

SEVERANCE

MUNICIPAL CODE

2007

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

Published by

COLORADO CODE PUBLISHING COMPANY

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of the
TOWN OF SEVERANCE

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Board of Trustees
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Town Administrator
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Town Clerk
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Town Attorney
Gregory Bell

SUPPLEMENTATION

Supplements to this Code provide periodic updating through the removal and replacement of pages. This inter-leaf supplementation system requires that each page which is to be removed and replaced is identified so that the updating may be accurately accomplished and historically maintained.

Instructions for supplementation are provided for each supplement, identified by Supplement number, date and inclusive ordinance numbers. The Instructions for posting the removal and replacement of pages must be followed and accomplished in sequence, with the most recent supplementation posted **last**.

When supplementation is completed and the removal and replacement of all pages are accomplished, the Instructions should be placed under the Supplementation tab, behind this page, with the most recent Instruction sheet on top. Previous Instructions should not be removed, so that the user may refer to this tab section to verify whether the code book is fully updated with all supplements included.

The maintenance of a Municipal Code with all supplementation is an important activity which deserves close attention so that the value of the code is maintained as a fully comprehensive compilation of the legislative ordinances of the municipality.

AMENDMENTS

Amendments may be made to the Code by additions, revisions or deletions therefrom. Those changes may be made as follows:

Additions: Additions may be made by ordinance to the Code as follows:

The "Severance 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 "Severance 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 "Severance 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 "Severance 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 "Severance Municipal Code" is repealed in its entirety.

PREFACE

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

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

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

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

The *Disposition of Ordinances Table* identifies the source for the contents of the code. This table provides ordinance numbers in chronological order and location by section number for the present code contents. Thus, if there is interest in determining whether an ordinance, or a portion thereof, is contained within the code, the Disposition of Ordinances Table will provide that information.

The *Table of Up-to-Date Pages* lists all of the current pages through the most recent supplementation.

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

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

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**STATE OF COLORADO
TOWN OF SEVERANCE, COLORADO**

ORDINANCE NO. 2007-07

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

Section 1. The Code entitled the *Severance 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 Severance 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 are hereby adopted by reference and incorporated in the Severance 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.; and

(2) The *National Electrical Code*, 2005 edition, published by the National Fire Protection Association, as adopted in Section 18-6-10.

Section 4. The following codes were previously adopted by reference and incorporated in the Severance 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.;

(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 18-7-10 et seq.;

(7) The *Uniform Code for Building Conservation*, 1997 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-8-10 et seq.;

(8) 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 18-9-10 et seq.; and

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

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

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

(a) Any person violating any of the provisions of this Code for which a different penalty is not specifically provided, including any violation of any other ordinance of the Town, whether or not part of this Code, shall be deemed guilty of a misdemeanor, and each such person, upon conviction of any such foregoing offense, shall be punished by a fine of not more than three hundred dollars (\$300.00) or be imprisoned for not more than ninety (90) days or be subject to both such fine and imprisonment for each offense, except as hereinafter provided in Section 1-4-30. In addition, such person shall pay all costs and expenses in the case, including attorneys' fees.

(b) When a violation of any section of this Code occurs and continues for more than one (1) day, each day such violation occurs or continues shall constitute a separate offense.

(2) Sec. 1-4-30. Application of penalties to juveniles. (Chapter 1, Article 4, General Penalty)

The violation of any section of this Code by a person who was at least ten (10) but not yet eighteen (18) years of age at the time of the commission of the violation shall be a misdemeanor; however, such conviction shall be punishable by a fine only, not exceeding three hundred dollars (\$300.00), useful public service or such other penalty excluding imprisonment as may be appropriate. 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, in the discretion of the Municipal Judge.

(3) Sec. 2-4-90. Contempt power. (Chapter 2, Article 4, 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 three hundred dollars (\$300.00) 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.

(4) Sec. 2-4-100. Surcharge. (Chapter 2, Article 4, Municipal Court)

(a) After determining the appropriate fine for each person who is convicted of violating an ordinance of the Town, the Municipal Judge shall add thereto a surcharge in the amount of ten dollars (\$10.00). The total fine, including the amount of the additional surcharge, shall not exceed three hundred dollars (\$300.00).

(b) All proceeds generated by the surcharge shall be distributed as follows:

(1) One-half ($\frac{1}{2}$) of the total surcharge funds collected shall be deposited in the Town's general fund and used primarily to pay the cost of providing jail services for persons sentenced to terms in the Weld County Jail or other detention facility. Such funds shall not be restricted funds, and may be used for other general fund purposes.

(2) One-half ($\frac{1}{2}$) of the surcharge collected will be used to support the Weld County Drug Task Force in its drug prevention and interception program.

(5) Sec. 6-2-50. Suspension or revocation; fine. (Chapter 6, Article 2, Alcoholic Beverages)

(a) Whenever a decision of the Board of Trustees, acting as the Local Licensing Authority (hereinafter "Authority"), suspending a retail license for fourteen (14) days or less becomes final, whether by failure of the retail licensee to appeal the decision or by exhaustion of all appeals and judicial review, the retail licensee may, before the operative date of the suspension, petition the Authority for permission to pay a fine in lieu of having his or her retail license suspended for all or part of the suspension period. Upon the receipt of the petition, the Authority may, in its sole discretion, stay the proposed suspension and cause any investigation to be made which it deems desirable and may, in its sole discretion, grant the petition if it is satisfied:

(1) That the public welfare and morals would not be impaired by permitting the retail licensee to operate during the period set for suspension and that the payment of the fine will achieve the desired disciplinary purposes;

(2) That the books and records of the retail licensee are kept in such a manner that the loss of sales of alcoholic beverages which the retail licensee would have suffered had the suspension gone into effect can be determined with reasonable accuracy therefrom; and

(3) That the retail licensee has not had his or her license suspended or revoked, nor had any suspension stayed by payment of a fine, during the two (2) years immediately preceding the date of the motion or complaint which has resulted in a final decision to suspend the retail license.

(b) The fine accepted shall be equivalent to twenty percent (20%) of the retail licensee's estimated gross revenues from sales of alcoholic beverages during the period of the proposed suspension; except that the fine shall be not less than two hundred dollars (\$200.00) nor more than five thousand dollars (\$5,000.00).

(c) Payment of any fine pursuant to the provisions of this Section shall be in the form of cash, certified check or cashier's check made payable to the Town Clerk and shall be deposited in the general fund of the Town.

(d) Upon payment of the fine pursuant to this Section, the Authority shall enter its further order permanently staying the imposition of the suspension.

(e) In connection with any petition pursuant to this Section, the authority of the Authority is limited to the granting of such stays as are necessary for it to complete its investigation and make its findings and, if it makes such findings, to the granting of an order permanently staying the imposition of the entire suspension or that portion of the suspension not otherwise conditionally stayed.

(f) If the Authority does not make the findings required in Subsection (a) above and does not order the suspension permanently stayed, the suspension shall go into effect on the operative date finally set by the Authority.

(6) Sec. 7-2-140. Solicitors, canvassers, door-to-door salespersons. (Chapter 7, Article 2, Nuisances)

(a) No person shall enter or remain upon the premises of a private residence within the Town, without first having been invited or requested by the occupant thereof, for any purpose of contacting said occupant to solicit the immediate or future sale of goods, services or other things of value. The provisions of this Section shall not apply to charitable, religious or political solicitations or the solicitation of newspaper or magazine subscriptions, unless a "No Solicitation" or "No Trespassing" sign has been posted in a conspicuous place at or near the entrance to the premises.

(b) No person shall enter or remain upon the premises of a private residence within the Town, where a "No Solicitation" or "No Trespassing" sign has been posted in a conspicuous place at or near the entrance to the premises, without first having been invited or requested by the occupant thereof, for any purpose of contacting said occupant to solicit the immediate or future sale of goods, services or other things of value, or for solicitations of a charitable, religious or political nature, or the solicitation of newspaper or magazine subscriptions.

(c) No person shall attempt to obtain, by telephone or otherwise, an invitation to visit or enter any private residence for the purpose of soliciting the purchase or sale of goods, services or other things of value, or for the solicitation of a religious, charitable or political nature, by knowingly making a false or deceptive representation or statement.

(d) Any person violating any provision of this Section shall result in the issuance of a summons and, upon conviction, may be assessed a fine of not less than three hundred dollars (\$300.00). Each subsequent violation within the same calendar year shall result in a fine double the amount of the previous penalty.

(7) Sec. 8-1-70. Violation; penalty. (Chapter 8, Article 1, Model Traffic Code)

(a) It is unlawful for any person to violate any of the provisions of this Article or the Model Traffic Code as adopted herein.

(b) Any person violating any of the provisions of the Model Traffic Code for Colorado as adopted by the Town shall be deemed guilty of a misdemeanor, and each such person, upon

conviction of any violation of the Model Traffic Code, shall be punished by a fine of not more than three hundred dollars (\$300.00).

(8) Sec. 10-6-50. Sale of cigarettes and tobacco products. (Chapter 10, Article 6, Minors)

(a) For purposes of this Code, the following words shall have the meanings ascribed hereafter:

Cigarettes means premanufactured cigarettes and/or hand-rolled cigarettes.

Minor means a person under the age of eighteen (18) years.

Tobacco products means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine cut and other chewing tobaccos, shorts, refuse scraps, clippings, cutting and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such a manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

(b) Any person who knowingly furnishes to a minor, by gift, sale or any other means, any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of two hundred dollars (\$200.00). It shall be an affirmative defense to a prosecution under this Subsection that the person furnishing the cigarettes or tobacco products was presented with and reasonably relied upon a valid state driver's license or other government-issued form of identification which identified the person receiving the cigarettes or tobacco products as being eighteen (18) years of age or older.

(c) Any minor who purchases or attempts to purchase any cigarettes or tobacco products, and/or is found to be in possession of any cigarettes or tobacco products commits an offense and, upon conviction thereof, shall be punished by a fine of one hundred dollars (\$100.00); except that, following a conviction or adjudication for a first offense under this Subsection, the Court in lieu of the fine may sentence the person to participate in a tobacco education program. The Court may allow such person to perform community service and be granted credit against the fine and court costs at the rate of five dollars (\$5.00) for each hour of work performed, for up to fifty percent (50%) of the fine and court costs.

(d) No retailer shall sell or permit the sale of cigarettes or tobacco products by use of a vending machine or other coin-operated machine; except that cigarettes may be sold at retail through vending machines only in:

(1) Factories, businesses, offices or other places not open to the general public;

(2) Places to which minors are not permitted access at any time during the day or night; or

(3) Places where the vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner, including but not limited to establishments holding a valid liquor license issued pursuant to Article 47 of Title 12, C.R.S.

(e) Any person who sells or offers to sell any cigarettes or tobacco products shall display a warning sign as specified in this Subsection. Said warning sign shall be displayed in a prominent place in the building and on such machine at all times, shall have a minimum height of three (3) inches and a width of six (6) inches, and shall read as follows:

WARNING
IT IS ILLEGAL FOR ANY PERSON UNDER 18 YEARS OF AGE TO
PURCHASE CIGARETTES AND TOBACCO PRODUCTS AND,
UPON CONVICTION, A \$100.00 FINE MAY BE IMPOSED.

(f) