

Title 1

GENERAL PROVISIONS

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Chapter 1.04

General Provisions

Sections:

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1.04.010 Definitions.

In the construction of this code and of all ordinances of the town, the following definitions and rules of construction shall be observed, unless it shall be otherwise expressly provided in any section or ordinance, or unless inconsistent with the manifest intent of the section or ordinance:

A. *Board or town board or board of trustees* means the governing body of the town.

B. *Code* means and includes any building, construction, safety, health or other regulatory code adopted by the town, whether adopted by reference and by ordinance or otherwise, as published and subsequently amended, unless the context requires otherwise.

C. *County* means the county of Weld in the state of Colorado.

D. *Day* is any period of time between any midnight and the midnight following. When a period of time is defined as a number of days, the date on which the period commences shall be excluded and last date of such period included in the computation.

E. *Daytime* means the period of time between sunrise and sunset.

F. *Health commissioner* means the duly appointed health officer of the town.

G. *In the town* means and includes all territory over which the town now has, or shall hereafter acquire, jurisdiction for the exercise of its police powers and other regulatory powers.

H. *Mayor* means the elected mayor of the town; and includes a mayor pro tem or other person duly authorized to act as mayor in the absence or disability of the mayor or during the period of any vacancy in the office.

I. *Month* means a calendar month.

J. *Nighttime* means the period of time between sunset and sunrise.

K. *Oath* means and includes any oath or affirmation required by law or ordinance.

L. *Ordinance* means the ordinances of the town and includes the ordinances codified or the town code.

M. *Owner*, when applied to a building or land, shall include any and all owners in fee, joint owner, tenant in common, joint tenant or tenant by the entirety of the whole or a part of such building or land, and, when applied to any personal property, animal or vehicle, means any person who has the legal title or right to or has possession of a thing.

N. *Park and recreation commissioner* means the duly appointed park and recreation officer of the town.

O. *Person* means and includes an individual, firms, partnership, corporation, association or other organization acting as a group or unit.

P. *Preceding* means next before; *following* means next after.

Q. *Property*, unless qualified, includes real property and personal property, whether tangible or intangible. *Real property* includes lands, tenements and hereditaments.

R. *Public way* means and includes any street, highway, alley, boulevard, parkway, sidewalk or other public thoroughfare.

S. *Shall* is mandatory and *may* is permissive.

T. *Sidewalk* means and includes the portion of the street between the curb line and the adjacent property line, intended for the use of pedestrians.

U. *State* means the state of Colorado.

V. *Street* means and includes any public way, highway, street, avenue, boulevard, parkway, alley or other public thoroughfare, and each of such words shall include all of them.

W. *Tenant* or *occupant*, applied to a building, premises or land, or any part thereof, shall include any person who occupies the whole or a part of such building, premises or land, whether alone or with others.

X. *Town* or *municipality* means the town of Firestone, Colorado.

Y. *Town clerk* means the duly appointed clerk of the town.

Z. *Town code* or *code of the town of Firestone* means the code of the town, as published and subsequently amended, unless the context requires otherwise.

AA. *Town engineer* means the duly appointed engineer of the town.

AB. *Year* means a calendar year. (Ord. 671 §1, 2008; Ord. 246 §25(a)—(ee), 1988; prior code §1-50(part))

1.04.020 Meanings according to common usage—Technical words.

All words and phrases shall be construed and understood according to the common and approved usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 246 §25(ff), 1988; prior code §1-50(part))

1.04.030 Gender.

Every word in every ordinance importing the masculine gender shall extend to and be applied to females as well as males, and associations and bodies corporate as well as individuals shall be included. (Ord. 246 §25(ii), 1988; prior code §1-50(part))

1.04.040 Names of titles, chapters and sections.

The title or number of any chapter, article, section or sub-section of the town code, or of the ordinances of the town, shall not be deemed to restrict, qualify or limit the effect of the provisions set forth and contained in any such chapter, article, section or subsection. (Ord. 246 §25(kk), 1988; prior code §1-50(part))

1.04.050 Amendment by ordinance.

Additions or amendments to the ordinances of the town shall be made by ordinance. (Ord. 246 §25(11), 1988; prior code §1-50(part))

1.04.055 Repeal.

The repeal of any ordinance or parts of ordinances of the town shall not revive any other section of any ordinance or ordinances theretofore repealed or superseded, except that such repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the effective date of the adoption of the ordinance. (Ord. 255 §1, 1989)

1.04.060 Reasonable time or notice.

In all cases where any ordinance shall require any act to be done in a reasonable time or reasonable notice to be given, such reasonable time or notice shall be deemed to mean such time only as may be necessary for the prompt performance of such duty, or compliance with such notice. (Ord. 246 §25(jj), 1988; prior code §1-50(part))

1.04.070 Legal days of business.

If the time limited for the doing of an act shall expire on a Sunday or legal holiday, the act shall be done upon the day next following such Sunday or legal holiday. If the time limited for filling or issuing any application, permit, license, paper or document with or by the town shall expire on a Saturday, Sunday or legal holiday, the same may be done on the business day next following. (Ord. 246 §25(hh), 1988; prior code §1-50(part))

1.04.080 Acts by principals or agents.

When an ordinance requires an act to be done which may as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent. (Ord. 246 §25(gg), 1988; prior code §1-50(part))

CHAPTER 1.08

Annexations

Sections:

- 1.08.010 Title and purpose.
- 1.08.020 Compliance with state law.
- 1.08.030 Pre-annexation cost agreement.
- 1.08.040 Annexation agreement.
- 1.08.050 Water.

1.08.010 Title and purpose.

This chapter shall be known, cited as and referred to as the town annexation ordinance. This chapter shall be construed as establishing minimum requirements applicable to annexation petitions and as a guide in the evaluation and processing of annexation petitions in order to minimize misunderstanding and unnecessary expense to both petitioners and the town. (Ord. 312 §1(part), 1995)

1.08.020 Compliance with state law.

All annexation of land to the town shall be in accordance with the laws of the state in effect from time to time. (Ord. 312 §1(part), 1995)

1.08.030 Pre-annexation cost agreement.

Prior to the adoption of a resolution finding that an annexation petition is in substantial compliance with applicable state law, the petitioner shall enter into and comply with the provisions of a pre-annexation cost agreement with the town. The pre-annexation cost agreement shall set forth the obligations of the landowners and the town relative to the costs incurred by the town in the evaluation and processing of the annexation request, including the cost of consultant services, including but not limited to engineering and planning services, to assist in the review, evaluation and negotiation of annexation-related matters, legal advice and publication costs. The pre-annexation cost agreement shall provide an estimate of such costs, shall provide for the establishment of an escrow account into which the landowners shall deposit moneys to be used to pay the estimated costs, and may contain other provisions relative to burdens placed upon the financial resources of the town by the annexation request. (Ord. 312 §1(part), 1995)

1.08.040 Annexation agreement.

Prior to the final adoption of an annexation ordinance, the petitioner shall enter into an annexation agreement with the town concerning matters relevant to the proposed annexation, including, but not limited to, such matters as public improvements, transfer of water rights, requested zoning, utility services, drainage

and the dedication of rights-of-way and easements. Upon annexation, the annexation agreement shall be recorded to provide notice to transferees, successors, assigns and future purchasers of the property. (Ord. 312 §1(part), 1995)

1.08.050 Water.

Unless otherwise provided by the board of trustees, the town and the petitioner shall agree in writing, prior to final adoption of an annexation ordinance, to the transfer of the following minimum water rights to the town:

A. Residential.

1. The landowner, its successors or assigns in interest shall dedicate to the town one acre-foot unit of Colorado Big Thompson ("CBT") water for every living unit in a single-family dwelling, as set forth in paragraph 6, below.

2. The landowner, its successors or assigns in interest shall dedicate to the town one-half acre-foot unit of CBT water for each living unit in a duplex, triplex, fourplex or larger building used for multi-family dwellings, as set forth in paragraph 6, below.

3. The landowner, its successors or assigns in interest shall dedicate to the town two and one-half acre-foot units of CBT water for every acre of irrigated landscape area to be served by the town water system and located within a residential development, as set forth in paragraph 6, below.

4. In the event multi-family dwelling units are proposed to be served by a single meter rather than individual meters, the town may require that the owner, its successors or assigns in interest, convey to the town additional water in the event actual water use from the single meter exceeds the amount dedicated to the town at the time of development. The town in its sole discretion shall determine when single meters may be used for multi-family dwelling unit developments.

5. Title to the required water rights, free of liens and encumbrances, shall be deliverable to the town at the time of final subdivision platting of any residential area in the annexation. No subdivision plat shall receive final approval until the town becomes titled owner of all water required for the platted area.

6. Effective January 3, 2008, the water dedication requirements of paragraphs 1, 2 and 3 above shall be satisfied by a combined dedication of water rights and payment of cash in lieu of dedication at the ratio of seventy-five percent dedication and twenty-five percent cash-in-lieu payment. The cash-in-lieu payment shall be made at a rate as determined by the board of trustees from time to time by resolution to be equivalent to one hundred ten percent of the then-current purchase price of CBT units. The town shall set these cash-in-lieu funds aside for future purchase of CBT units or other water rights.

B. Commercial and Industrial.

1. For commercial, industrial or other nonresidential uses, the landowner, its successor or assigns in interests, shall dedicate to the town an amount of water equal to the estimated total annual potable water demand requirement for such uses, as calculated by the town, plus an additional twenty percent, as set forth in paragraph 4, below.

2. For commercial, industrial or other nonresidential uses, the landowner, its successor or assigns in interests, shall dedicate to the town two and one-half acre-foot units of CBT water for every acre of irrigated landscape area to be served by the town water system and located within such nonresidential development, as set forth in paragraph 4, below.

3. Title to the required water rights, free of liens and encumbrances, shall be deliverable to the town at or prior to town approval of the first of a building permit, final development plan or final subdivision plat for any property or portion thereof proposed for commercial, industrial or other nonresidential use, and no such permit, plan or plat shall receive final approval until the town becomes titled owner of all water required for such use.

4. Effective January 3, 2008, the water dedication requirements of paragraphs 1 and 2 above shall be satisfied by a combined dedication of water rights and payment of cash in lieu of dedication at the ratio of seventy-five percent dedication and twenty-five percent cash-in-lieu payment. The cash-in-lieu payment shall be made at a rate as determined by the board of trustees from time to time by resolution to be equivalent to one hundred ten percent of the then-current purchase price of such units. The town shall set these cash-in-lieu funds aside for future purchase of CBT units or other water rights.

C. In addition, the landowner shall offer to sell all remaining water rights appurtenant to his or her property to the town at the fair market value as determined by a competent appraiser chosen jointly by the landowner and the town. The landowner shall also petition for inclusion of the land into the Northern Colorado Water Conservancy District if the land sought to be annexed is not already in that District.

D. All water required under this section shall be Northern Colorado Water Conservancy District water shares or such other shares as the town may agree to accept in lieu thereof.

E. The requirement of paragraphs A.6 and B.4 for a combined dedication/payment in lieu of dedication shall not apply to any development having a total water dedication requirement of eight or fewer acre-foot units of CBT water. Rather, these small developments may satisfy their dedication requirements fully by dedication of water or by payment in lieu of dedication, or by any combination thereof that is accepted by the board of trustees. (Ord. 661 §1, 2007; Ord. 466 §1, 2001; Ord. 312 §1(part), 1995)

CHAPTER 1.10

Initiative, Referendum and Referred Measures

Sections:

- 1.10.010 Initiative.
- 1.10.020 Referendum.
- 1.10.030 Referred measures.
- 1.10.040 Ballot titles.

1.10.010 Initiative.

A. Any proposed ordinance may be submitted to the board of trustees upon petition of registered electors pursuant to the requirements and procedures set forth in Section 31-11-101, C.R.S. and subject to Subsection (9) of Section 1 of Article V of the Colorado Constitution.

B. The persons designated pursuant to Section 31-11-106(2), C.R.S., as representatives of the proponents of an initiative petition may withdraw the petition from consideration as a ballot issue by filing a letter with the town clerk requesting that the petition not be placed on the ballot. The letter shall be signed and acknowledged by both designated representatives before an officer authorized to take acknowledgments. The letter shall be filed with the town clerk no later than one day prior to the effective date of the ordinance or resolution submitting the petition to a vote of the registered electors. (Ord. 458 §1, 2000)

1.10.020 Referendum.

A. Any proposed ordinance passed by the legislative body of the town may be subjected to the right of the referendum upon petition of registered electors pursuant to the requirements and procedures set forth in Section 31-11-101, C.R.S., and subject to Subsection (9) of Section 1 of Article V of the Colorado Constitution.

B. The persons designated pursuant to Section 31-11-106(2), C.R.S., as representatives of the proponents of a referendum petition may withdraw the petition from consideration as a ballot issue by filing a letter with the town clerk requesting that the petition not be placed on the ballot. The letter shall be signed and acknowledged by both designated representatives before an officer authorized to take acknowledgments. The letter shall be filed with the town clerk no later than one day prior to the effective date of the ordinance or resolution submitting the petition to a vote of the registered electors. (Ord. 458 §1, 2000)

1.10.030 Referred measures.

The board of trustees may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the town pursuant to Section 31-11-111(2), C.R.S. (Ord. 458 §1, 2000)

1.10.040 Ballot titles.

A. The ballot title for an initiated or referred measure shall be fixed by the board of trustees or its designee, as determined by board of trustees resolution. The board of trustees shall fix the ballot title for any measure referred by the board of trustees without receipt of a petition. The board of trustees or its designee may obtain the assistance of the director of operations, town clerk and town attorney in the fixing of any ballot title.

B. In fixing a ballot title, the board of trustees or its designee shall follow the requirements of Section 31-11-111, C.R.S., and any other applicable law. The board of trustees or its designee shall fix the ballot title at a public meeting and by a majority vote of those present constituting a quorum.

C. Any person presenting an initiative or referendum petition or any registered elector of the town who is not satisfied with the ballot title for an initiative, referendum or referred measure as fixed by the board of trustees or its designee and who claims that the ballot title does not conform to the criteria of state law may

file with the town clerk within forty-eight hours after the title is fixed a motion for a rehearing on the ballot title. The mayor shall set a date and time for the hearing. The rehearing shall be held before the body that fixed the ballot title within ten days after the motion for rehearing is filed, except that if the ballot title was fixed by the board of trustees, the rehearing shall be held before the board of trustees no later than the next regularly scheduled meeting of the board of trustees.

D. Written notice of the rehearing on the ballot title shall be hand delivered to the person filing the motion and, if applicable, to the persons designated in the initiative or referendum petition as representing the proponents thereof. If notice by hand delivery cannot be effected, then notice shall be provided by mailing to such addresses as are set forth in the motion and, if applicable, the initiative or referendum petition. Notice shall be deemed effective upon hand delivery or, if mailed, upon mailing to the addresses set forth in the motion and, if applicable, the initiative or referendum petition. At least twenty-four hours prior to the hearing, the person filing the motion shall file with the town clerk a written statement describing how the title fixed does not comply with applicable legal requirements and suggesting alternative wording. After the rehearing, the body that fixed the ballot title may affirm or modify the title previously fixed. (Ord. 712 §1, 2009; Ord. 458 §1, 2000)

CHAPTER 1.12

Town Seal

Sections:

1.12.010 Town seal.

1.12.010 Town seal.

A seal, the impression of which is as follows: in the center the word "SEAL," and around the outer edge the words "The Town of Firestone, Colorado," shall be and is established and declared to be the corporate seal of the town. (Prior code §1-3)

CHAPTER 1.16

General Penalty

Sections:

1.16.010 General penalty.

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A. No person shall violate any of the provisions of the ordinances of the town. Except in cases where a different punishment is prescribed by any ordinance of the town, any person who, at the time of commission of the offense was at least ten years of age but not yet eighteen years of age, shall violate any of the provisions of the ordinances of the town, shall be punished by a fine of not more than nine hundred ninety-nine dollars, or by detention not to exceed ten days, or both such fine and detention.

B. No person shall violate any of the provisions of the ordinances of the town. Except in cases where a different punishment is prescribed by any ordinance of the town, any person eighteen years of age or older at the time of the violation, shall violate any of the provisions of the ordinances of the town, shall be punished by a fine of not more than nine hundred ninety-nine dollars, or by imprisonment not to exceed one year, or both such fine and imprisonment.

C. Any person who is alleged to have violated any provision of the ordinances of the town shall be issued a summons and complaint charging the nature of the violation and shall be ordered to appear before the municipal judge of the town.

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of Firestone, Colorado, is committed, continued or permitted by any such person, and he or she shall be punished accordingly. (Ord. 650 §1, 2007; Ord. 299 §1, 1994; Ord. 246 §26, 1988; prior code §1-51)