

HOME RULE CHARTER

AND CODE

OF THE

TOWN OF MINTURN, COLORADO

2008

Published by

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MINTURN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 2-2010, adopted April 7, 2010.**

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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

May 2010

SUPPLEMENT NO. 1

MINTURN MUNICIPAL CODE

Supplementation Instructions

This supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 25-2008, adopted December 3, 2008.**

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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

March 2009

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, 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 "Minturn Municipal Code" is amended by the addition thereto of a new Section 2-1-20, 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 "Minturn 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 2-1-20 of the "Minturn Municipal Code" is repealed in its entirety and readopt to read as follows:

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

or as follows:

Section 2-1-20 of the "Minturn 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 2-1-20 of the "Minturn Municipal Code" is repealed in its entirety.

COLORADO CODE PUBLISHING COMPANY

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MINTURN MUNICIPAL CODE

2008

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

Published by
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Fort Collins, Colorado

PREFACE

The Town of Minturn, a home rule town, has published its Municipal Code in a format which features the following:

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

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

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

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

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

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

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STATE OF COLORADO

TOWN OF MINTURN, COLORADO

ORDINANCE NO. 15-2008

AN ORDINANCE OF THE TOWN OF MINTURN, ADOPTING BY REFERENCE AND ENACTING A NEW MUNICIPAL CODE FOR THE TOWN OF MINTURN; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR THE ADOPTION OF SECONDARY CODES BY REFERENCE; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

Be It Ordained by the Town Council of the Town of Minturn, Colorado:

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

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

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

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

Section 4. The following codes are hereby adopted by reference and incorporated in the Minturn Municipal Code. One (1) copy of each is on file in the Town Clerk's office:

(1) The *International Building Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-1-10, et seq.;

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

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

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

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

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

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

(8) The *International Property Maintenance Code*, 2003 edition, published by the International Code Council, Inc., as adopted and amended in Section 18-8-10, et seq.

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

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

Any person violating any provisions or failing to comply with any of the mandatory requirements of the ordinances of the Town shall be guilty of a misdemeanor. Unless otherwise specifically provided, any person convicted of a violation of any such ordinance shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment. 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 the Town is committed, continued or permitted by any such person, and he or she may be punished accordingly.

(2) Sec. 1-4-30. Minors. (Chapter 1, Article 4, General Penalty)

Any provision of this Article to the contrary notwithstanding, any person who is convicted of a violation of this Code, and who has not attained the age of eighteen (18) years at the time of such conviction, shall not be imprisoned or subject to public work as punishment therefor, provided that a child under the age of eighteen (18) years may be confined as provided in Section 13-10-113, C.R.S.

(3) Sec. 1-4-40. Public work. (Chapter 1, Article 4, General Penalty)

In lieu of the penalties provided in Section 1-4-20 above, the Municipal Judge may require any person convicted of any offense to engage in public work for the Town or for any charity, the terms and conditions thereof to be set forth by the Municipal Judge.

(4) Sec. 2-4-150. Penalties and remedies. (Chapter 2, Article 5, Municipal Court)

(a) Any person convicted of willfully and knowingly violating any provision of this Article shall be punished as provided in Section 1-4-20 of this Code. Additionally, upon conviction, such person shall be liable to the Town for such damages as may have been suffered or incurred as a result of such violation.

(b) Upon conviction for any violation of this Article, such officer or employee shall immediately forfeit his or her office or position. Nothing in this Article shall be construed to prohibit such public officer or employee from being reelected, reappointed or otherwise rehired to any position forfeited under the provisions of this Article.

(c) Any court of competent jurisdiction called upon to enforce the provisions of this Article may, with the consent of the Town Council, exempt from the provisions of this Article

any conduct of a Town officer or employee upon the finding that the enforcement of this Article with respect to such officer's or employee's conduct would not be in the public interest.

(5) Sec. 2-5-20. Jurisdiction; powers; procedures. (Chapter 2, Article 5, Municipal Court)

(a) Jurisdiction of Municipal Court. The Municipal Court shall have original jurisdiction of all cases arising under this Code and other ordinances of the Town, with the authority to punish violators thereof by the imposition of fines and penalties not to exceed one thousand dollars (\$1,000.00) and one (1) year's imprisonment as stated in the Code section or ordinance involved. The procedures of the Municipal Court shall be in accordance with the Municipal Court Rules of Procedure as promulgated by the Colorado Supreme Court.

