

**CODE**

**OF THE**

**TOWN OF MILLIKEN, COLORADO**

**2003**

**A Codification of the General Ordinances**  
**of the Town of Milliken, Colorado**

Published by

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# OFFICIALS

of the

## TOWN OF MILLIKEN

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*Mayor Pro Tem*

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*Board of Trustees*

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Ted Chavez

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Peggy Wakeman

*Town Administrator*

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*Town Clerks*

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*Town Attorney*

Bruce Fickel

MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 651, adopted September 20, 2011, effective January 1, 2012.**

*Remove old pages*

5-3, 5-4  
5-51, 5-52  
7-i—7-2  
7-7, 7-8  
8-i—8-4  
11-1, 11-2  
13-13—13-16  
16-3-20a—16-3-22  
18-9, 18-10  
18-21, 18-22  
T-15—T-102  
I-9—I-14  
I-17, I-18

*Insert new pages*

5-3, 5-4  
5-51, 5-52  
7-i—7-2  
7-7—7-8a  
8-i—8-4  
11-1, 11-2  
13-13—13-16  
16-3-20a—16-3-22  
18-9, 18-10  
18-21, 18-22  
T-15—T-102  
I-9—I-14  
I-17, I-18

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY  
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December 2011

SUPPLEMENT NO. 6

MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 646, adopted May 11, 2011.**

<i>Remove old pages</i>	<i>Insert new pages</i>
Title page, iii xv—xviii	Title page, iii xv—xviii
4-i—4-2	4-i—4-2
7-i, 7-ii 7-17, 7-18	7-i, 7-ii 7-17, 7-18
8-i—8-8	8-i—8-8
10-i, 10-ii 10-19—10-20a	10-i, 10-ii 10-19—10-20a
13-i, 13-ii 13-13—13-18	13-i, 13-ii 13-13—13-27
16-i—16-vii	16-i—16-vii
16-1-13—16-1-16 16-1-21, 16-1-22 16-1-29, 16-1-30 16-1-33	16-1-13—16-1-16 16-1-21—16-1-22a 16-1-29, 16-1-30 16-1-33
16-2-i—16-2-iii 16-2-41—16-2-44 16-2-49—16-2-54a	16-2-i—16-2-iii 16-2-41—16-2-44 16-2-49—16-2-54a
16-3-i 16-3-3, 16-3-4 16-3-15, 16-3-16 16-3-19, 16-3-20 16-3-27—16-3-36*	16-3-i 16-3-3, 16-3-4 16-3-15, 16-3-16 16-3-19—16-3-20a 16-3-27—16-3-35
16-4-i—16-4-26* 16-4-41—16-4-58	16-4-i—16-4-24 16-4-41—16-4-58
16-7-i—16-7-4	16-7-i—16-7-26
16-9-i—16-9-12*	16-9-i—16-9-11
16-13-i—16-13-5	16-13-i—16-13-7
T-15—T-102	T-15—T-102

I-1—I-31

I-1—I-34

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY  
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October 2011

MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 608, adopted April 22, 2009.**

*Remove old pages*

iii  
xv—xviii  
2-i—2-4  
5-i, 5-ii  
5-3, 5-4  
5-25—5-39  
6-i, 6-ii  
6-11, 6-12  
7-10a  
10-i, 10-ii  
10-19, 10-20  
13-3, 13-4  
13-13, 13-14  
16-i—16-vii  
16-2-i, 16-2-ii  
16-2-35—16-2-52  
16-2-61, 16-2-62  
16-4-41—16-4-46  
16-9-i  
16-9-9—16-9-11  
T-13—T-102  
I-1—I-8  
I-11—I-16  
I-19—I-26

*Insert new pages*

iii  
xv—xviii  
2i—2-4  
5-i, 5-ii  
5-3, 5-4  
5-25—5-58  
6-i, 6-ii  
6-11—6-14  
7-10a, 7-10b  
10-i, 10-ii  
10-19—10-20a  
13-3—13-4a  
13-13, 13-14  
16-i—16-vii  
16-2-i—16-2-iii  
16-2-35—16-2-52  
16-2-60a—16-2-62d  
16-4-41—16-4-46a  
16-9-i  
16-9-9—16-9-12  
T-13—T-102  
I-1—I-8a  
I-11—I-16  
I-19—I-26a

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY

Fort Collins, Colorado

September 2009

MILLIKEN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 575, adopted February 27, 2008.**

<i>Remove old pages</i>	<i>Insert new pages</i>
iii	iii
xv—xviii	xv—xviii
2-7, 2-8	2-7, 2-8
5-i, 5-ii	5-i—5-iii
5-3, 5-4	5-3, 5-4
5-29, 5-30	5-29, 5-30
5-33, 5-34	5-33—5-39
6-4a—6-12 *	6-5—6-12
7-i—7-2	7-i—7-2
7-5—7-10	7-5—7-10a
7-13, 7-14	7-13, 7-14
7-17, 7-18	7-17, 7-18
10-9, 10-10	10-9, 10-10
10-31, 10-32	10-31, 10-32
11-1, 11-2	11-1, 11-2
13-i	13-i—13-18
16-i—16-vii	16-i—16-vii
16-2-i, 16-2-ii	16-2-i, 16-2-ii
16-2-51—16-54b	16-2-51—16-54a
16-3-i	16-3-i
16-3-5—13-3-10a	16-3-5—13-3-10b
16-3-31, 16-3-32	16-3-31, 16-3-32
16-3-35—16-3-40	16-3-35—16-3-40
18-1—18-6	18-1—18-6
18-13—18-18	18-13—18-18
Appx Divider Tab—Appx A-9 **	—
T-13—T-102	T-13—T-102
I-1—I-30	I-1—I-32

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY  
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April 2008

\* Please ensure that all indicated pages are removed.

\*\* Appendix A is being removed from the Municipal Code and replaced by the Fee Schedule, a copy of which is available at the Town Clerk's office.

**MILLIKEN  
MUNICIPAL CODE**

**Supplementation Instructions**

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 563, effective July 19, 2007.**

<i>Remove old pages</i>	<i>Insert new pages</i>
Title Page	Title Page
iii	iii
vii	vii
xv, xvi	xv, xvi
2-i, 2-ii	2-i, 2-ii
2-5—2-13	2-5—2-13
7-i—7-8	7-i—7-8a
7-13—7-16	7-13—7-18
8-i—8-6	8-i—8-8
10-i—10-iii	10-i—10-iii
10-11—10-16	10-11—10-16a
10-19—10-22	10-19—10-22a
10-27—10-34	10-27—10-34
11-i, 11-1	11-i—11-2
16-i, 16-ii	16-i, 16-ii
16-2-i, 16-2-ii	16-2-i, 16-2-ii
16-2-11, 16-2-12	16-2-11—16-2-12a
16-2-25, 16-2-26	16-2-25, 16-2-26
16-3-9, 16-3-10	16-3-9, 16-3-10
18-7, 18-8	18-7—18-8a
18-17, 18-18	18-17, 18-18
T-13—T-102	T-13—T-102
I-3, I-4	I-3, I-4
I-7—I-20	I-7—I-20a
I-23, I-24	I-23, I-24

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

**COLORADO CODE PUBLISHING COMPANY**  
Fort Collins, Colorado  
August 2007

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

**MILLIKEN  
MUNICIPAL CODE**

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 523, effective June 8, 2005.**

<i>Remove old pages</i>	<i>Insert new pages</i>	<i>Remove old pages</i>	<i>Insert new pages</i>
iii	iii	16-3-51 – 16-3-54	16-3-51 – 16-3-54
xv – xviii	xv – xviii	16-4-15 – 16-4-18	16-4-15 – 16-4-18
2-i – 2-2	2-i – 2-2a	16-4-23 – 16-4-26	16-4-23 – 16-4-26
2-5, 2-6	2-5, 2-6	16-4-29 – 16-4-32	16-4-29 – 16-4-32
2-11, 2-12	2-11 – 2-13	16-4-39, 16-4-40	16-4-39, 16-4-40
5-29, 5-30	5-29, 5-30	16-4-43 – 16-4-46	16-4-43 – 16-4-46
6-3, 6-4	6-3 – 6-4a	16-4-55, 16-4-56	16-4-55, 16-4-56
7-i, 7-ii	7-i, 7-ii	16-5-1, 16-5-2	16-5-1, 16-5-2
7-5 – 7-8	7-5 – 7-8	16-7-i – 16-7-4	16-7-i – 16-7-4
10-iii	10-iii	16-11-1, 16-11-2	16-11-1, 16-11-2
10-33, 10-34	10-33, 10-34	16-13-i	16-13-i
16-i – 16-vii	16-i – 16-vii	16-13-3 – 16-13-6*	16-13-3 – 16-13-5
16-1-9, 16-1-10	16-1-9, 16-1-10	16-I-1 – 16-I-13	16-I-1 – 16-I-13
16-1-33	16-1-33	18-i, 18-ii	18-i, 18-ii
16-2-i, 16-2-ii	16-2-i, 16-2-ii	18-17, 18-18	18-17, 18-18
16-2-25, 16-2-26	16-2-25, 16-2-26	18-21, 18-22	18-21, 18-22
16-2-39, 16-2-40	16-2-39, 16-2-40	T-13 – T-102	T-13 – T-102
16-2-43, 16-2-44	16-2-43, 16-2-44	I-1, I-2	I-1, I-2
16-2-53, 16-2-54	16-2-53 – 16-2-54b	I-11 – I-14a	I-11 – I-14a
16-3-9, 16-3-10	16-3-9 – 16-3-10a	I-17 – I-20	I-17 – I-20
16-3-43 – 16-3-48	16-3-43 – 16-3-48	I-23 – I-26	I-23 – I-26

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado  
July 2005

Filed by: \_\_\_\_\_

Date: \_\_\_\_\_

**MILLIKEN  
MUNICIPAL CODE**

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 491 effective August 11, 2004.**

*Remove old pages*

iii  
xv — xviii  
2-1, 2-2  
4-i  
4-5 — 4-7  
5-29, 5-30  
6-11, 6-12  
7-7, 7-8  
10-i, 10-ii  
10-3 — 10-6  
10-33, 10-34  
18-i, 18-ii  
18-5 — 18-8,  
18-9 — 18-12,  
T-11 — T-12  
T-101, T-102  
I-1, I-2  
I-5 — I-8,  
I-11 — I-14

*Insert new pages*

iii  
xv — xviii  
2-1, 2-2  
4-i  
4-5 — 4-7  
5-29, 5-30  
6-11, 6-12  
7-7, 7-8  
10-i, 10-ii  
10-3 — 10-6  
10-33, 10-34  
18-i, 18-ii  
18-5 — 18-8,  
18-9 — 18-22  
T-11 — T-13  
T-101, T-102  
I-1, I-2  
I-5 — I-8,  
I-11 — 14a

Insert this instruction sheet behind the Supplementation tab in the front of the volume. File removed sheets for future reference.

COLORADO CODE PUBLISHING COMPANY  
Fort Collins, Colorado  
September 2004

## 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 *Milliken 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 *Milliken 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 *Milliken 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 *Milliken 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 *Milliken Municipal Code* is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

## PREFACE

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

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

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

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

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

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

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

COLORADO CODE PUBLISHING COMPANY  
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**STATE OF COLORADO  
TOWN OF MILLIKEN, COLORADO**

ORDINANCE NO. 481, 2003

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

*Section 1.* The Code entitled the Milliken Municipal Code published by Colorado Code Publishing Company, consisting of Chapters 1 through 18, 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 Milliken Municipal Code, to the extent of such inconsistency, are hereby repealed.

*Section 3.* The repeal established in Section 2 of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

*Section 4.* The following code is hereby adopted by reference and incorporated in the Milliken Municipal Code. One (1) copy is on file in the Town Clerk's office:

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

*Section 5.* The penalties provided by the Municipal Code of the Town of Milliken are hereby adopted as follows:

**(1) Sec. 1-4-20. General penalty for violation. (Article IV, 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 three hundred dollars (\$300.00) or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-4-30. If the Municipal Court becomes a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00) and such period of imprisonment shall not exceed one (1) year. 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. (Article IV, 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 found liable, 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 three hundred dollars (\$300.00) per violation or count. If the Municipal Court becomes

a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00). 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. 1-4-40. Altering or tampering with Code; penalty. (Article IV, General Penalty)**

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

**(4) Sec. 1-4-50. Penalty for violations of ordinances adopted after adoption of Code. (Article IV, General Penalty)**

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

**(6) Sec. 2-4-130. Additional fines. (Article IV, Municipal Court)**

(a) Imposition of additional fine. After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town or this Code, the Municipal Judge shall add thereto an amount (to be known as the *additional fine*) equal to ten percent (10%) of such fine. The total fine, including the additional fine, may not exceed three hundred dollars (\$300.00). If the Municipal Court becomes a qualified court of record, such maximum fine shall not exceed one thousand dollars (\$1,000.00).

(b) Disposition of proceeds. All proceeds of the additional fine shall be paid into the general fund of the Town, to be used for the purpose of law enforcement training.

**(7) Sec. 2-4-140. Detention and incarceration surcharge. (Article IV, Municipal Court)**

(a) Each person who pleads guilty or no contest to a violation of the Town's ordinances or this Code, or who is found guilty after a trial, shall pay a surcharge of five dollars (\$5.00) to defray the costs incurred by the Town for incarcerating municipal offenders.

(b) The Municipal Court shall assess, and the Town Attorney shall use financially appropriate efforts to collect, the amount of the costs of detention and incarceration from those individuals whose violation of the Town's ordinances or this Code necessitates detention or incarceration.

**(8) Sec. 5-1-320. Penalties. (Article I, Cable Television Franchise)**

For violation of the following provisions of this Article, penalties shall be chargeable to a letter of credit or other security as follows:

(1) For failure to complete CATV system construction in accordance with the plans as submitted by the applicant and as required hereunder unless the Board of Trustees specifically approves the delay by motion or resolution, or when the delay is due to occurrence of conditions beyond the Company's control, the Company shall pay one hundred dollars (\$100.00) per day for each day, or part thereof, the deficiency continues.

(2) For failure to provide data, documents, reports or information, or to cooperate with the Town during an application process for CATV system review, the Company shall pay fifty dollars (\$50.00) per day for each day, or part thereof the violation occurs or continues.

(3) For failure to test, analyze and report on the performance of the system following a request pursuant to this Article, the Company shall pay to the Town fifty dollars (\$50.00) per day for each day, or part thereof, that such noncompliance continues.

(4) For failure to pay a franchise fee when due pursuant to Section 5-1-230, the Company shall pay one hundred dollars (\$100.00) per day, or part thereof, that the violation continues.

(5) For failure to refund the cash deposit as required in Section 5-1-330 within the specified thirty (30) days, the Company shall pay one hundred dollars (\$100.00) per day, or part thereof, that the violation continues.

**(9) Sec. 5-4-50. Penalty clause. (Article IV, 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 provided in Section 5-4-30, said 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 said 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.

**(10) Sec. 6-1-120. Renewals; penalty for nonrenewal. (Article I, Business Licenses)**

Any registrant may make application for a new registration for the succeeding year and pay the required fee therefor on or before the expiration date of any registration issued to him or her for the current year. Whenever any application and registration fee payment therefor is not received on or before the expiration date of any registration issued for the current year and the registrant continues to engage in the business activity for which the registration was issued, a penalty of twenty dollars (\$20.00) shall be imposed and collected. In addition to the above penalty provision, it shall be unlawful for a registrant to continue to engage in any business or activity after his or her registration therefor has expired, and the general penalty provision of the Code shall apply hereto.

**(11) Sec. 6-2-50. Suspension or revocation; fine. (Article II, Alcoholic Beverages)**

(a) Whenever a decision of the Board of Trustees, 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 as set forth in Section 1-4-20 of this Code.

(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 Town Clerk and shall be deposited in the general fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension for that violation which precipitated the disciplinary action.

(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. 6-2-350. Penalty. (Article II, Alcoholic Beverages)**

It is unlawful to operate any malt, vinous or spirituous liquor or fermented malt beverage establishment within the Town without paying the applicable tax imposed by this Division. Any person doing so shall be subject to a fine in a sum not exceeding one hundred dollars (\$100.00). Each day that the delinquency continues shall constitute a separate violation.

**(13) Sec. 8-1-60. Penalties. (Article I, Model Traffic Code)**

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

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

(2) Every person convicted of a violation of any provision stated or adopted in this Article shall be punished by a fine not exceeding three hundred dollars (\$300.00), or by imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment.

**(14) Sec. 10-8-80. Possession of cannabis. (Article VIII, Alcoholic Beverages and Drugs)**

(a) For the purposes of this Section, the term *cannabis* shall include all parts of the plant *Cannabis sativa L.*, whether growing or not; the seed thereof; the resin extracted from any part of such plant; and every compound, manufacture, salt derivative, mixture or preparation of such plant, its seeds or resin; but shall not include the mature stalks of such plant, fiber produced from its stalks, oil or cake, or the sterilized seed of such plant, which is incapable of germination. The term *cannabis concentrate* means hashish, tetrahydrocannabinols or any alkaloid, salt derivative, preparation, compound or mixture, whether natural or synthesized, of tetrahydrocannabinols.

(b) It is unlawful for any person to possess one (1) ounce or less of cannabis or cannabis concentrate, and upon conviction thereof, or plea of guilty or no contest thereto, punishment shall not be by imprisonment, but shall be by a fine of not more than one hundred dollars (\$100.00).

(c) It is unlawful for any person to openly and publicly display or consume one (1) ounce or less of cannabis concentrate, and upon conviction thereof, or a plea of guilty or no contest thereto, punishment shall be as set out in Section 1-4-20 of this Code.

(d) It is unlawful to transfer or dispense not more than one (1) ounce of cannabis concentrate from one (1) person to another for no consideration. Such action shall be deemed possession and not dispensing or sale thereof.

(e) It is unlawful to transfer or dispense not more than one (1) ounce of cannabis concentrate for consideration. Such action shall be considered dispensing or sale thereof.

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

**(15) Sec. 10-12-30. Curfew in parks. (Article XII, Miscellaneous Offenses)**

(a) A curfew is established prohibiting anyone from being in the Town parks for any purpose between the hours of 10:00 p.m. and 5:00 a.m.

(b) Upon application to and approval by the Board of Trustees, this Section may be waived for special events.

(c) Anyone convicted of violating this Section shall be fined not less than twenty-five dollars (\$25.00) for the first offense and not more than one thousand dollars (\$1,000.00) for the second and subsequent offenses.

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

*Section 7.* 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 8.* The Board of Trustees has determined that a complete compilation of the Town's ordinances will allow the Town's citizens and staff to quickly and accurately have access to the current ordinances of the Town, and that an emergency exists which requires the immediate enactment of this Ordinance. This Ordinance shall become effective immediately upon adoption.

