

**HOME RULE CHARTER**  
**AND CODE**  
**OF THE**  
**CITY OF RIFLE, COLORADO**

2005

Published by

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**OFFICIALS**  
of the  
**CITY OF RIFLE**

*Mayor*  
Keith Lambert

*Mayor Pro Tem*  
Alan Lambert

*City Council*  
Beth Bascom  
Jay Miller  
Jonathan Rice  
Jen Sanborn  
Jeanette Thompson

*City Manager*  
John Hier

*City Clerk*  
Wanda Nelson

*City Attorney*  
Loyal Leavenworth

Supplement No. 3

RIFLE MUNICIPAL CODE  
Supplementation Instructions

This Supplement contains all changes to Appendix A necessary per the automatic annual rate adjustments previously established in Ordinance Nos. **1-2004, 19-2006 and 6-2007**.

*Remove old pages*

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T-101, T-102

*Insert new pages*

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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**  
June 2008

Supplement No. 2

RIFLE MUNICIPAL CODE  
Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 1, Series of 2008, adopted February 8, 2008.**

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**COLORADO CODE PUBLISHING COMPANY**  
**Fort Collins, Colorado**  
April 2008

Supplement No. 1

RIFLE MUNICIPAL CODE  
Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. 43, Series of 2006, adopted January 12, 2007.**

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

## 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 behind the Supplementation tab, ahead of 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 "Rifle 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 "Rifle 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 "Rifle 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 "Rifle 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 "Rifle Municipal Code" is repealed in its entirety.

**CITY OF RIFLE**

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**CITY OF RIFLE**

**HOME RULE CHARTER**

**1963**

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**RIFLE**

**MUNICIPAL**

**CODE**

**2005**

A Codification of the General Ordinances  
of the City of Rifle, Colorado,  
A Home Rule Municipality

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## PREFACE

The City of Rifle, 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 *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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**CITY OF RIFLE**

**ORDINANCE NO. 04  
SERIES OF 2005**

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

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

*Section 1.* The Code entitled *The Rifle 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 Rifle 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 adopted by reference and incorporated in the Rifle Municipal Code. One (1) copy of each is on file in the City Clerk's office:

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

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

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

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

(5) The *International Plumbing 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.; and

(7) The *Uniform Code for the Abatement of Dangerous Buildings*, 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-7-10 et seq.

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

**(1) Sec. 1-4-20. General penalty for violation. (General Provisions — General Penalty)**

(a) Any person who violates or fails to comply with any provision of this Code or any rule or regulation promulgated thereunder, for which a different penalty is not specifically provided, shall, upon conviction thereof, be punished by a fine of not more than one thousand dollars (\$1,000.00), by incarceration not to exceed one (1) year, or by both such fine and incarceration, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorney fees.

(b) Each day such violation continues shall be considered a separate offense.

**(2) Sec. 1-4-30. Application of penalties to juveniles. (General Provisions — General Penalty)**

(a) For the purposes of this Section, a *minor offender* is defined as any person accused of an offense contrary to this Code who, on the date of the alleged offense, was at least ten (10) years of age, but not yet eighteen (18) years of age.

(b) Except as to alleged violations of the Model Traffic Code, as adopted by reference in Chapter 8 of this Code, any minor offender convicted of or pleads guilty or nolo contendere to a violation of this Code shall be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation or count, unless otherwise provided by the specific section alleged to have been violated. 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. Any minor offender convicted or found liable for violating any provision of the Model Traffic Code as adopted in Chapter 8 of this Code may be punished by a fine of not more than one thousand dollars (\$1,000.00), by incarceration not to exceed ninety (90) days, or by both such fine and incarceration.

(c) Nothing contained in this Code shall be construed to abrogate, abolish or otherwise limit the power of the Municipal Court to incarcerate a minor offender for contempt of court, whether by failure to obey a summons, subpoena or other lawful order of the court, including an order to pay a fine, or by personal conduct before the court. In addition, the Municipal Court may incarcerate a minor offender for violation of probation conditions imposed by the court. The Municipal Court shall have authority to order a minor offender confined in a juvenile detention facility operated or contracted by the Department of Institutions. If a juvenile facility is not available, or is not located within the County or within forty (40) miles of the County Jail, the minor offender may be confined in an adult facility so long as he or she is separated from adult offenders as required by Section 19-2-204(4), C.R.S. Any confinement of a child for contempt of Municipal Court or for violation of probation conditions shall not exceed forty-eight (48) hours.

(d) Upon the request of the Municipal Court, the prosecuting attorney or the defendant, the Municipal Court Clerk shall issue a subpoena for the appearance, at any and all stages of the court's proceedings, of the parent, guardian or lawful custodian of any child under eighteen (18) years of age who is charged with an offense under this Code.

(e) The Municipal Judge may promulgate such rules or orders regarding the procedural processing of minor offenders appearing before the Municipal Court as he or she may, from time to time, deem appropriate.

**(3) Sec. 2-4-230. Fees and costs. (Administration & Personnel — Municipal Court)**

....

(c) Surcharge. In addition to any docket fee or other costs imposed by this Section, a surcharge of the fine imposed for violation of all municipal ordinances, including ordinance violations under the Model Traffic Code, is hereby levied in an amount set forth in Appendix A to this Code on each Municipal Court action resulting in a conviction, plea of guilty or no contest, or in a deferred judgment and sentence, which municipal ordinance violation is charged pursuant to City ordinances. All calculated surcharge amounts resulting in dollars and cents shall be rounded to the nearest whole dollar. In the event a portion of the fine is suspended, the surcharge shall be computed based on the amount of the fine as suspended. The defendant shall pay such surcharge to the Court Clerk at the time the fine is paid, whether the defendant appears in court or pays the fine through the mail. The Clerk shall deposit the money so received in the fund, and all such surcharges collected shall be used exclusively for training City police officers in the performance of their duties.

....

**(4) Sec. 2-4-250. Contempt power. (Administration & Personnel — Municipal Court)**

(a) When the Court finds any person to be in contempt, the Court may vindicate its dignity by imposing on the contemnor a fine not to exceed one thousand dollars (\$1,000.00) and imprisonment not to exceed a term of ten (10) days.

(b) In cases of indirect contempt, the alleged contemnor shall have all the rights, privileges, safeguards and protections of a defendant in a petty offense case, including but not limited to a formal written complaint, arraignment and trial by jury.

**(5) Sec. 4-2-240. Motor vehicles and trailers. (Revenue & Finance — Retail Sales & Use Tax)**

(a) It is unlawful to register a motor vehicle in violation of the provisions of Section 42-6-137(2), C.R.S.

(b) Any person who causes a motor vehicle to be registered in violation of the provisions of Section 42-6-137(2), C.R.S., in addition to any other penalties provided by law, shall be assessed a civil penalty of five hundred dollars (\$500.00) pursuant to the authority granted in Section 42-6-137(4), C.R.S. This civil penalty shall be assessed as follows:

(1) When the Finance Director determines on such information as is available that a person has caused a motor vehicle to be registered in violation of the provision of Section 42-6-137(2), C.R.S., the Finance Director shall provide such person with a penalty assessment. If the City Treasurer has also determined pursuant to this Article that sales or use taxes are due to the City on the purchase of such motor vehicle, the penalty assessment may be included in the notice of deficiency.

(2) Such person shall pay the penalty assessment within the same time period provided pursuant to this Article for any amount due upon a notice of deficiency, unless the person files a protest in the manner provided in the following Paragraph.

(3) If the taxpayer desires to protest a penalty assessment, such person shall file a written protest with the Finance Director within the same time period prescribed for

protesting a notice of deficiency. The protest shall set forth the facts which show that a violation of Section 42-6-137(2), C.R.S., did not occur. The Finance Director shall issue a written decision affirming or withdrawing the penalty assessment within the same time period and in the same manner as a protest of notice of deficiency. If the decision affirms the civil penalty assessment, the person shall pay the penalty assessment within the same period as provided in this Article for payment of any amount due pursuant to a notice of deficiency.

(4) The person may seek judicial review of the City Treasurer's decision pursuant to Rule 106, C.R.C.P. Judicial review shall be unavailable if the person failed to file a timely protest.

(5) The Finance Director may enforce collection of unpaid penalty assessment notices in the same manner as for collection of unpaid taxes, penalties or interest.

(6) Nothing contained in this Section shall preclude the collection of any tax or fee provided by law, the collection of any penalties or interest thereon provided by law or the imposition of any other civil or criminal penalty provided by law for the violation hereof.

**(6) Sec. 4-2-350. Tax overpayments and deficiencies. (Revenue & Finance — Retail Sales & Use Tax)**

(a) An application for refund of tax moneys paid in error or by mistake shall be made within three (3) years after the date of purchase, storage, use or consumption of the goods for which the refund is claimed. If the Finance Director determines within three (3) years of the due date that a vendor overpaid sales tax, he or she shall process a refund or allow a credit against a future remittance from the same taxpayer. If the amount paid is less than the amount due, the difference, together with interest, shall be paid by the vendor within ten (10) days after receiving written notice and demand from the Finance Director. The Finance Director may extend that time for good cause.

(b) If any part of the deficiency is due to negligence or intentional disregard of regulations but without intent to defraud, there shall be added ten percent (10%) of the total amount of the deficiency, together with interest, from the person required to file the return. If any part of the deficiency is due to fraud with the intent to evade the tax, there shall be added fifty percent (50%) of the total amount of the deficiency; and, in such case, the whole amount of the tax unpaid, including the additions, shall become due and payable ten (10) days after written notice and demand by the City Treasurer.