(b) Exception to jurisdiction. Notwithstanding these provisions, the Municipal Court shall not have jurisdiction over any civil action brought against the Town, including any claim brought pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

(6) Sec. 2-9-50. Violation. (Chapter 2, Article 9, Board of Health)

Any person violating any provision of or failing to comply with any mandatory requirement of any regulations of the Board of Health or of any valid order of the Board of Health or the Health Officer shall be deemed guilty of a violation hereof and, upon conviction thereof, shall be punished in accordance with the provisions of Section 1-4-20 of this Code, plus court costs. Every day during which any violation continues shall be deemed a separate offense.

(7) Sec. 2-9-70. Notification of property owner. (Chapter 2, Article 9, Board of Health)

(a) Whenever the Board of Health directs, the Health Officer shall immediately thereafter notify any owner of property, his or her agent, or any person having charge of such property, in writing that an order has been made by the Board of Health requiring the removal or abatement of any nuisance from such property or premises within thirty (30) days after service of the notice. Such notice shall further inform said person that he or she may within such thirty-day period apply to the Board of Health to protest its declaration of the nuisance. in which case the order shall be stayed until hearing thereon.

(b) If such property owner, agent or person having charge of such property does not remove or abate such nuisance or request a hearing before the Board of Health or if, after the hearing, said person does not remove or abate such nuisance in accordance with the requirements of the order, the Board of Health may order that such nuisance be removed by the Health Officer and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid, provided that, in case of failure to pay such assessment within ten (10) days after the same is made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper of general circulation in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Board of Health will hear any objections as to the correctness of the amount so assessed.

(c) If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer, to be placed by her or him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by the laws of the State.

(8) Sec. 4-3-100. Due dates, delinquencies, penalties and interest. (Chapter 4, Article 3, Real Property Transfer Tax)

The tax imposed under this Article is due and payable at the time the deed, instrument or writing effecting a transfer subject to the tax is delivered, and is delinquent if unpaid within thirty (30) days thereafter. In the event that the tax is not paid prior to becoming delinquent, a delinquency penalty of ten percent (10%) of the amount of tax due shall accrue. In the event a portion of the tax is unpaid prior to becoming delinquent, a delinquency penalty of ten percent (10%) of the amount of tax due shall accrue. In the event a portion of the tax is unpaid prior to becoming delinquent, the penalty shall only accrue as to the portion remaining unpaid. Interest shall accrue at the rate of one percent (1%) per month, or fraction thereof, on the amount of tax, exclusive of penalties, from the date the tax becomes delinquent to the date of payment. Interest and penalty accrued shall become part of the tax.

(9) Sec. 4-4-110. Failure to pay or make return; enforcement. (Chapter 4, Article 4, Lodging Tax)

(a) Lodging provider collects, holds tax monies: All sums of money paid by any lodging customer for lodging services as taxes imposed by this Article shall be and remain public money, the property of the Town, in the hands of such lodging provider, and he or she shall hold the same in trust for the sole use and benefit of the Town until paid to the Treasurer. For failure to so pay such amount to the Treasurer, such lodging provider shall be punished as provided herein.

(b) Failure to make return; penalty:

(1) If a taxpayer neglects or refuses to make a return in payment of the tax as required by this Article within five (5) business days after the same is due, then the Treasurer shall make an estimate, based upon such information as may be available, of the amount of taxes due for the period for which the taxpayer is delinquent and shall add thereto a penalty equal to the sum of fifteen dollars (\$15.00) for such failure or ten percent (10%) thereof, whichever is greater, and interest on such delinquent taxes at the rate of one percent (1%) per month from the time the return was due. If any part of the deficiency is due to fraud with the intent to evade the tax, then there shall be added one hundred percent (100%) of the total amount of the deficiency and, in such case, the whole amount of the unpaid tax, including the additions, shall become due and payable ten (10) days after written notice and demand by the Treasurer, and an additional three percent (3%) per month on said amount shall be added from the date that the return was due until paid.

(2) Promptly thereafter, the Treasurer shall give to the delinquent taxpayer written notice of such estimated taxes, penalty and interest, which notice of assessment shall be personally served or sent by certified mail, return receipt requested, directed to the last address of such person on file with the Finance Department. Such estimate shall

thereupon become a notice of deficiency when personally served or on the date of mailing, when mailed.

(3) If payments are not made by the vendor or person furnishing lodging services within ten (10) days after the furnishing of such written notice or the personal service of notice as provided in this Section, the Treasurer shall cause the Town Attorney to bring an action in law or equity for collection of all taxes due, including, without limitation, and in addition thereto, any and all penalties and interest assessed thereon, the cost of collection and reasonable attorneys' fees incurred in connection therewith.

(10) Sec. 5-1-380. Penalty. (Chapter 5, Article 1, Cable Television System)

Any person committing a violation of this Article shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00), or imprisonment not exceeding one hundred eighty (180) days, or both such fine and imprisonment.

(11) Sec. 5-4-60. Failure to pay; penalty. (Chapter 5, Article 4, Telephone Utilities Tax)

If any telephone utility subject to this Article fails to pay the taxes as provided in this Article, the full amount thereof shall be due and collected from each company, and the same, together with an addition of ten percent (10%) of the amount of taxes due, shall be and is declared to be a debt due and owing from such utility to the Town.

(12) Sec. 5-4-70. Failure to file statement; penalty. (Chapter 5, Article 4, Telephone Utilities Tax)

If any officer, agent or manager of a telephone utility which is subject to the provisions of this Article shall fail, neglect or refuse to file any statement required by this Article within the time prescribed in this Article, such officer, agent or manager shall be punished, on conviction thereof, by a fine of not more than one thousand dollars (\$1,000.00); provided that each day after the statement becomes delinquent during which the officer, agent or manager shall so fail, neglect or refuse to file such statement shall be considered a separate offense.

(13) Sec. 6-1-140. License suspension or revocation. (Chapter 6, Article 1, General Provisions)

(a) Notice of revocation or suspension of a license shall be given in writing setting forth specifically the grounds therefor of complaint. Such notice shall be mailed, postage prepaid, to the licensee at his or her local address as set forth on the application.

(b) In addition to any other additional fees, charges, fines, penalties or remedies herein provided in this Chapter, licenses issued under this Chapter may be suspended or revoked by the Town Administrator at any time for any cause as follows:

(1) The Town Administrator determines that the provisions of this Chapter or the limitations prescribed as condition upon the issuance of the license are violated.

(2) Whenever any licensee fails or refuses to comply with any provision of this Chapter. Such cause shall include, but not be limited to, a failure or refusal to obtain and maintain the insurance required under this Chapter.

- (3) Any violation of this Code, federal or state law or regulations.
- (4) Fraud, misrepresentation or false statement contained in the application for the license.
- (5) Fraud, misrepresentation or false statement made in the course of carrying on business.
- (6) Conviction of any crime or misdemeanor involving moral turpitude.
- (7) Conducting business in an unlawful manner as to constitute a breach of the peace, a public nuisance or a menace to the health, safety or general welfare of the public.

(c) Written appeal of the Town Administrator's action may be made to the Town Council within thirty (30) days of any such action resulting in suspension or revocation of a license or of any conditions attached to the issue or renewal of a license. At the next regular meeting that is at least three (3) days following the receipt of the appeal, the Town Council shall hold a hearing to consider the action of the Town Administrator. After hearing the evidence presented, the Town Council may confirm, reverse or modify the action of the Town Administrator.

(14) Sec. 7-4-20. Abatement procedure. (Chapter 7, Article 4, Refuse)

(a) Whenever the Town Council directs, the Town Administrator or Town Clerk shall immediately thereafter notify any owner of property, his or her agent or any person having charge of such property, in writing, that an order has been made by the Town Council requiring the removal of any accumulated refuse from such property or premises within seven (7) days after service of the notice.

(b) If such property owner, agent or person having charge of such property does not remove such refuse in accordance with the requirement of the order, the Town Council may order that such refuse be removed by the Town Administrator or other agent of the Town Council and assess the cost thereof against the property or premises. The amount so assessed shall be a lien upon such property until the same is paid; provided that in case of failure to pay such assessment within ten (10) days after the same is made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the Town for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Town Council will hear any objections as to the adjustment and correctness of the amount so assessed.

