor vehicle with the City Clerk's office, including the name of the owner, the make and color of the motor vehicle, the license plate number and a valid registration for such motor vehicle indicating an address within the City limits.

(d) The City shall charge no fee for the permits.

(e) The permits shall be displayed on the lower right-hand (passenger) side of the rear window of each motor vehicle owned or operated by the residents and/or guests of the residents.

(f) No parking on private property shall be allowed without the express consent of the owner of the property.

(g) In the event any motor vehicle is parked upon private property without such consent, the owner of the property shall be entitled to have the motor vehicle towed at the motor vehicle owner's expense.

(h) No motor vehicle shall be parked in such a manner as to block any public way or driveway, whether the driveway is public or private.

(i) In the event any motor vehicle is parked in violation of the terms of this Section, the motor vehicle shall be ticketed and/or towed. The fine for such violation shall be twenty-five dollars (\$25.00). In the event any motor vehicle receives and has more than two (2) such

parking tickets outstanding and unpaid, said motor vehicle shall be towed at the expense of the owner thereof and shall be impounded until all outstanding parking tickets are paid.

**(17) Sec. 8-4-10. Engine brakes. (Chapter 8, Vehicles and Traffic, Article 4, Miscellaneous Provisions)**

(a) The use of nonmuffled engine brakes is hereby prohibited within the City limits.

(b) The fines for the use of nonmuffled engine brakes within the City shall be as follows:

(1) One hundred dollars (\$100.00) or warning for the first offense.

(2) Two hundred dollars (\$200.00) for the second offense.

(3) Three hundred dollars (\$300.00) for each subsequent offense.

(c) The Chief of Police is hereby authorized to issue warnings and/or citations for violation of the terms of this Section.

**(18) Sec. 10-5-50. False alarms. (Chapter 10, General Offenses, Article 5, Public Peace, Order and Decency)**

(a) No person shall willfully give, make or cause to be given or made a false alarm of any fire, security or other security device.

(b) Each business licensee within the City shall be allowed three (3) false alarms per year. If more than three (3) false alarms are responded to by the Fire Department and/or Police Department in any one (1) calendar year, such business licensees shall be liable for a fine of one hundred dollars (\$100.00) per false alarm.

(c) In the event that such business licensee shall fail or refuse to pay the fine as set forth above within fifteen (15) days from the date a notice thereof is sent to the business licensee, such business license may be terminated and/or revoked by the City Council.

(d) Upon responding to any false alarm, the Police Department and/or Fire Department shall be entitled to view the premises and the location of any alarm buttons. Recommendations by Police or Fire Department personnel may be made to the owner concerning the location of any alarm button.

**(19) Sec. 10-7-70. Cigarettes and tobacco products. (Chapter 10, General Offenses, Article 7, Minors)**

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

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

*Tobacco products* means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and any other kinds or forms of tobacco, prepared in

such a manner as to be suitable for chewing or smoking in a pipe or otherwise for chewing and smoking in any manner.

(b) Any person who knowingly furnishes to any person who is under eighteen (18) years of age, by gift, sale or any other means, any cigarettes or tobacco products, as herein defined, commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00). It shall be an affirmative defense to prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being eighteen (18) years of age or older.

(c) Any person who is under eighteen (18) years of age and who purchases any cigarettes or tobacco products, and/or is found to be in possession of any cigarettes or tobacco products, as defined herein, commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50.00), or the Court may allow such person to perform community service and be granted credit against the fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed.

(d) In addition, any person eighteen (18) years of age or under who uses an altered, reproduced and/or false form of identification for the purposes of obtaining cigarettes or tobacco products shall, in addition to the penalty set forth above, be deemed to have committed a Class 1 petty offense and liable for a fine of not more than five hundred dollars (\$500.00).

(e) Any person who sells or offers to sell any cigarettes or tobacco products as herein defined by use of a vending machine or other coin-operated machines commits a Class 2 petty offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00); except that cigarettes may be sold at retail through vending machines only in:

(1) Factories, businesses, offices or other places not open to the general public;

(2) Places to which persons under the age of eighteen (18) years are not permitted access at any time during the day or night; or

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

As used in this Subsection, *under direct supervision* means the vending machine shall be in plain vision of the employee or the owner during any and all hours that the business is open to the public. It shall be an affirmative defense to prosecution under this Section that the person selling or offering to sell the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other form of government-issued form of identification which identified the person purchasing the cigarettes or tobacco products as being eighteen (18) years of age or older.

(f) Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified in this Subsection. Any person who fails to display said warning sign commits a Class 2 petty offense and, upon conviction thereof, shall be punished

by a fine of two hundred dollars (\$200.00). Said warning sign shall be displayed in a prominent place in the building and on such machine at all times, shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

WARNING  
IT IS ILLEGAL FOR ANY PERSON UNDER 18 YEARS OF AGE TO  
PURCHASE CIGARETTES AND TOBACCO PRODUCTS AND, UPON  
CONVICTION, A \$50.00 FINE MAY BE IMPOSED.

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

**(20) Sec. 10-8-30. Illegal possession or consumption of alcoholic beverages by an underage person. (Chapter 10, General Offenses, Article 8, Alcoholic Beverages and Drugs)**

(a) Any minor who possesses or consumes ethyl alcohol anywhere in the City commits illegal possession or consumption of alcohol by an underage person. Illegal possession or consumption of alcoholic beverages by an underage person is a strict liability offense.

(b) It is an affirmative defense to the offense described in Subsection (a) above that the alcoholic beverages were possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

(1) While such person was legally upon private property with the knowledge and consent of the owner or legal possessor of such private property and the alcoholic beverages were possessed or consumed with the consent of his or her parent or legal guardian who was present during such possession or consumption; or

(2) When the existence of alcoholic beverages in a person's body was due solely to the ingestion of a confectionery which contained alcoholic beverages within the limits prescribed by Section 25-5-410(1)(i)(II), C.R.S., or the ingestion of any substance which was manufactured, designed or intended primarily for a purpose other than oral human ingestion, or the ingestion of any substance which was manufactured, designed or intended solely for medicinal or hygienic purposes or solely from the ingestion of a beverage which contained less than one-half of one percent (0.5%) of alcoholic beverages by weight.

(c) The possession or consumption of alcoholic beverages shall not constitute a violation of this Section if such possession or consumption takes place for religious purposes protected by the First Amendment to the United States Constitution.

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

(1) Evidence that the defendant was under the age of twenty-one (21) years and possessed or consumed alcoholic beverages anywhere in this State; or

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

(e) During any trial for a violation of Subsection (a) above, any bottle, can or other container with labeling indicating the contents of such bottle, can or container shall be admissible into evidence, and the information contained on any label on such bottle, can or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can or other container were composed in whole or in part of *alcoholic beverages*. A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," "champagne," "whiskey" or "whisky," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol" or "liquor" shall constitute prima facie evidence that the contents of the bottle, can or other container were composed in whole or in part of alcoholic beverages.

(f) A parent or legal guardian of a person under twenty-one (21) years of age, or any natural person who has the permission of such parent or legal guardian, may give, or permit the possession and consumption of, alcoholic beverages to or by a person under the age of twenty-one (21) years under the conditions described in Paragraph (b)(1) above. This Subsection shall not be construed to permit any establishment which is or is required to be licensed pursuant to Article 46, 47 or 48 of Title 12, C.R.S., or any members, employees or occupants of any such establishment to give, provide, make available or sell alcoholic beverages to a person under twenty-one (21) years of age.

(g) Illegal possession of ethyl alcohol by an underage person shall be punishable in accordance with the provisions of Section 1-4-30 of this Code. The court, upon sentencing a defendant pursuant to this Section, may, in addition to any fine, order that the defendant perform useful public service and may further order that the defendant submit to and complete an alcohol evaluation or assessment, an alcohol education program or an alcohol treatment program, at such defendant's own expense.

**(21) Sec. 10-8-70. Possession of marijuana. (Chapter 10, General Offenses, Article 8, 8, Alcoholic Beverages and Drugs)**

(a) Any person who knowingly possesses not more than one (1) ounce of marijuana commits a criminal offense and, upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00).

(b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention.

(c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than three hundred dollars (\$300.00).

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

**(22) Sec. 10-11-10. Camping. (Chapter 10, General Offenses, Article 11, Miscellaneous Provisions)**

(a) Public places. It is unlawful for any person, within the City limits, to camp or sleep in any park, upon any public street, thoroughfare or public property, or to sleep in a vehicle, set up a tent, shack or other temporary shelter upon such property which could be used for camping or sleeping.

(b) Camping on private property. It is unlawful for any person to trespass or enter upon the land of another or in possession of another for the purpose of camping, sleeping or setting up a tent, shack or other temporary shelter, which could be used for such purpose, or to allow any moveable structure, special vehicle or motor vehicle to remain on such property without the permission of the owner or the person in possession thereof.

(c) Camping in parking lots. It is unlawful for any person to camp or sleep in any motor vehicle, tent, shack, special purpose vehicle and/or temporary structure in a privately owned parking lot that is not approved as a recreational vehicle park as defined in Chapter 16 of this Code.

(d) Exception. It is *not* unlawful for guests of residents driving recreational vehicles or camping trailers to sleep in said recreational vehicle or camping trailer, provided that such occupancy shall last for no more than fourteen (14) days. This exception shall apply only to guests of City residents who are occupying such recreational vehicle or camping trailer with the permission of said resident and within twenty-five (25) feet of said resident's house.

(e) Penalty. Any person found guilty of violating this Section shall, upon conviction thereof, be fined not more than one hundred dollars (\$100.00 and/or imprisoned for not more than ten (10) days, or both.

**(23) Sec. 11-1-70. Unrepaired sidewalk deemed nuisance. (Chapter 11, Streets, Sidewalks and Public Property, Article 1, Streets and Sidewalks)**

Any defective or dangerous sidewalk which, by reason of its damage or which for any reason is, or is liable to become, dangerous and an impediment to travel, is deemed and declared to be a nuisance; and the owner or agent of the abutting property shall be deemed and held to be the author of such nuisance. If, after failure by the owner or agent to abate the same upon twenty-four (24) hours' notice by the Street Supervisor, Chief of Police or any police officer, said owner or agent, upon conviction, shall be fined in a sum not less than fifty dollars (\$50.00).

**(24) Sec. 11-4-290. Penalties. (Chapter 11, Streets, Sidewalks and Public Property, Article 4, Public Rights-of-Way)**

(a) If any person is found guilty of or pleads guilty to a violation of any of the provisions of this Article, he or she shall be punished in accordance with the provisions of Section 1-4-20 of this Code.

(b) In addition to or in lieu of the penalties set forth in Subsection (a) above, the City may impose the following monetary penalties:

(1) For any occupancy of a travel lane or any portion thereof beyond the time periods or days set forth in the traffic control plan approved by the City:

a. In arterial and collector streets during the hours of 5:30 a.m. through 8:30 a.m. and 3:30 p.m. through 10:00 p.m., Monday through Friday, and all day Saturday and Sunday: one hundred dollars (\$100.00) for each fifteen (15) minutes, or portion thereof, for a maximum of three thousand dollars (\$3,000.00) per day; and

b. In arterial and collector streets during any time other than the times specified in Subparagraph a. above, or in local streets at any time: fifty dollars (\$50.00) for each fifteen (15) minutes, or portion thereof, for a maximum of one thousand five hundred dollars (\$1,500.00) per day.

(2) For commencing work without a valid permit: one hundred dollars (\$100.00) or twice the applicable permit fee, whichever is greater, plus the cost of compliance testing for the first occurrence; one hundred dollars (\$100.00) or three (3) times the applicable permit fee, whichever is greater, plus the cost of compliance testing for the second and subsequent occurrences.

(3) For facilities installed outside of the approved alignment: ten dollars (\$10.00) per linear foot. This penalty shall not be imposed if the facilities are removed and/or relocated to comply with the approved alignment, or the facilities are abandoned pursuant to Subsection 11-4-250(b) above.

(4) For any other violation of a permit: a minimum of two hundred fifty dollars (\$250.00) per violation, with no maximum amount.

(c) The penalties set forth in this Section shall not be the City's exclusive remedy for violations of this Article, and shall not preclude the City from bringing a civil action to enforce any provision of a public right-of-way permit, or to collect damages or recover costs associated with any use of the public rights-of-way. Furthermore, the exercise of one (1) penalty shall not preclude the City from exercising any other penalty.

**(25) Sec. 13-1-70. Tampering prohibited. (Chapter 13, Municipal Utilities, Article 1, Administration)**

(a) It is unlawful for any person not authorized by the Water Department to tamper with, alter or injure any part of the water works or supply system or to tamper with, alter or injure any water meter. This specifically includes seals on water meters and readers.

