

CHARTER

AND

MUNICIPAL CODE

OF THE

CITY OF FORT MORGAN, COLORADO

1994

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**OFFICIALS OF THE
CITY OF
FORT MORGAN**

ELECTED OFFICIALS

MAYOR
Jack L. Darnell

MAYOR PRO TEM
Terry L. McAlister

COUNCIL MEMBERS

Ward I
Terry L. McAlister
Ronald A. Shaver

Ward II
Debra Forstedt
James A. Powers

Ward III
Sharol Lyn Deal
Alberta M. Simmons

APPOINTED OFFICIALS

City Manager
Patrick L. Merrill

Acting City Manager
Keith A. Kuretich

City Attorney
Jeffrey A. Wells

Municipal Judge
Stuart D. Crespin

Fire Chief
W. Bradley Parker

OTHER CITY OFFICIALS

Chief of Police
Keith A. Kuretich

City Clerk
Andrea J. Strand

City Treasurer
Terri P. Schafer

FORT MORGAN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 1084, adopted July 21, 2009.**

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COLORADO CODE PUBLISHING COMPANY
Fort Collins, Colorado

December 2009

FORT MORGAN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 1058, adopted December 18, 2007.**

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COLORADO CODE PUBLISHING COMPANY
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May 2008

Supplement No. 12

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 2007

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

February 2006

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January 2005

Filed by: _____

Date: _____

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado
March 2004

Filed by: _____

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FORT MORGAN MUNICIPAL CODE

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

January 2003

Filed by: _____

Date: _____

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FORT MORGAN MUNICIPAL CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 940, adopted December 18, 2001.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

January 2002

Filed by: _____

Date: _____

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado
August 2001

Filed by: _____

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

September 2000

Filed by: _____

Date: _____

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

May 1999

Filed by: _____

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FORT MORGAN MUNICIPAL CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 846, adopted December 2, 1997.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

March 1998

Filed by: _____

Date: _____

SUPPLEMENT NO. 2

FORT MORGAN MUNICIPAL CODE

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This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 831, adopted December 3, 1996.**

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COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

February 1997

Filed by: _____

Date: _____

FORT MORGAN MUNICIPAL CODE

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File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

January 1996

Filed by: _____

Date: _____

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 "Fort Morgan Municipal Code" is amended by the addition thereto of a new Section 2-121, 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 "Fort Morgan 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 2-121 of the "Fort Morgan 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 2-121 of the "Fort Morgan 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 2-121 of the "Fort Morgan Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

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FORT MORGAN MUNICIPAL CODE

1994

A Codification of the General Ordinances
of the City of Fort Morgan, Colorado

Published by
COLORADO CODE PUBLISHING COMPANY
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PREFACE

The City of Fort Morgan, a Home Rule 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 *two-place section numbering system* places the chapter number first, followed by a hyphen and section number. This two-place system is simplified by the elimination of article numbering. Each section may be cited by the chapter and section numbers which, together with reserved section numbers, 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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Procedure for Passing Ordinances After City Code is in Effect

1. Before drafting a new ordinance, check the City Code index to determine if sections of similar subject matter are contained in the Code.
2. If sections with similar subject matter are found to be in the Code, compare them against what is to be stated in the new ordinance.
3. If the existing sections in the Code can adequately cover the situation by being amended, the new ordinance should simply amend these sections.

Example: "Sec. 10.8 is hereby amended to read as follows:"

OR

"Secs. 10.5 to 10.8 are hereby amended to read as follows:"

"Sec. 10.5."

"Sec. 10.6."

4. If the new ordinance will completely supersede the sections in the Code and it is impractical for any reason to amend the existing sections of the Code, the new ordinance should repeal the sections in the Code which will be superseded by stating in the ordinance that "sections to of the City Code are hereby repealed."
5. If the new ordinance covers a subject which is not contained in the Code, it may be added to the Code as a new chapter in the proper alphabetical arrangement. If the new chapter would fall between old chapters 10 and 11, it would be numbered "10A."

If there is any question as to the proper placement of a new ordinance covering a subject not contained in the Code, make no reference to the Code. This new ordinance will be worked into the Code in the proper place when the next supplement is prepared.