(c) If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer to be placed by him on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

(15) Sec. 7-5-20. Delinquent accounts; legal remedy. (Chapter 7, Article 5, Garbage Collection Service)

(a) In addition to the stoppage of service authorized in Section 7-5-70 above for nonpayment of collection charges, the amount due shall become a lien against said property until the same is paid; provided that in case of failure to pay such assessment within ten (10) days after the same shall be made, the Town Clerk shall cause a notice of such assessment to be given to the owner of such property by publishing in a newspaper in the County for two (2) successive weeks, which publication shall contain a notice to such property owner of the amount assessed against his or her property, and shall designate a time and place when the Town Council will hear any objections as to the adjustment and correctness of the amount so assessed.

(b) If such assessment is not paid within ten (10) days after the time fixed for hearing such objections, and unless the same are sustained, the Town Clerk shall certify such assessment to the County Treasurer, to be placed by him or her on the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten-percent penalty to defray the cost of collection, as provided by state law.

(16) Sec. 7-9-40. Penalties. (Chapter 7, Article 9, Animal Control)

(a) Any violation of any provisions of the adopted resolution which does not result in bodily injury to any person shall be a Class 2 petty offense and a violation of this Article, and upon any conviction thereof shall be punished in accordance with the provisions of Section 1-4-20 of this Code, plus court costs.

(b) The following fines (or penalty assessments) shall apply to such violation and shall be applied either through the penalty assessment procedure of the adopted resolution or by the Court after conviction, in which case the Court shall also assess the appropriate court costs:

- (1) First offense: Forty dollars (\$40.00);
- (2) Second offense: One hundred dollars (\$100.00);
- (3) Third offense: One hundred fifty dollars (\$150.00).

(17) Sec. 7-9-50. Power of Municipal Court. (Chapter 7, Article 9, Animal Control)

In addition to any penalties which may be provided for in this Article for violation of any provisions of this Section, the Municipal Judge shall have the authority, upon making a finding that an animal constitutes a nuisance or that an animal constitutes a real and present danger to the citizens of the Town, to order that the animal be destroyed in a humane fashion.

(18) Sec. 7-9-260. Protection of wildlife. (Chapter 7, Article 9, Animal Control)

(a) The purpose of this Section is to protect and maintain wildlife in the Town and surrounding areas to minimize the risk of dangerous interaction between humans and wildlife.

(b) Definitions.

Resident means any person, firm, corporation or organization within the Town or Town-controlled land.

Wildlife means any undomesticated animal, including but not limited to elk, deer, sheep, lynx, skunks, bears, raccoons, coyotes, beavers, porcupines, mountain lions, bobcats and foxes.

Wildlife-proof refuse container means any refuse container which has been certified to be wildlife proof by the Colorado Division of Wildlife, the U.S. Park Service or the U.S. Forest Service.

Wildlife-resistant refuse container means a fully enclosed metal or plastic container or dumpster with a metal or plastic lid. The lid must have a latching mechanism which prevents access to the contents by wildlife.

(c) Residential refuse disposal.

(1) All residential refuse containers that receive garbage and/or refuse edible by wildlife must either be wildlife-resistant or wildlife-proof or be kept within a fully enclosed and secured structure.

(2) Residents with curbside pickup shall place their refuse containers at the curb, alley or public right-of-way at or after 6:00 a.m. of the morning of the pickup; provided that wildlife-proof containers may be placed curbside after 6:00 a.m. of the day before. After pickup, the containers must be re-secured in an appropriate manner before the end of the same day.

(d) Outdoor special event sites shall be kept free from the accumulation of refuse edible by wildlife. Refuse must be collected from the grounds at the close of each day's activities and shall be deposited into appropriate containers or enclosures secured in a manner to prevent access by wildlife or shall be removed to a disposal site.

(e) All construction sites must have a designated container that receives refuse edible by wildlife or such refuse shall be removed from the site by the end of each day. Such container shall be a wildlife-proof container.

(f) The feeding of wildlife is prohibited.