(b) Any person convicted of a violation of the provisions of this Section shall be guilty of a misdemeanor and shall be punished in accordance with the provisions of Section 1-4-20 of this Code. In addition, said person shall reimburse the City the full costs of corrective action,

**(26) Sec. 13-1-100. Water conservation regulations. (Chapter 13, Municipal Utilities, Article 1, Administration)**

(a) In the event of a drought emergency, as declared by the City Council by resolution, the City Administrator shall have the authority to promulgate rules and regulations governing water usage by all customers of the water system.

(b) Rules and regulations promulgated by the City Administrator pursuant to the authority of this Section shall include but not be limited to:

(1) Limiting lawn watering to certain times of the day, days of the week or times of the month.

(2) Prohibiting the waste of water.

(3) Prohibiting or limiting the times of day or days per week for washing of cars and other vehicles at residential properties.

(4) Prohibiting the use of water for the washing of sidewalks, driveways, patios or similar impervious surfaces.

(5) Prohibiting power-washing of housing, fences, windows, decks or other similar impervious surfaces.

(6) Prohibiting new lawns from being planted or installed.

(7) Rationing the amount of water that can be used by each customer, household and/or business.

(8) Prohibiting or limiting any outside irrigation use of water.

(9) Prohibiting serving water at restaurants prior to a request for the service of water.

(10) Prohibiting the transportation of water from the City water system beyond the boundaries of the City without City permission.

(11) Implementing a major public education program on the need to conserve water.

(12) Other similar restrictions designed to conserve water and reduce excess water usage within the boundaries of the City.

(c) Upon the promulgation of such rules and regulations pursuant to this Section, the City Administrator shall publish, post or otherwise make available copies of the rules and regulations in the manner determined by the City Administrator as best calculated to reach the largest number of water consumers.

(d) Any person violating any provision of this Section, or of the rules and regulations promulgated by the City Administrator pursuant to this Section, shall, upon conviction, be punished in accordance with the provisions of Section 1-4-20 of this Code. The assessment of fines for violations of this Section or the rules and regulations promulgated hereunder will be through the City utility bill for the responsible party's billing account. The *responsible party* is

defined as the owner, manager, supervisor or person who received the water utility bill, or person in charge of property, facility or operation during the period of time the violation is observed. All fines must be paid within the normal payment period allowed by the City utility billing system. The City Administrator may, as part of the rules and regulations promulgated pursuant to this Section, establish a progressive schedule of warnings and/or fines subject to approval of such schedule by the City Council by resolution or motion.

**(27) Sec. 16-6-290. General limitations on signs and billboards. (Chapter 16, Zoning, Article 6, Sign Regulations)**

All exterior signs and lighting, and signs and lighting within five (5) feet of the interior window surface, measured from the interior of any window and visible from the exterior of the window, shall be subject to the following general limitations:

....

(32) Banners shall be of three (3) types only:

a. Banners which cross public rights-of-way shall only be allowed when advertising a City-wide event, as determined by the Planning Commission, and shall only indicate the event; no sponsorship shall be noted on the banner which shall be limited to four (4) feet high by twenty-six (26) feet long maximum; and erection shall be in accordance with current City policy established by the Planning Department;

b. Banners attached to private structures of the projecting sign type as modified in this Section, attached to permanent horizontal guides per current City policy established by the Planning Department, limited in size to two (2) feet wide by six (6) feet high maximum, with lettering to be of a painted-on-block type with colors to be from the Period of Significance, as determined by the Planning Director, the material to be of a sturdy woven cloth material, the number of which shall be a maximum of one (1) each per business license or one (1) each for every one hundred twenty-five (125) feet of business frontage; and

c. Banners attached to private structures in a temporary fashion consisting of a vinyl or more sturdy material per City policy established by the Planning Department, the facade location and size to be determined by the approval of the Historic Preservation Commission, and the placement limited to ten (10) days in any one (1) calendar month (with the addition of any recognized Monday holiday), days used to be at the discretion of the applicant and designated at the time of permit application. The fines for banner violations shall be as follows: first day, two hundred fifty dollars (\$250.00); and second day, five hundred dollars (\$500.00). If the banner remains up for or beyond the third day past the deadline for removal, this offense will result in the business license holder being prohibited from any banners for a period of two (2) months for the first offense and six (6) months for the second and subsequent offenses. No warning will be given. In computing the removal time, the banner shall be removed by 4:00 p.m. of the day following the expiration of the time frame. Banners which are applied for under multiple businesses and which are left up past the deadline will result in individual fines for each business listed on the permit in the amount equal to the fines designated above.