INTRODUCED, ADOPTED AND ORDERED PUBLISHED on this 10th day of December, 2003.

TOWN OF MILLIKEN, COLORADO

ATTEST:

(signature)

Linda Measner, Mayor

(signature)

Nanette Fornof, Town Clerk

(SEAL)

APPROVED AS TO FORM:

(signature)

Bruce Fickel, Town Attorney

**TOWN OF MILLIKEN**  
**TABLE OF CONTENTS**

<b>TITLE PAGE</b> .....	i
<b>OFFICIALS OF THE TOWN</b> .....	iii
<b>SUPPLEMENTATION</b> .....	v
<b>PREFACE</b> .....	vii
<b>ADOPTING ORDINANCE</b> .....	ix
<b>TABLE OF CONTENTS</b> .....	xv
<b>Chapter 1 General Provisions</b> .....	1-i
Article I Code	
Article II Definitions and Usage	
Article III General	
Article IV General Penalty	
Article V Inspections	
Article VI Seal	
<b>Chapter 2 Administration and Personnel</b> .....	2-i
Article I Elections	
Article II Mayor and Board of Trustees	
Article III Officers and Employees	
Article IV Municipal Court	
Article V Police Department	
Article VI Human Relations Committee	
Article VII Planning Commission	
Article VIII Tree Committee	
Article IX Open Space and Trails Advisory Committee	
<b>Chapter 3 Reserved</b>	
<b>Chapter 4 Revenue and Finance</b> .....	4-i
Article I Fiscal Year	
Article II General and Special Funds	
Article III Sales Tax	
Article IV Use Tax	
Article V Abandoned, Lost and Stolen Property	
<b>Chapter 5 Franchises and Communication Systems</b> .....	5-i
Article I Cable Television Franchise	
Article II Electric and Gas Franchise	
Article III Electric Franchise	
Article IV Telephone Occupation Tax	
Article V Emergency Telephone Charge	
Article VI Gas Franchise	
<b>Chapter 6 Business Licenses and Regulations</b> .....	6-i

	Article I	Business Licenses	
	Article II	Alcoholic Beverages	
		<i>Division 1 License Requirements</i>	
		<i>Division 2 Special Events Permits</i>	
		<i>Division 3 Occupational Tax</i>	
	Article III	Refuse Collection	
		<i>Division 1 License Regulations</i>	
		<i>Division 2 Waste Materials</i>	
		<i>Division 3 Refuse</i>	
	Article IV	Building Contractor Licenses	
<b>Chapter 7</b>	<b>Health, Sanitation and Animals .....</b>		7-i
	Article I	Administration and Abatement of Nuisances	
	Article II	Nuisances	
	Article III	Weeds and Brush	
	Article IV	Trees	
	Article V	Animal Control	
	Article VI	Water	
	Article VII	Hunting	
<b>Chapter 8</b>	<b>Vehicles and Traffic .....</b>		8-i
	Article I	Model Traffic Code	
	Article II	Vehicle Regulations	
	Article III	Towing, Storage and Impoundment	
	Article IV	Vehicle Weight Restrictions on Roadways	
<b>Chapter 9</b>	<b>Reserved</b>		
<b>Chapter 10</b>	<b>General Offenses.....</b>		10-i
	Article I	General Provisions	
	Article II	Attempt, Conspiracy, Complicity, Accessory	
	Article III	Government and Public Officers	
	Article IV	Streets and Public Places	
	Article V	Public, Personal and Private Property	
	Article VI	Public Peace, Order and Decency	
	Article VII	Minors	
	Article VIII	Alcoholic Beverages and Drugs	
	Article IX	Weapons	
	Article X	Fireworks	
	Article XI	Noise	
	Article XII	Miscellaneous Offenses	
<b>Chapter 11</b>	<b>Streets, Sidewalks and Public Property.....</b>		11-i
	Article I	Streets and Sidewalks	
	Article II	Excavations	
<b>Chapter 12</b>	<b>Reserved</b>		
<b>Chapter 13</b>	<b>Municipal Utilities .....</b>		13-i
	Article I	Legislative Purpose	
	Article II	Water System	
		<i>Division 1 General</i>	
		<i>Division 2 Water Taps</i>	

	<i>Division 3</i>	<i>Service Connection</i>
	<i>Division 4</i>	<i>Establishing an Account</i>
	<i>Division 5</i>	<i>Water Service Charges</i>
	<i>Division 6</i>	<i>Water Billing</i>
	<i>Division 7</i>	<i>Collection</i>
	<i>Division 8</i>	<i>Water System Extensions</i>
	<i>Division 9</i>	<i>Agreements With Other Water-Related Entities</i>
	<i>Division 10</i>	<i>Water Finances</i>
	<i>Division 11</i>	<i>Nonpotable Water Regulations</i>
Article III		Cross Connections
Article IV		Identity Theft Prevention Program

**Chapter 14 Reserved**

**Chapter 15 Reserved**

**Chapter 16 Zoning**.....

Article I	General Provisions
Article II	Community Design Principles and Development Standards
	<i>Division 1</i> <i>General</i>
	<i>Division 2</i> <i>Street Standards</i>
	<i>Division 3</i> <i>Parking</i>
	<i>Division 4</i> <i>Public Property</i>
	<i>Division 5</i> <i>Landscaping Standards</i>
	<i>Division 6</i> <i>Residential Architecture</i>
	<i>Division 7</i> <i>Commercial and Industrial Architecture</i>
	<i>Division 8</i> <i>Development Standards</i>
Article III	Zoning
	<i>Division 1</i> <i>General</i>
	<i>Division 2</i> <i>Zoning Districts and Boundaries</i>
	<i>Division 3</i> <i>Uses by Right and Special Review Uses</i>
	<i>Division 4</i> <i>Supplemental Uses</i>
Article IV	Subdivision Regulations
	<i>Division 1</i> <i>General</i>
	<i>Division 2</i> <i>Subdivision and Plats</i>
	<i>Division 3</i> <i>Rural Subdivisions</i>
	<i>Division 4</i> <i>Additional Plats and Plans</i>
	<i>Division 5</i> <i>Miscellaneous Regulations</i>
Article V	Vesting of Property Rights
Article VI	Enforcement
Article VII	Sign Code
Article VIII	Floodplain Areas
Article IX	Oil and Gas Drilling and Production
Article X	RV Parks
Article XI	Historic Landmarks and Historic Districts
Article XII	Manufactured Home Parks
	<i>Division 1</i> <i>R-M – Mobile Home Community District</i>
	<i>Division 2</i> <i>R-MH – Manufactured Housing Development District</i>
Article XIII	Annexation Procedures

**Chapter 17 Reserved**

<b>Chapter 18</b>	<b>Building Regulations .....</b>	<b>18-i</b>
	Article I    Development Fees	
	<i>Division 1    Capital Improvement Fees</i>	
	<i>Division 2    Water Capital Investment Fees</i>	
	<i>Division 3    Raw Water Impact Fees</i>	
	<i>Division 4    Supplemental Impact Fees</i>	
	<i>Division 5    Administration Fees</i>	
	<i>Division 6    Sewer Capital Investment Fees</i>	
	<i>Division 7    Miscellaneous Provisions</i>	
	Article II    Building Code	
	Article III    Electrical Code	
	Article IV    Mechanical Code	
	Article V    Plumbing Code	
	Article VI    Fire Code	
	Article VII    Dangerous Buildings Code	
	Article VIII    Housing Code	
	Article IX    Energy Codes	
	Article X    Residential Code	
	Article XI    Fuel Gas Code	
<b>TABLES</b>		
	Disposition of Ordinances Table .....	T-1
	Table of Up-to-Date Pages .....	T-101
<b>INDEX</b>	.....	I-1