(1) No person shall intentionally or unintentionally feed or provide food in any manner for wildlife on public or private property within the Town. Persons will be considered to be in violation of this Section if they leave or store any garbage, refuse or food product in a manner that would create an attraction for wildlife.

(2) No person shall leave or store any refuse, food product, pet food, grain or salt in a manner which would constitute a lure, attraction or enticement for wildlife.

(3) Between the dates of April 15 and November 15, all bird feeders must be suspended on a cable or other device so that they are inaccessible to bears, and the area below the feeders must be kept free from the accumulation of seed debris.

(4) This Section shall not apply to:

a. Any individual, company or corporation that is duly licensed by the State or that otherwise entitles him or her under law to possess a wildlife species.

b. Any action that is officially sanctioned by the State that would require feeding, baiting or luring of wildlife. An example of one (1) such action would be scientific projects dealing with the capturing and tagging of wildlife.

c. The feeding of wild birds, unless the bird feeder begins to attract other forms of wildlife.

(g) Violation of any provision of this Section by any person, firm or corporation, whether as owner or occupant, shall be handled in the following manner:

(1) The first violation of this Section will result in a notice of violation to an alleged offender. The alleged offender will be warned and informed of the proper precautions necessary to prevent the feeding of wildlife and the necessary actions to meet the provisions of this Section, which may include, but not be limited to, removal of wildlife attractants, time limits of the placement of curbside refuse containers and use of bear-resistant containers. The notice shall include a reasonable time schedule for compliance. An alleged offender who timely complies with the first notice of violation will not be subject to the penalty provision of this Section.

(2) The second violation of this Section will result in another notice of violation, as well as a summons and complaint. Two (2) notices within a twelve-month period will subject the violator to the penalty provision of this Section. Failure to comply with the first notice within the designated time frame may be deemed a second violation. The second notice of violation shall include a compliance schedule when applicable.

(3) Offenders who have violated this Section more than two (2) times within a twelve-month period or have continued to fail in achieving timely compliance with a previous notice will be subject to a graduated schedule as set forth below.

(h) Penalties:

(1) The graduated fine schedule for the penalty assessment procedure is as follows:

<i>Violation</i>	<i>Fine</i>
First violation	Warning
Second violation within 12 months of the first violation or failure to comply with the designated compliance schedule associated with the first violation	\$150.00—\$250.00
Each successive violation within 12 months of the previous violation or failure to comply with the designated compliance schedule associated with the second or subsequent violation.	\$250.00—\$1,000.00

(2) In addition to the criminal enforcement set forth above, the Town may seek an injunction or other appropriate civil relief to enforce the provisions of this Section.

(i) In addition to the penalties outlined hereinabove, upon order of the Police Department, violators will be required to perform all necessary actions to remove or abate attractions of wildlife. This may include, but shall not be limited to, the removal of bird

feeders or pet food, cleaning or appropriate storage of barbecue grills, and/or the required use of wildlife-resistant containers and/or wildlife-proof containers.

(j) A resident shall be deemed to have been issued an appropriate notice of violation if it is personally served upon the resident, posted on the resident's premises, or placed in the U.S. mail, postage prepaid and addressed to the resident according to the last known address given by the resident to any Town or County government department. If the identity of the resident is not known, the person or entity responsible for payment of the garbage removal services for the subject location will be held responsible for complying with this Section and for any penalties assessed pursuant to the same.

(19) Sec. 8-1-60. Penalties. (Chapter 8, Article 1, 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 adopted in this Article.

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

(20) Sec. 10-8-150. Overnight camping. (Chapter 10, Article 8, Public Peace, Order and Safety)

(a) Public places. It is unlawful for any person to reside overnight in any tent, shelter, mobile home, recreational vehicle, trailer, camper or any other temporary or movable shelter on any public street, way, sidewalk or public place within the Town open for the use of the public, whether publicly or privately owned, including public parking lots.

(b) It is unlawful for any person to reside temporarily on any parcel in the Town not specifically designated therefor, for a period of time longer than forty-eight (48) hours, in any tent, shelter, mobile home, recreational vehicle, trailer, camper or any other temporary or movable shelter that has not been permanently attached to the land and/or received appropriate approvals from the Town. Trying to avoid the intent of this Section by moving the unit a short distance or driving it around the block does not start a new forty-eight-hour period.