....

**(28) Sec. 16-6-610. Enforcement and penalties. (Chapter 16, Zoning, Article 6, Sign Regulations)**

(a) The Code Enforcement Officer is authorized and directed to enforce all provisions of this Article.

(b) The Code Enforcement Officer, in case of any violation of this Article, shall take immediate steps to require compliance with this Article and the removal of any signs or noise devices that do not conform with any or all of the provisions of this Article. In addition to the following enforcement procedures, the Code Enforcement Officer is authorized, in the case of a sign which is in the process of being installed or constructed, and in the case of a temporary sign, may give written or oral notice to the owner or person entitled to possession of the sign or the owner of the property upon which the sign is located to immediately remove the sign or noise device. If such person fails to remove the sign as soon as is reasonably possible or otherwise comply with this Article after the Code Enforcement Officer finds that such person is in violation of this Article, the Code Enforcement Officer may immediately request such person to stop violating the provisions of this Article. In the event of the failure of such person to cease and desist violating this Article, such person shall be subject to fines and other legal actions by the City.

(1) If the Code Enforcement Officer finds that any sign is in violation of the provisions of this Article, he or she shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Article within thirty (30) days after receipt of such notice, or within such other time period as is specified in the notice, the Building Inspector shall cause such sign to be removed at the expense of the property owner or person entitled to possession of the property or sign, and shall, upon the determination of such expense, certify the same to the City Council.

(2) The City Council shall notify the owner or person entitled to possession of the sign or property of the total cost incurred for such removal of the sign. If that person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of such removal, then such costs and expenses shall become a lien against and shall run with the property, and the City Council shall certify the same to the County Treasurer for collection in the same manner as general property taxes are collected.

(3) The amount certified by the City Council to the County Treasurer for collection shall include the actual cost of repair or removal of the sign, plus twenty-five percent (25%) to cover administrative cost, penalties, collection costs and interest.

(4) The City Council will also have the option, at any time during this process, to choose to reject the sign and/or property owner's certificate of appropriateness for the building or site on which the nonconforming sign is located, and thus lead to the appropriate loss of the business license for such business location for a number of days, months or years, as determined by the City Council.

(c) In addition to any other penalty provided, any person or entity convicted of violating any provision of this Article shall be subject to a fine of not more than five hundred dollars

(\$500.00) and/or ninety (90) days in jail, or both, for each day during which the illegal erection, construction, reconstruction, alteration, maintenance or use continues without remedy, and each day of noncompliance shall be deemed as a separate and distinct offense. All revenue received from collected fines shall be put into the Historic Preservation Fund.

**(29) Sec. 16-7-70. Loading, delivery and other regulations. (Chapter 16, Zoning, Article 7, Parking Regulations)**

(a) In order to maintain the flow of traffic on Bennett Avenue, truck deliveries that require parking in the street will be limited to hours of operation to be established by the City. These hours may vary from season to season and from weekday to weekend day.

(b) The City may determine that it is in the best interests of the City and its residents to impose severe penalties for unauthorized parking in the residential areas of the City. These penalties may include mandatory towing of the offending vehicle. Parking stickers may be required for residents to identify their vehicles.

(c) The City may determine that it is in the best interests of the City and its residents to restrict parking in the commercial areas of the City, particularly on Bennett Avenue. These restrictions, if any, may vary from season to season and from weekday to weekend.

**(30) Sec. 16-12-390. Penalties for willful violation or gross negligence. (Chapter 16, Zoning, Article 12, Historic Preservation)**

(a) Penalties. If the decisions, orders or directives of the Commission and the City Council are violated, if work that is considered to be alteration, demolition or new construction occurs on a building or site where no certificate of appropriateness has been granted, or if the certificate of appropriateness is revoked or deemed revoked, any or all of the following penalties can be levied:

(1) In a situation where occupancy of a building or site is already established, the denial of a business and/or gaming license or revocation of an existing business and/or gaming license may be enacted by the City Council.

(2) In the event that demolition shall occur without the issuance of a certificate of appropriateness or as further defined in Division 2 of this Article, the penalty for violation of this Article shall be that the City Council will not issue any business and/or gaming license, nor shall the City Council grant any zoning variance, approve any building plans or issue any building permit for said premises for a period of at least ten (10) years following the last date of the violation, other than permits necessary to correct the violation. However, upon presentation of evidence satisfactory to the City Council that the violation has been corrected, any remaining portion of the ten-year prohibition on issuance of a permit may be waived. The penalty filed on a particular property will be recorded with the County Clerk and Recorder by officials of the City. If said property is put up for tax sale, the City will have the right to acquire said property to implement proper historic preservation procedures.

(3) The offending party may be punished in accordance with Section 1-4-20 of this Code. Each day that such violation exists shall be deemed a separate offense.

(4) The City may institute any appropriate action or procedure in law or equity to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, demolition or use to restrain, correct or abate such violation, to prevent the occupancy of said structure, building or land, and to prevent any and all action, conduct, business or use in or about such premises.

(5) For a period of twenty-five (25) years, any alteration or construction on the property shall be subject to this Article, whether or not any remaining structure or object on the property continues to have the cultural, historical, architectural, geographic or geologic character and integrity that caused it to be designated as a landmark or part of any historic district.

(6) As a condition for any new land use approval, building permit, business license, gaming license and/or certificate of occupancy, the owner may be required to rebuild, reconstruct, restore or replicate the structure or object on the property.

(b) This Article shall be liberally applied and construed to effectuate the purpose of preservation set forth in this Article.

(c) Failure to perform any act required by this Article, or performance of any act prohibited by this Article or of any conditions of any certificate issued hereunder, shall constitute a violation and be subject to penalties provided in this Article or in Section 1-4-20 of this Code. Each day on which there is a failure to perform a required act or on which a violation exists shall constitute a separate violation for purposes of this Article.

**(31) Sec. 17-7-70. Compliance a condition precedent to approval. (Chapter 16, Zoning, Article 12, Historic Preservation)**

No rezoning, subdivision approval or plat approval shall be final, and no building permit shall issue, unless and until the owner or developer has either paid the development exaction required pursuant to Section 17-7-40 above, or selected one (1) of the procedures outlined in Section 17-7-50 above, and the report required under said selected Section has been provided to the Planning Commission and acted upon by the City Council. No rezoning, subdivision approval, or other plat approval shall be deemed final, nor shall any building permit issue, unless and until the City has made a determination as to whether or not a dedication or exaction requirement shall be imposed and, if so, the extent or amount thereof. Any person, individual or entity which commences development of a property, or attempts to obtain a permit to develop property, prior to the determination required in this Chapter shall be guilty of a misdemeanor, and shall be subject to a fine not to exceed three hundred dollars (\$300.00), imprisonment for a period not to exceed one (1) year, or both such fine and imprisonment. In addition to said remedy, the City may seek and obtain either a stop work order or an injunction against the continuation or completion of any construction or preconstruction activity on a project or improvement until the determinations required herein have been made and completed. Each day that a violation of this Chapter continues shall be deemed a separate offense.

**(32) Sec. 18-1-60. Penalties. (Chapter 18, Building Regulations, Article 1, Administration)**

(a) Any person, firm, partnership and/or corporation violating any provision of this building code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one thousand dollars (\$1,000.00) or punished by imprisonment for not more than one year, or both such fine and imprisonment. Each day on which a violation exists shall be deemed to be a separate offense.

(b) The Building Official shall have the authority to assess a penalty pursuant to this Section. Where work is started before a permit is issued, the applicant shall be required to pay double the fees listed under said Section.

*Section 5.* 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 6.* 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 7.* In the opinion of City Council of the City of Cripple Creek, Colorado, this Ordinance is necessary for the preservation of the public peace, health, and safety, and shall become effective immediately.

INTRODUCED this 6th day of June, 2007.

CITY OF CRIPPLE CREEK , COLORADO

ATTEST:

(signature) \_\_\_\_\_  
Edward Libby, Mayor

(signature) \_\_\_\_\_  
Debra Blevins, City Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 18th day of July, 2007.

CITY OF CRIPPLE CREEK, COLORADO

ATTEST:

(signature) \_\_\_\_\_  
Edward Libby, Mayor

(signature) \_\_\_\_\_  
Debra Blevins, City Clerk

(SEAL)

APPROVED AS TO FORM:

(signature) \_\_\_\_\_

Herbert C. Phillips, City Attorney

**CITY OF CRIPPLE CREEK**  
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