(c) Interest on underpayment, nonpayment or extensions of time for payment of tax. If any amount of sales or use tax is not paid on time, interest shall be paid for the period from the due date to the date paid. Interest shall be paid upon notice and demand and shall be assessed, collected and paid in the same manner as the tax to which it is applicable.

(d) When interest is required or permitted to be charged under any provision of this Article, the annual rate of interest shall be that established by the Colorado State Commissioner of Banking pursuant to Section 39-21-110.5, C.R.S.

**(7) Sec. 6-3-490. Civil penalties. (Business Licenses & Regulations — Adult Entertainment Establishments)**

In addition to or in lieu of the penalties that may be otherwise imposed, the Licensing Officer may assess the following civil penalties:

(1) A person who operates or attempts to operate an adult bookstore, adult cabaret, adult motel, adult arcade, massage parlor, adult motion picture theater, adult theater or peep booth without having first obtained a license under this Article may be assessed a civil penalty of up to three hundred dollars (\$300.00).

(2) An applicant for a license under this Article, and any officer, director, partner, agent or attorney of such an applicant, who knowingly makes a false statement or provides false information on any document or paper accompanying and forming a part of such application, shall be assessed a civil penalty of up to two hundred dollars (\$200.00) for each such false statement or false item of information.

(3) A licensee or employee who fails or refuses to renew his or her license within the period granted herein may be assessed a civil penalty of up to fifty dollars (\$50.00) for each day beyond said period that said refusal or failure continues, but not to exceed three hundred dollars (\$300.00) for each refusal or failure.

(4) A licensee and any agent, officer, servant or employee of a licensee who maintains a nuisance on the licensed premises or permits the licensed premises to be unsanitary or unsafe may be assessed a civil penalty of up to one hundred dollars (\$100.00) for each day that the nuisance or unsafe or unsanitary condition continues.

(5) A licensee who moves his or her licensed premises without approval by the Licensing Officer or who changes the name of his or her business without notifying the Licensing Officer may be assessed a civil penalty up to three hundred dollars (\$300.00).

(6) A licensee or employee who does not keep the records and make the reports required by any of the agencies herein may be assessed a civil penalty of up to fifty dollars (\$50.00) for each violation.

(7) A licensee and any agent, officer, servant or employee of a licensee who fails to correct violations of the general and applicable special requirements for the licensed premises may be assessed a civil penalty of up to two hundred dollars (\$200.00) for each violation observed and not corrected within the period prescribed by the Licensing Officer, the Building Official or the Fire Chief, as the case may be.

(8) Any person who aids or participates in a violation for which a civil penalty may be assessed under this Article shall be considered a principal in the violation and may be assessed a civil penalty of up to the maximum amount prescribed for that violation.

(9) Nothing herein contained shall prevent or restrict the City from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include but shall not be limited to an equitable action for injunctive relief or an action at law for damages. All remedies and penalties provided for herein shall be cumulative and independently available to the City, and the City shall be authorized to pursue any and all remedies set forth in this Section to the full extent allowed by law.

**(8) Sec. 6-7-70. Payment and interest. (Business Licenses & Regulations — Refuse Haulers)**

(a) Statements for refuse collection service shall be provided to customers at intervals established by the City Manager and ratified by resolution of the City Council; however, billing

intervals shall not be more frequent than monthly nor less frequent than quarterly. Statements shall include any additional charges, tolls, fees and assessments related to refuse collection service, such as late payment penalties, duplicate bill fees and other charges. Whenever possible, statements for refuse collection service charges will be directed to the owner of premises served rather than the occupant. In no event shall the City bill the owners of individual units within a multiple-unit building unless each unit has separate refuse collection service.

(b) Statements shall be mailed before the specified billing period and shall be payable by the twenty-fifth day of the month. Amounts outstanding after the twenty-sixth day of the month shall accrue interest at the rate of one and one-quarter percent (1¼%) per month.

**(9) Sec. 7-1-190. Judgment; relief. (Health, Sanitation & Animals — Administration & Abatement of Nuisances)**

(a) The judgment in an action to abate a public nuisance may include a permanent injunction to restrain, abate and prevent the continuance or reoccurrence of the nuisance. The Municipal Court may grant declaratory relief, mandatory orders or any other relief deemed necessary to accomplish the purposes of the injunction and enforce the same, and the Court may retain jurisdiction of the case for the purpose of enforcing its order.

(b) The judgment in an action to abate a public nuisance may include an order directing the Chief of Police or any police officer to seize and close the public nuisance, and to keep the same effectually closed until further order of the Court, not to exceed one (1) year.

(c) The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to other injunctive relief, an order requiring the removal, correction or other abatement of a public nuisance, in whole or in part by the owner or operator of the public nuisance.

(d) The judgment in an action to abate a public nuisance may include, in addition to or in the alternative to any other relief authorized by the provisions of this Article, the imposition of a fine of not more than one thousand dollars (\$1,000.00), conditioned upon failure or refusal of compliance with the orders of the Court within any time limits therein fixed.

**(10) Sec. 7-4-80. Collection of assessments. (Health, Sanitation & Animals — Weeds & Brush)**

(a) The owner of the property identified in the notice of assessment shall be personally liable for the amount of the assessment and shall pay the same in full within thirty (30) days after the mailing or delivery of the notice. If the landowner fails to pay the same in full within thirty (30) days, an additional penalty shall be added to the amount of the assessment equal to ten percent (10%) of the actual costs of abatement.

(b) The assessment shall be a lien against each lot or tract of land until paid and shall have priority over all other liens except general taxes and prior special assessments.

(c) If the amount remains unpaid, the City Treasurer may certify the amount of the assessment to the County Treasurer, to be placed upon the tax list for the current year and collected in the same manner as other taxes are collected, as provided by state statutes and this Code. All of the laws of the State concerning the assessment and collection of general property taxes, including the laws regarding the sale of property for taxes and redemption thereof, shall apply to and have full effect for the collection for any such assessments.

(d) The City shall be entitled to interest on all unpaid assessments, costs, penalties and fines under this Article at the rate of twelve percent (12%) per annum.

**(11) Sec. 7-4-90. Violation; penalty. (Health, Sanitation & Animals — Weeds & Brush)**

It shall be unlawful for any person to fail to comply with the terms of any notice issued pursuant to the provision of Section 7-4-50; to refuse to permit an inspection pursuant to the provisions of Section 7-4-40; or to fail to remove cut plants as provided by Section 7-4-30. Violation of any of the provisions of these Sections is a Class A municipal offense, and the person violation these Sections shall also be ordered to pay restitution to the City for any costs incurred by the City in abating the weeds pursuant to this Article. The City may seek reimbursement of its abatement costs through an order of restitution pursuant to this Section or through an assessment as described above, or both; provided, however, that the combined amount of restitution actually paid plus the amount of the assessment shall not exceed the City's actual costs of abatement, plus fifteen percent (15%). Nothing in this Section shall prohibit the City from collecting interest on all unpaid amounts at the rate of twelve percent (12%) per annum. Every day that a violation of this Article continues shall be construed as a separate violation. An offense under this Article shall be deemed civil in nature and shall not give rise to a right to trial by jury.

**(12) Sec. 7-6-20. Penalties. (Health, Sanitation & Animals — Animals)**

(a) Except as otherwise provided for in this Section, any person who violates any provision of this Article shall be deemed to have committed a noncriminal animal control infraction. Every person who is convicted of, who admits liability for or against whom a judgment is entered for a noncriminal animal control infraction shall be penalized by imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than one hundred dollars (\$100.00), unless otherwise specified. The Municipal Judge shall promulgate a schedule of penalties for all noncriminal animal control infractions contained in this Article. Such schedule shall be prominently posted in the office of the Court Clerk.

(b) Any person who violates any of the following provisions of this Article shall be guilty of a Class A municipal offense:

- (1) Section 7-6-150, running at large prohibited, third and subsequent offenses only.
- (2) Section 7-6-170, damage to property.
- (3) Section 7-6-220, vicious animals unlawful.
- (4) Section 7-6-410, cruelty to and neglect of animals prohibited.

**(13) Sec. 7-6-150. Running at large. (Health, Sanitation & Animals — Animals)**

(a) It is unlawful for any person who is the owner of any dog to have, keep or harbor a dog which runs at large. It shall be an affirmative defense to a prosecution for the violation of this Section that the dog was actually working livestock, locating or retrieving wild game in season for a licensed hunter, acting as a guide dog for a developmentally disabled person, assisting law enforcement officers or being trained for any one (1) of these pursuits.

(b) Every person found liable for a violation of this Section shall be punished upon a first complaint by a fine of not less than twenty-five dollars (\$25.00) nor more than one thousand dollars (\$1,000.00). Every person found liable for a violation of this Section shall be punished upon a second judgment within one (1) year by a fine of not less than fifty dollars (\$50.00), nor

more than one thousand dollars (\$1,000.00). Every person convicted of a violation of this Section shall be punished upon a third or subsequent judgment or complaint within one (1) year by a fine of not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), by imprisonment not to exceed one (1) year, or by both such fine and imprisonment. The minimum fines provided for the first, second, third or subsequent violations are mandatory, and the Court shall have no discretion to suspend the fine therefor.