(c) A temporary use permit shall be obtained from the Town for any overnight camping for a period of time longer than forty-eight (48) hours. Such application shall be made on forms prescribed by the Town Administrator. In any case, overnight camping shall not be permitted for more than fourteen (14) days in any thirty-consecutive-day period. A temporary use permit issued in accordance with this Section shall conform with all applicable Town ordinances and contain such restrictions deemed appropriate by the Town Administrator, including the following mandatory restrictions:

(1) The mobile home, recreational vehicle, trailer, camper or any other temporary or movable shelter must have current registration, permits and licenses as required by this Code and the State.

(2) Required off-street parking for the residence must not be occupied or blocked for use during the camping period.

(3) Sanitary facilities must be available for use twenty-four (24) hours a day, and the site shall be kept clean and clear from refuse and debris.

(4) Propane tanks and other heating and cooling devices must be properly secured.

(5) No generators are permitted, nor is any equipment permitted that makes unreasonable or excessive noise.

(d) In addition to any penalties provided for herein, any tent, shelter, mobile home, recreational vehicle, trailer, camper or any other temporary or movable shelter placed or parked in violation of this Section shall be subject to removal or towing, after a one-time-only warning by the Town. Such removal or towing shall be done without notice, at the expense of the owner; vehicles towed shall have a lien upon them by the Town or by the tow company for towing and storage charges and shall be held until paid, or sold if the charges are not paid within thirty (30) days.

(21) Sec. 10-11-20. Possession of marihuana. (Chapter 10, Article 11, Drugs and Toxic Vapors)

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

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

(c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than one hundred dollars (\$100.00) and, notwithstanding the provisions of Section 18-1.3-503, C.R.S., by fifteen (15) days in jail.

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

(22) Sec. 13-1-110. Violation and penalty. (Chapter 13, Article 1, General Provisions Regarding Water)

(a) Any person who willfully violates any provisions of this Chapter shall be fined not to exceed one thousand dollars (\$1,000.00) for each offense or punished by imprisonment not

exceeding one (1) year, or by both such fine and imprisonment, for each offense. Each day any person is in violation of any provision of this Chapter shall constitute a separate offense.

(b) Any activity or use which is continued, operated or maintained contrary to any provision of this Chapter is unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation, in which event the Town shall be entitled to recover court costs and its reasonable attorney's fees.

(c) In addition to, or as an alternate to, Municipal Court prosecution or filing a civil action under state or federal law, the Town may, upon five (5) days' prior written notice to the customer, abate any violation of this Chapter or cause it to be abated. The Town may charge the cost of such abatement to the customer, to be recovered in the same manner as unpaid water or sewer utility charges, as provided under state law or this Code.

(d) The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(23) Sec. 13-2-110. Control of hazardous cross-connections. (Chapter 13, Article 2, Water Service Applications and Connections)

(a) The Town administers and maintains a program for the prevention and control of hazardous cross-connections. The Town administers this program with the authority and guidelines established by Sections 25-1-114 and 25-1-114.1, C.R.S., Article 12 of the Colorado Primary Drinking Water Regulations, and the *Colorado Cross-Connection Control Manual* ("Manual") (among other authority). The Town shall use, at a minimum, the most current edition of the Manual as the guidance document for implementation of the cross-connection control program. The customer is responsible for complying with all applicable cross-connection control regulations.

(b) An approved backflow prevention device shall be installed on all commercial, industrial and mixed usage properties and all fire sprinkler systems, to protect the public water system from potential cross-connection contamination.

(c) By law, residential properties are required to have a backflow prevention device (e.g., a double-check valve assembly). If the residential property does not contain or present potential hazards to the public water system, the Town does not require an annual inspection but may require testing of the double-check valve assembly or other backflow preventer, at intervals set by the Town. Such hazards include, but are not limited to, home photo labs, solar power systems connected to the water system or auxiliary wells.

(d) Any backflow preventer which is currently installed but not approved by a certified cross-connection control technician shall be replaced with an approved assembly at the time it fails an operational test.

(e) Backflow prevention devices are to be installed in an accessible location, to facilitate maintenance, testing and repair.