6. Ordinances passed subsequent to the adoption of the Code are to be mailed to Colorado Code Publishing Company, 323 West Drake Road, Suite 200, Fort Collins, CO 80526-2865, and replacement pages containing the new ordinance material will be returned for insertion in the Codes.

City Attorney

ORDINANCE NUMBER 802

AN ORDINANCE OF THE CITY OF FORT MORGAN, ADOPTING AND ENACTING A NEW MUNICIPAL CODE FOR THE CITY OF FORT MORGAN; 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.

BE IT ORDAINED BY THE COUNCIL OF FORT MORGAN, COLORADO:

Section 1. The code entitled *The Fort Morgan Municipal Code* published by Colorado Code Publishing Company, consisting of Chapters 1 through 27, is adopted.

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

Section 3. The adoption, enactment and publication of all ordinances adopted after July 5, 1994, are hereby adopted and ratified *nunc pro tunc*.

Section 4. 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 5. The following codes were adopted by reference and incorporated in the Fort Morgan Municipal Code. One (1) copy is on file in the City Clerk's office:

(1) The *Uniform Building Code*, 1982 edition, published by the International Conference of Building Officials, as adopted and amended in Section 7-1 *et seq.*;

(2) The *Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings*, 1978 edition, published by the State of Colorado, Office of State Planning and Budgeting, Board for Energy Efficient Nonresidential Building Standards, 1525 Sherman Street, Denver, Colorado 80203, as adopted and amended in Section 7-24 *et seq.*;

(3) The *Uniform Mechanical Code*, 1982 edition, published by the International Conference of Building Officials, as adopted and amended in Section 7-35 *et seq.*;

(4) The *Uniform Fire Code*, 1985 edition, published by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted and amended in Section 11-51 *et seq.*;

(5) The *National Fuel Gas Code*, 1984 edition, published by the American Gas Association and the National Fire Protection Association, as adopted and amended in Section 14-1 *et seq.*;

(6) The *Model Traffic Code for Colorado Municipalities*, 1977 edition, published by the State Department of Highways, 4201 Arkansas Ave., Denver, Colorado 80222, as adopted and amended in Section 18-1 *et seq.*;

(7) The *Uniform Sign Code*, 1982 edition, published by the International Conference of Building Officials, as adopted and amended in Section 24-2 *et seq.*;

(8) The *Water Systems Cross-Connection and Backflow Control Code of Fort Morgan, Colorado*, 1986 edition, published by the City, as adopted and amended in Section 26-42 *et seq.*; and

(9) The *Zoning and Land Use Code of the City of Fort Morgan, Colorado*, 1988 edition, promulgated and published by the City, as adopted and amended in Section 27-1 *et seq.*

Section 6. The following codes are hereby adopted by reference and incorporated in the Fort Morgan Municipal Code. One (1) copy is on file in the City Clerk's office:

(1) The *National Electrical Code*, 1993 edition, published by the National Fire Protection Association, as adopted and amended in Section 10-31 *et seq.*; and

(2) The *Uniform Plumbing Code*, 1988 edition, published by the Association of Plumbing and Mechanical Officials, as adopted and amended in Section 22-1 *et seq.*

Section 7. The penalties provided by the Fort Morgan Municipal Code are hereby adopted as follows:

(1) **Sec. 1-10. General penalty; continuing violations.**

(a) Whenever in this Code or any other ordinance of the City hereafter enacted, or in any section, rules or regulation promulgated under the provisions of this Code, any act is prohibited or is made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required, or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any such provision of this Code or other ordinance of the City hereafter enacted or of such rules or regulations shall be punished by a fine of not more than three hundred dollars (\$300.00).

(b) Every day any violation of this Code or any other ordinance of the City hereafter enacted or any rule or regulation promulgated under the provisions of this Code shall continue shall constitute a separate offense.

(2) **Sec. 3-19. Penalty for violation. (Article I, In General)**

Any person violating any of the provisions of this Article shall, upon conviction thereof, be fined in a sum not exceeding three hundred dollars (\$300.00) or shall be imprisoned in jail not exceeding ninety (90) days.

(3) **Sec. 3-20. Written prescription required for sale; penalty for violation. (Article II, Sale for Medicinal Purposes)**

(b) Any person violating the provisions of this Section shall, upon conviction thereof, be fined in a sum not exceeding three hundred dollars (\$300.00) or shall be imprisoned in jail not exceeding ninety (90) days.

(4) **Sec. 5-12. Running at large. (Article II, Dogs)**

It shall be unlawful for any owner, possessor or person who keeps any dog to permit the same to run at large. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper thereof, and not under the control of such owner, possessor or keeper or his or her agent or servant by means of a leash, cord or chain. Any dog found off such premises and not so under control may be impounded under the provisions of Sections 5-24 to 5-27; and any such dog's owner, possessor or keeper violating the provisions of this Section shall, upon conviction thereof, be punished by a fine of not less than thirty-five dollars (\$35.00) or more than three hundred dollars

(\$300.00) for each offense. The minimum fine shall be mandatory and the Court shall have no discretion to suspend any part thereof.

(5) **Sec. 6-16. Penalties. (Mobile Homes, Travel Trailers, etc., Article III, Miscellaneous Provisions)**

Any person who shall violate any provisions of this Chapter and any person continuing to operate a mobile home or travel trailer park under an expired or revoked license shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not to exceed three hundred dollars (\$300.00) or by imprisonment in jail for a term not to exceed ninety (90) days or by both such fine and imprisonment; and each offense shall be deemed to be a separate violation and punishable as a separate offense. Each day for which the violation continues shall constitute a separate offense.

(6) **Sec. 7-27. Penalties. (Article III, Building Energy Efficiency Standards)**

(b) Any person violating any of the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, or the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, or of this Article, shall be punishable by a fine not exceeding three hundred dollars (\$300.00) or imprisonment not exceeding ninety (90) days or by both fine and imprisonment. Each and every day or portion thereof during which any such violation is committed, continued or permitted shall be considered a separate offense.

(7) **Sec. 7-34. Violation; penalty. (Article IV, Building Contractors)**

In addition to the administrative remedy for suspension or revocation provided in the preceding Sections, any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punished by a fine not to exceed three hundred dollars (\$300.00), or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment; and provided further, each day or portion thereof during which any violation continues shall constitute a separate offense.

(8) **Sec. 7-37. Violations; penalties; removal of prohibited conditions. (Article V, Mechanical Code)**

(a) Any person who shall violate the provisions of the Uniform Mechanical Code or shall fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build, construct, fabricate or install anything in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who shall fail to comply with such an order within the time fixed therein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(9) **Sec. 9B-89. Penalty for certain offenses. (Article I, Election Procedures)**

Any person who shall in any way violate any of the provisions of Section 9B-90 to 9B-106, upon conviction thereof, shall be punished for each offense or violation in the judge's discretion by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days.

(10) **Sec. 9B-121. Penalty for violation. (Article IV, Penalty for Violation of Chapter)**

Whenever in this Chapter any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required and is not done, or the failure to do any act is declared to be unlawful or an offense, where no specific penalty is provided therefor, any person who shall be adjudged guilty of any such violation shall be punishable by a fine not in excess of three hundred dollars (\$300.00) or by imprisonment in the City jail for a term not exceeding ninety (90) days.

(11) **Sec. 10-16. Time limit for repairs; penalty. (Article II, Electrical Inspector)**

Any person failing or refusing to have the necessary repairs or changes required by the Electrical Inspector completed within five (5) days or any longer period which may be deemed reasonable by the Electrical Inspector after the receipt of notice from the Electrical Inspector shall forfeit and pay unto the City a sum of five dollars (\$5.00) for each day which shall elapse after the expiration of the period.

(12) **Sec. 11-61. Penalties. (Article II, Fire Prevention)**

(a) Any person who shall violate Section 11-58 hereof or any of the provisions of the Uniform Fire Code, who shall fail to comply therewith, who shall violate or fail to comply with any order made thereunder, who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder or any certificate or permit issued thereunder and from which no appeal has been taken, or who shall fail to comply with such an order within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not more than three hundred dollars (\$300.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(13) **Sec. 13-5. Use of containers by nonresident persons. (Article I, Garbage and Refuse)**

(d) Any person violating the provisions of Subsection (c) above shall be punished by the assessment of a penalty of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00). In any case in which a violation of Subsection (c) above is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the Police Magistrate or Municipal Judge and there shall be no trial by jury.

(14) **Sec. 13-16. Penalties for violation. (Article I, Garbage and Refuse)**

Except for a violation of the provisions of Section 13-5(c) for which a specific penalty is provided, any person who violates the provisions of Sections 13-1 through 13-13, who does an act therein declared to be unlawful, or who fails, neglects, omits, resists or refuses to comply with the provisions thereof or with a lawful order given pursuant thereto, or any of the regulations or requirements thereof, shall be punished by the assessment of a penalty of not more than three hundred dollars (\$300.00). In any case in which a violation of the provisions of this Article is alleged, all questions of fact and law and the penalty to be assessed in accordance herewith shall be heard and decided by the police magistrate or municipal judge and there shall be no trial by jury.

(15) **Sec. 13-59. Penalties for violation. (Article III, Sewage Works)**

(a) Civil penalties. In addition to being subject to an injunctive action under this Section, a person who violates any provision of Article III of this Chapter or of any rule, regulation, order or permit adopted or issued pursuant to the provisions of Article III or violates any cease and desist order or clean up order shall be subject to a civil penalty not exceeding twenty-five thousand dollars (\$25,000.00) per violation for each day or part of a day in which the violation occurs. Any such civil penalty shall be determined by the Superintendent of Public Works or his or her designee and may be collected by the City by action instituted in a court of competent jurisdiction for collection of such penalty. The final decision of the Superintendent of Public Works or his or her designee may be appealed to the City Council. A stay of any order of the pending judicial review shall not relieve any person from any liability under this Section, but the reason for the request for judicial review shall be considered in the determination of the amount of the penalty. In the event that such an action is instituted for the collection of such penalty, the court may consider the appropriateness of the amount of the penalty, if such issue is raised by the party against whom the penalty was assessed.

(b) Criminal penalties. In addition to the remedies and penalties elsewhere provided in this Article, whenever in this Article any act is prohibited or made or declared to be unlawful or an offense or misdemeanor, or the doing of any act is required and not done or the failure to do any act is declared to be unlawful or an offense or misdemeanor, a person who shall be convicted of the violation of any such provision, rule, order or regulation shall be punishable by a fine not in excess of twenty-five thousand dollars (\$25,000.00) or by imprisonment for a term not exceeding ninety (90) days or by both such fine and imprisonment. Each day that any such violation occurs, exists or continues shall be deemed a separate offense which is separately punishable hereunder.

(16) **Sec. 14-2. Violation, penalties. (Gas)**

(a) Any person violating any provision of the *National Fuel Gas Code*, Third Edition, 1984, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each separate day or any portion thereof during which any violation of said code occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to

violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is unlawful.

(17) **Sec. 16-68. Penalty. (Article VI, Emergency, Police and Fire Alarm Systems)**

In addition to any other remedies or penalties provided herein, any person violating the provisions hereof shall be punished by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days or by both such fine and imprisonment.

(18) **Sec. 18-5. Penalties. (Motor Vehicles and Traffic)**

(a) Whenever in the following sections of the Model Traffic Code and in any provisions mandatory or supplemental thereto:

- (1) Sec. 3-3. Certain vehicles must stop at railroad grade crossings;
- (2) Sec. 3-6. Stopping for school buses;
- (3) Sec. 4-1(a). Speeding in excess of 19 mph over lawful speed limit (but not speeding 19 mph or less over lawful speed limit);
- (4) Sec. 4-6. Speed contests;
- (5) Sec. 5-1. Reckless driving;
- (6) Sec. 5-2. Careless driving;
- (7) Sec. 7-6(a). Following too closely (but not Sec. 7-6(b) and Sec. 7-6(c) offenses);
- (8) Sec. 15-13. Interference with official devices;
- (9) Sec. 18-10. Vehicles weighed, excess removed;
- (10) Sec. 18-11. Permits for excess size and weight;
- (11) Sec. 19-6. School bus lights and markings;
- (12) Sec. 21-2. Required obedience to Traffic Code.
- (13) Sec. 21-3. Obedience to police and fire department officials;
- (14) Sec. 21-8. Operation of vehicles and actions by pedestrians on approach of authorized emergency vehicles;
- (15) Sec. 21-13. Eluding or attempting to elude police officer;
- (16) Sec. 22-4. Offenses by person controlling vehicles;
- (17) Sec. 22-10. Failure to obey summons or notice;
- (18) Sec. 22-13. Failure to comply with notice on parked vehicle;

any act is prohibited or is made or declared to be unlawful, or an offense or a misdemeanor, the same shall be considered to be a municipal misdemeanor, and any person who shall be convicted of the violation of any such provisions shall be punishable by a fine, not in excess of three hundred dollars (\$300.00) or by imprisonment in jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(b) Whenever in any section of this Chapter or of the Model Traffic Code not hereinabove specified in paragraph (a) of this Section, any act is declared to be a traffic infraction or is prohibited or is made or declared to be unlawful, or an offense, the same shall be considered to be a municipal traffic infraction, punishable by the assessment of a penalty of not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00). In any case in which the offense charged is a municipal traffic infraction, all questions of fact and law shall be heard and decided by the Police Magistrate or Municipal Judge, and there shall be no trial by jury.

(19) **Sec. 18-11. Compulsory insurance; penalty. (Motor Vehicles and Traffic)**

(d) Any person who violates the provisions of Subsections (a), (b) or (c) of this Section shall be punished by a fine of not less than one hundred dollars (\$100.00) and not more than three hundred dollars (\$300.00) or by imprisonment of not less than ten (10) days and not more than ninety (90) days or by both such fine and imprisonment.

(20) **Sec. 18A-6. Failure of juror to appear; penalty. (Municipal Court)**

In all cases where a person shall be summoned as a juror to try any cause before the Municipal Court and shall fail to attend at the time and place appointed in such summons, the Police Magistrate shall have power to issue an attachment, directed to any police officer of the City, commanding him or her forthwith to bring before such court the body of such juror so failing to attend to show cause why he or she should not be fined for contempt; on the appearance of such juror on such attachment, it shall be lawful for the Police Magistrate to fine him or her in any sum not less than one dollar (\$1.00) nor more than twenty dollars (\$20.00) or wholly discharge him or her if satisfactory excuse be made.

(21) **Sec. 20-1. Advertising on public property. (Offenses; Miscellaneous)**

(b) Any person found guilty of violating the terms of this Section shall be punished by a fine not to exceed three hundred dollars (\$300.00). Each day of the existence of any violation shall be deemed a separate offense.

(22) **Sec. 20-22. Obstructing police. (Offenses; Miscellaneous)**

Any person who shall knowingly and willfully obstruct, resist, interfere with or oppose any police officer or other person duly authorized to serve as a special or extra officer, when such officer is engaged in the performance of his or her duties, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than three hundred dollars (\$300.00) or by imprisonment in jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(23) **Sec. 20-29. Open containers of alcoholic beverages; penalty. (Offenses; Miscellaneous)**

(b) Any person found guilty of violating this Section shall be punished for each violation by a fine of not less than thirty dollars (\$30.00) and not more than three hundred dollars (\$300.00).

(24) **Sec. 20-30. Theft. (Offenses; Miscellaneous)**

(b) Theft in the City, where the value of the thing involved is less than three hundred dollars (\$300.00), is unlawful and a misdemeanor, and any person convicted of a violation of this Section shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than three hundred dollars (\$300.00).

(25) **Sec. 20-34. Garage sales permitted; penalty. (Offenses; Miscellaneous)**

(b) Any person violating the provisions of this Section shall be punished by a fine not exceeding three hundred dollars (\$300.00) or by imprisonment for a term not to exceed ninety (90) days or by both such fine and imprisonment.

(26) **Sec. 22-4. Violations and penalties. (Plumbing)**

(a) Any person violating any provision of this code shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use which it authorized is lawful.

(27) **Sec. 22-12. Penalties. (Plumbing)**

Any person who shall violate any of the provisions of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than three hundred dollars (\$300.00) or by imprisonment in jail for a term not to exceed ninety (90) days or by both such fine and imprisonment; and each offense shall be deemed to be a separate offense. Each day for which the violation continues shall constitute a separate offense.

(28) **Sec. 22B-2. Penalties. (Public Utilities)**

(b) Any person violating the provisions of this Section shall, upon conviction, be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than three hundred dollars (\$300.00). Each day that such violation occurs, exists or continues shall be deemed a separate offense which is separately punishable hereunder.

(29) **Sec. 23A-14. Penalties; remedies. (Cable Distribution System)**

(a) Any person, whether as principal, agent, employee or otherwise, violating the provisions of this Chapter shall, upon conviction thereof, be punished by fine of not more than three hundred dollars (\$300.00) or imprisonment in jail for a term not exceeding ninety (90) days, or by both such fine and imprisonment.

(30) **Sec. 25A-13. Penalty. (Article II, Use Tax)**

Any person convicted of violating any of the provisions of this Chapter shall be punished by a fine of not to exceed three hundred dollars (\$300.00) or by imprisonment for not to exceed ninety (90) days or by both such fine and imprisonment.

(31) **Sec. 25A-18. Penalty clause. (Article III, Occupation Tax for Telephone Utilities)**

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 provided in Section 25A-16, the officer, agent, manager or person shall, on conviction thereof, be punished by a fine not less than twenty-five dollars (\$25.00) nor more than three hundred dollars (\$300.00); provided that each day after said statement shall become delinquent during which the officer, agent, manager or person shall so fail, neglect or refuse to make and file such statement shall be considered a separate and distinct offense.

(32) **Sec. 26-23. Specific penalties for sprinkling violations. (Article II, Water Utility)**

Any person violating the sprinkling restrictions contained in Section 26-21 or 26-22 shall be punished by a fine of not less than twenty-five dollars (\$25.00) but not more than three hundred dollars (\$300.00) for each offense.

(33) **Sec. 26-24. General penalty for continuing violations. (Article II, Water Utility)**

(a) Whenever in this Chapter any act is prohibited or declared to be unlawful or an offense or misdemeanor or the doing of any act is required or the failure to do any act is declared to be unlawful or an offense or misdemeanor, where no specific penalty is provided therefor, any person who shall be convicted of the violation of any provision or section of this Chapter shall be punished by a fine of not more than three hundred dollars (\$300.00).

(34) **Sec. 26-31. Penalty for failure to pay. (Article III, Rates)**

Ten percent (10%) of the amount due on the water rents and rates shall be added if the water rents and rates are not paid within ten (10) days after the same became due. All officers of the City are expressly prohibited from allowing credit to anyone.

(35) **Sec. 26-43. Violations and penalties. (Article IV, Water Systems Cross-Connection and Backflow Control)**

(a) Any person violating any provision of the *Water Systems Cross-Connection and Backflow Control Code of Fort Morgan, Colorado*, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment not to exceed ninety (90) days or both fine and imprisonment. Each separate day or any portion thereof, during which any violation of said code occurs or continues, shall be deemed to constitute a separate offense and, upon conviction thereof, shall be punishable as herein provided. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of said code. No permit presuming to give authority to violate or cancel the provisions of said code shall be valid, except insofar as the work or use which it authorized is lawful.

(36) Sec. 27-2. Violations and penalties. (Zoning)

(a) Any person, whether as principal, agent, employee or otherwise, who violates any of the provisions of said code shall be fined not exceeding three hundred dollars (\$300.00) for each offense, such fine to inure to the City. Each day of the existence of any violation shall be deemed a separate offense.

Section 8. 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 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 City Council herewith finds, determines and declares that this Ordinance is necessary for the immediate preservation of the public peace, health and safety.

READ, PASSED ON FIRST READING AND ORDERED PUBLISHED the 1st day of November, 1994.

ATTEST: THE CITY COUNCIL OF FORT MORGAN,
COLORADO

/s/ Nancy J. Lockwood
City Clerk

By: /s/ James P. Zwetzig
Mayor

PASSED, APPROVED AND ADOPTED ON FINAL READING the 6th day of December, 1994.

ATTEST: THE CITY COUNCIL OF FORT MORGAN,
COLORADO

/s/ Nancy J. Lockwood
City Clerk

By: /s/ James P. Zwetzig
Mayor

STATE OF COLORADO)
COUNTY OF MORGAN) ss.
CITY OF FORT MORGAN)

CERTIFICATE

I, Nancy J. Lockwood, the duly appointed, qualified and acting Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing Ordinance No. 802 was, as a proposed ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 1st day of November, 1994. Said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was, on the 5th day of November, 1994, published in the *Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time at a regular meeting of the City Council held on the 6th day of December, 1994; that the above and foregoing Ordinance No. 802 was duly and legally passed, approved and adopted on said 6th day of December, 1994, and thereafter published as an ordinance of the City in the said *Fort Morgan Times* on the 8th day of December, 1994.

(SEAL)

/s/ Nancy J. Lockwood
City Clerk

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