(c) Any dog found to be running at large more than three (3) times in one year may be impounded and destroyed as provided in this Article.

(d) It is unlawful for the owner or any person in charge of any livestock knowingly to cause or permit such livestock to run at large within the City limits. Any person found guilty of violating the provision of this Section shall be punished by a fine of not more than two hundred fifty dollars (\$250.00), or by imprisonment for not more than six (6) months.

**(14) Sec. 8-1-130. Penalties for violation. (Vehicles & Traffic — Model Traffic Code)**

Section 1701 of the adopted code is amended to read as follows:

**"1701. Municipalities – traffic offenses classified – schedule of fines.**

"(1) Except as otherwise provided for in this section, any person who violates any provision of the Model Traffic Code shall be deemed to have committed a noncriminal traffic offense. Every person who is convicted of, who admits liability for, or against whom a judgment is entered for, a noncriminal traffic offense shall be penalized by imposition of a fine in an amount not less than \$5.00 and not greater than \$100.00. The presiding Judge of the Municipal Court shall promulgate a schedule of penalties for all noncriminal traffic offenses contained in the Model Traffic Code. Said schedule shall be prominently posted in the office of the Municipal Court Clerk.

"(2) A violation of any of the following provisions of the Model Traffic Code shall be a criminal offense. Every person convicted of violating any of the following provisions of the Model Traffic Code shall be punished by a fine of not more than \$1,000.00 or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

"(a) Section 1903 – Stopping for school buses.

"(b) Section 1101 – Speeding (the alleged violator is accused of exceeding the prima facie speed limit by more than 19 miles per hour).

"(c) Section 1105 – Speed contests.

"(d) Section 1401 – Reckless driving.

"(e) Section 1402 – Careless driving (the violation has caused, or contributed to the cause of, an accident resulting in appreciable damage to property of another or an injury or death to any person).

"(f) Section 1413 – Eluding or attempting to elude police officer.

"(g) Section 1409 – Compulsory insurance.

"(h) Any other offense contained in the Model Traffic Code resulting in an accident causing personal injury or substantial property damage."

**(15) Sec. 8-2-20. Abandonment of vehicles prohibited; penalty. (Vehicles & Traffic — Abandoned & Inoperable Vehicles)**

No person shall knowingly abandon any vehicle upon public property or upon private property other than his or her own. The first time a person violates this Section in any consecutive twelve-month period shall be deemed to have committed a noncriminal offense. Every person who is convicted of, who admits liability for or against whom a judgment is entered for this noncriminal offense shall be penalized by imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than one hundred dollars (\$100.00). The Municipal Judge shall promulgate a schedule of penalties for this noncriminal offense, and said schedule shall be prominently posted in the office of the Municipal Court Clerk. Any second and subsequent violation of this Section by any person in a consecutive twelve-month period shall be deemed a Class B municipal offense. Each day or portion thereof during which such violation continues shall be deemed to constitute a separate offense.

**(16) Sec. 8-2-30. Inoperable vehicles prohibited; penalty. (Vehicles & Traffic — Abandoned & Inoperable Vehicles)**

(a) No person shall knowingly leave any partially dismantled, wrecked, discarded, inoperable or unlicensed vehicle on any public property within the City.

(b) It is unlawful for any person who is the owner of any vehicle or any person who is in the charge or control of any property within the City, whether as owner, tenant, occupant, lessee or otherwise, to knowingly permit or allow a wrecked, inoperable, unlicensed or discarded vehicle to remain on such property longer than thirty (30) days; provided, however, that this Subsection shall not apply with regard to a vehicle in an enclosed building; a vehicle on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise; or a vehicle in an appropriate storage place or depository maintained for impounded vehicles by the City.

(c) The first time a person violates this Section in any consecutive twelve-month period shall be deemed to have committed a noncriminal offense. Every person who is convicted of, who admits liability for or against whom a judgment is entered for, this noncriminal offense shall be penalized by imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than one hundred dollars (\$100.00). The Municipal Judge shall promulgate a schedule of penalties for this noncriminal offense, and said schedule shall be prominently posted in the office of the Municipal Court Clerk. Any second and subsequent violation of this Section by any person in a consecutive twelve-month period shall be deemed a Class B municipal offense. Each day or portion thereof during which such violation continues shall be deemed to constitute a separate offense.

**(17) Sec. 10-1-40. Penalties. (General Offenses — General Penalties)**

(a) All municipal misdemeanor offenses are divided into three (3) categories of municipal offenses. The classification and maximum penalties for each offense are as follows:

Class	Maximum Fine	Maximum Imprisonment
A	\$1,000.00	One Year
B	\$500.00	Six Months
C	\$100.00	None

(b) If an offense carries a specific penalty, that penalty shall apply.

(c) Any offense not otherwise classified which does not carry a specific penalty is denominated as a Class A Municipal Offense.

**(18) Sec. 10-2-110. Escapes. (General Offenses — Government & Public Officers)**

(a) A person commits a Class A municipal offense if, while being in custody or confinement and held for or charged with a municipal offense or while being in custody or confinement under a sentence following conviction of a municipal offense, he or she knowingly escapes from said place of custody or confinement.

(b) Upon conviction of the offense of escape, said person shall be punished by imprisonment in the county jail for not less than one (1) month nor more than one (1) year. Any sentence imposed following conviction of this offense shall run consecutively and not concurrently with any sentence which the offender was serving at the time of the escape.

**(19) Sec. 10-2-120. Attempting to escape.. (General Offenses — Government & Public Officers)**

If a person, while in custody or confinement and held for or charged with a municipal offense or while in custody or confinement following conviction of a municipal offense, knowingly attempts to escape from said custody or confinement, he or she is guilty of a Class A municipal offense, and, upon conviction thereof, shall be punished by imprisonment in the county jail for not less than one (1) month nor more than one (1) year. Any sentence imposed pursuant to this Section shall run consecutively with any sentences being served by the offender.

**(20) Sec. 10-4-100. Littering.. (General Offenses — Public, Private & Personal Property)**

(a) Any person who knowingly deposits, throws or leaves any litter on any public or private property or in any waters, or permits the same, commits the Class C municipal offense of littering.

.....

(d) Littering is punishable, upon conviction, by a fine of twenty dollars (\$20.00) if only one (1) item is deposited, thrown, or left. If two (2) or more items are thrown, deposited or left, said offense shall be punishable, upon conviction, by a fine of not less than twenty-five dollars (\$25.00).

(e) It is in the discretion of the court, upon the conviction of any person and the imposition of a fine under this Section, to suspend the fine upon the condition that the convicted person gather

and remove from specified public property or specified private property, with prior permission of the owner or tenant in lawful possession thereof, any litter found thereon.

....

**(21) Sec. 10-8-90. Purchase or possession of alcoholic or fermented malt beverages by minors. (General Offenses — Alcoholic Beverages & Drugs)**

(a) Any person under twenty-one (21) years of age who possesses or consumes ethyl alcohol anywhere in the City commits illegal possession or consumption of ethyl alcohol by an underage person. Illegal possession or consumption of ethyl alcohol by an underage person is a strict liability offense.

....

(d) The court, upon sentencing a defendant pursuant to this Section may, in addition to any fine, order that the defendant perform up to twenty-four (24) hours of useful public service, subject to the conditions and restrictions of Section 16-11-701 C.R.S., and may further order that the defendant submit to and complete an alcohol evaluation or assessment and alcohol education program, or an alcohol treatment program, at such defendant's own expense.

....

**(22) Sec. 10-8-130. Possession of marijuana. (General Offenses — Alcoholic Beverages & Drugs)**

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

(b) Whenever a person is arrested or detained for a violation of Subsection (a) above, the arresting or detaining officer shall prepare a written notice or summons for such person to appear in court. The written notice or summons shall contain the name and address of such arrested or detained person, the date, time and place where such person shall appear and a place for the signature of such person indicating the person's written promise to appear on the date and at the time and place indicated on the notice or summons. One (1) copy of said notice or summons shall be given to the person arrested or detained, one (1) copy shall be sent to the Municipal Court and such other copies as may be required by the Police Department shall be sent to the places designated by the Police Department. The date specified in the notice or summons to appear shall be at least five (5) days after such arrest or detention 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. Any person who does not honor such written promise to appear commits the offense of failure to appear and, upon conviction, shall be punished as set forth in Section 1-4-20 of this Code.

(c) Any person who openly and publicly displays, consumes or uses not more than one (1) ounce of marijuana commits an offense and, upon conviction thereof, shall be punished, at a minimum, by a fine of not less than one hundred dollars (\$100.00) or, at a maximum, by a fine of not more than three hundred dollars (\$300.00) and, notwithstanding the provisions of Subsection (b) above, by fifteen (15) days in jail.

(d) A violation of this Section is a Class A municipal offense. Penalties for this violation are set forth in Section 10-1-40 of this Chapter.

(e) 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.

**(23) Sec. 10-8-140. Possession of cannabis. (General Offenses — Alcoholic Beverages & 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 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 openly and publicly to 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) 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.

**(24) Sec. 10-10-50. Enforcement.. (General Offenses — Open-Burning Fires & Fireworks)**

Any violation of a resolution issued under the provisions of this Article is classified as a Class B municipal offense. In addition to criminal penalties outlined in this Chapter, the Police Department may seize any fireworks or extinguish any open-burning fires prohibited by a resolution issued under this Article.