(f) The backflow prevention device shall be consistent with the degree of hazard posed by the uncontrolled cross-connection. Approved backflow preventers that provide containment shall be installed on all new service connections, and shall be located downstream of the water meter, prior to any other connections. Single-check valves shall not be considered backflow

prevention and shall not be permitted. Backflow prevention assembly valves are not to be used as the inlet or outlet valve of the water meter. Test cocks are not to be used as supply connections. Double-check type backflow prevention assemblies shall not be permitted on systems containing glycol.

(g) Backflow preventers installed on fire sprinkler systems must meet the requirements of the local Fire Department Building Official and shall be reduced-pressure assemblies that provide full containment or isolation when the systems contain glycol or antifreeze. The reduction of pressure through these devices must be incorporated into the design of the fire sprinkler system.

(h) Backflow preventers shall be installed in accordance with the Manual and any requirements of the Town. Backflow preventers shall only be installed by a licensed master plumber or a licensed plumber or cross-connection control technician working directly under the supervision and authority of a licensed master plumber. Backflow preventers shall be inspected and approved by the Town's designated cross-connection control technician. The Town reserves the right to require the replacement or modification of any backflow preventer that the Town's designated cross-connection control technician deems to present a potential hazard to the public water system.

(i) Except as otherwise provided for residential installations in Subsection (c) above, all backflow preventers shall be tested and maintained as necessary on installation, and at least annually thereafter, by a certified cross-connection control technician. The customer must ensure that all initial and annual testing is completed. Test results must be submitted to the Town on the Town's form, and all information on the form must be completed and legible. The customer must also maintain accurate records of all tests, inspections and repairs for at least three (3) years.

(j) All costs for the design, purchase, installation, maintenance, repair, inspection and testing of backflow preventer preventers shall be borne by the customer.

(k) Colorado law prohibits uncontrolled cross-connections. The requirements of this Section apply regardless of the age of the water-using unit or the service connection.

(l) Violations:

(1) Failure of the customer to cooperate in the installation, maintenance, testing or inspection of required backflow preventers shall be grounds for the discontinuance of water service to the water-using unit or the requirement for an air-gap separation from the public water system.

(2) Service of water to any premises may be discontinued by the Town if unprotected cross-connections exist on the water-using unit. When any defect is found in an installed backflow preventer, or if the backflow preventer has been removed or bypassed, the water service may be discontinued. Service shall not be restored until such conditions or defects are corrected.

(3) Discontinuance of service may be summary, immediate and without written notice whenever, in the judgment of the Town's designated cross-connection control

technician or the Public Works Director, such action is necessary to protect the public water supply or the distribution system.

(4) If disconnection of water service is not feasible, the Town may fine the customer an amount not to exceed five hundred dollars (\$500.00) per day for any or all days the cross-connection is uncontrolled.

(24) Sec. 13-6-100. Violation and penalty. (Chapter 13, Article 6, Watershed Protection Plan)

(a) *Offense.* Any person who willfully violates any provisions of this Chapter shall be fined not to exceed one thousand dollars (\$1,000.00) for each offense or punished by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, for each offense. Each day any person is in violation of any provision of this Chapter shall constitute a separate offense.

(b) *Actions.* Any activity or use which is continued, operated or maintained contrary to any provision of this Chapter is unlawful. The Town may institute injunction, abatement or any other appropriate action to prevent, enjoin, abate or remove such violation, in which event the Town shall be entitled to recover court costs and its reasonable attorney's fees.

(c) *Remedies.* The remedies herein provided shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

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. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED, READ BY TITLE, APPROVED ON THE FIRST READING, APPROVED AND ORDERED PUBLISHED IN FULL THE 2nd DAY OF JULY, 2008. A public hearing on this ordinance shall be held at the regular meeting of the Town Council of the Town of Minturn, Colorado, on the 16th day of July, 2008, at 7:00 p.m. in the Minturn Town Center in the Town of Minturn, Colorado.

TOWN OF MINTURN, COLORADO

ATTEST:

/s/ _____
Mayor

/s/ _____
Town Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 20th day of August, 2008.

TOWN OF MINTURN , COLORADO

ATTEST:

/s/ _____
Mayor

/s/ _____
Town Clerk

(SEAL)

APPROVED AS TO FORM:

/s/ _____
Town Attorney

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