**(25) Sec. 11-6-90. Violations, penalties and procedures. (Streets, Sidewalks & Public Property — Public Parks & Recreation Areas)**

(a) It is unlawful for any person to knowingly commit any act prohibited by this Article. A violation of the following Sections is a noncriminal park infraction: Subsections 11-6-20(a)(1) through (3), (5) and (6); Subsections 11-6-30(a)(1), (3) through (6) and (8) through (10); and Subsections 11-6-40(a)(1) through (3) and (5) through (14). The right to a trial by jury and court-appointed counsel shall not apply at a hearing where the cited person is charged with a noncriminal park infraction. The Colorado Municipal Court Rules of Procedure shall apply to any hearing where the cited person is charged with a noncriminal park infraction, unless any of such rules are clearly inapplicable. Any person who is convicted of, who pleads guilty or nolo contendere or who enters into a plea agreement for a noncriminal park infraction shall be penalized by the imposition of a fine in an amount not less than five dollars (\$5.00) and not greater than one hundred dollars (\$100.00). The Municipal Judge shall promulgate a schedule of penalties for all noncriminal park infractions, which schedule shall be posted prominently in the office of the Municipal Court Clerk.

(b) A violation of Subsection 11-6-30(a)(2) or (7) is a Class A municipal offense. Violations of the provisions of the Model Traffic Code in a City park shall be classified and prosecuted as set forth in Chapter 8 of this Code. Other violations not classified constitute Class B municipal offenses.

**(26) Sec. 13-1-380. Computation of rates and charges. (Municipal Utilities — Water System)**

(a) Rates. The rates for the City water service shall be as set forth in Appendix A to this Code.

(b) Pressure surcharge. In addition to the applicable rate set forth in Appendix A to this Code, all customers receiving water whose curb stop is located at five thousand five hundred forty (5,540) feet above sea level or higher, or who require a pressure-boosting pump or station in order to provide adequate pressure, shall be assessed a pressure surcharge as set forth in Appendix A to this Code.

(c) Interruptible service rate. A customer may request the City's interruptible service rate, which shall be as set forth in Appendix A to this Code, with no minimum charge. If a customer's service is interruptible, the City shall have the right to demand, in its sole discretion and at any time, that the customer's water use be reduced to two (2) hours per week, which hours may be designated by the City Manager in his or her sole discretion. The City may demand by telephone call to the customer that service be reduced up to the levels permitted under this Subsection. To qualify for the City's interruptible service rate, the customer's account must be for irrigation only and must be controlled by an automated irrigation clock which may be set based upon a watering schedule provided by the City. Any customer who fails to reduce interruptible service within six (6) hours of a demand by the City shall be assessed a penalty for each one thousand (1,000) gallons used, which penalty shall be equal to the charge for interruptible service set forth Appendix A to this Code, and which penalty shall be collected in the same manner as water service charges.

....

**(27) Sec. 13-1-410. Payment of service charges; interest. (Municipal Utilities — Water System)**

....

(c) Statements shall be mailed before the specified billing period and shall be payable by the twenty-fifth day of the month. Amounts outstanding after the twenty-sixth day of the month shall accrue interest at the rate of one and one-quarter percent (1¼%) per month.

**(28) Sec. 13-5-120. Violations and penalties.. (Municipal Utilities — Backflow Prevention Devices)**

Any person who violates any of the provisions of this Article commits a misdemeanor and shall be punished as provided by Section 10-1-40 of this Code. In addition, for the failure to comply with the provisions of this Article, the City Manager may elect to terminate water service to the owner's property. In addition, all customers shall be civilly liable to the City for all damages done to the City's water supply system, and for the cost of repairs and cleanup in the event the customer has failed to comply with the provisions of this Article.

**(29) Sec. 16-1-140. Violations. (Land Use & Development — General Provisions)**

(a) Designated. It is unlawful to erect, construct, reconstruct, alter, maintain or use any building or structure or to use any land in violation of any provision of this Chapter or any amendment thereof. Any person, either as owner, lessee, occupant or otherwise, who violates any of the provisions of this Chapter or any amendment thereof or who interferes in any manner with any person in the performance of a right or duty granted or imposed upon him or her by the provisions of this Chapter shall be guilty of a violation of this Chapter.

(b) Penalty. Any person convicted of a violation of this Chapter shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for a period not to exceed one (1) year. Each day during which the violation occurs shall constitute a separate offense.

(c) Remedies. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this Charter or other regulation made under authority conferred hereby, the City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate such violation, or to prevent any illegal act, conduct, business or use in or about such premises.

**(30) Sec. 18-2-40. Penalties. (Building Regulations — Building Code)**

Section 113.4 of the adopted code, which contains a penalty clause, is amended to read as follows:

**"Section 113.4. Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued or permitted, and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability."

**(31) Sec. 18-3-40. Penalties. (Building Regulations — Residential Code)**

Section R113.4 of the adopted code, which contains a penalty clause, is amended to read as follows:

**"Section R113.4. Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued or permitted, and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability."

**(32) Sec. 18-4-40. Penalties. (Building Regulations — Mechanical Code)**

Section 108.4 of the adopted code, which contains a penalty clause, is amended to read as follows:

**"Section 108.4. Violation penalties.** Any person, who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs mechanical work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued or permitted, and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability.

**(33) Sec. 18-5-40. Penalties. (Building Regulations — Plumbing Code)**

Section 108.4 of the adopted code, which contains a penalty clause, is amended and set forth in full below, as follows:

**"Section 108.4. Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs plumbing work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued or permitted, and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability."

**(34) Sec. 18-6-40. Penalties. (Building Regulations — Fuel Gas Code)**

Section 108.4 of the adopted code, which contains a penalty clause, is amended to read as follows:

**"Section 108.4. Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this code is committed, continued or permitted, and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability."

**(35) Sec. 18-7-50. Penalties. (Building Regulations — Dangerous Buildings Code)**

(a) Section 203 of the code adopted herein, which contains a penalty clause, is herein set forth in full and is amended by an additional paragraph, to read as follows:

**"Section 203 – Violations.**

"It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

"Any person, firm or corporation violating any of the provisions of this Code shall be guilty of a criminal offense and shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any provision of this Code is committed, continued or permitted and upon a conviction of any violation, such person, firm or corporation shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability.

(b) Section 603.3 of the code adopted herein, which contains a penalty clause, is amended and herein set forth in full, to read as follows:

**"603.3. Penalties.** Any person who refuses without lawful excuse to attend any hearing or to produce material evidence which the person possesses or controls as required by any subpoena served upon such person as provided for herein shall be guilty of a criminal offense and shall be guilty of a separate offense for each and every day or portion thereof during which any such violation is committed, continued or permitted and upon a conviction of any such violation, such person, firm or corporation shall be punished by a fine of not more than \$300 or by imprisonment for not more than 90 days, or both. Any criminal offense under this section shall be one of strict liability."

**(36) Sec. 18-9-70. Permit fees generally. (Building Regulations — Permits & Fees)**

(a) The estimated value of the work shall be reviewed by the Building Official and shall be based on the declared cost of materials and labor for each permit for each building or structure. The Building Official shall account for all fees paid under this Chapter for any building, mobile home placement, manufactured home placement or factory-built unit placement. All fees collected shall be paid to the City Treasurer.

(b) The estimated value of work shall be determined by the Building Official generally in accordance with the annually updated Building Standards Valuation Data published by the International Conference of Building Officials ("ICBO"), and subject to Subsection (c) below. Under the Building Standards Valuation, the average costs per square foot of residential and commercial buildings are estimated each year with regional modifiers. The regional modifier is multiplied by the listed cost per square foot to determine the adjusted cost of constructing an average building in that region.

(c) The Valuation Data published by the ICBO may be modified at the discretion of the Building Official, based upon local conditions and subject to the prior approval of the City Manager; provided that the Building Official's discretion shall be limited to plus or minus ten percent (10%) of the ICBO's annually published regional modifier.

(d) The ICBO Valuation Data may be relied upon by the Building Official for building permit fees and for assessing use taxes in accordance with Section 4-2-230 of this Code; provided, however, that nothing herein shall modify Section 4-2-210 of this Code pertaining to use taxes on manufactured homes and mobile homes.

(e) If the Building Official discovers any person undertaking work in violation of this Chapter, he or she shall notify the violator to cease such act, and such violator shall pay for such applicable permit twice the amount of the fee otherwise levied.

*Section 5.* Additions or amendments to the Code, when passed in the form as to indicate the intention of the City to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

*Section 6.* Ordinances adopted after this Ordinance that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to those provisions of the Code.

*Section 7.* This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 16th day of March, 2005.

CITY OF RIFLE , COLORADO

ATTEST:

/s/

\_\_\_\_\_  
Keith Lambert, Mayor

/s/

\_\_\_\_\_  
Wanda Nelson, City Clerk

(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 6th day of April, 2005.

CITY OF RIFLE, COLORADO

ATTEST:

/s/

\_\_\_\_\_  
Keith Lambert, Mayor

/s/

\_\_\_\_\_  
Wanda Nelson, City Clerk

(SEAL)

APPROVED AS TO FORM:

/s/

\_\_\_\_\_  
Loyal Leavenworth, City Attorney

**CITY OF RIFLE**

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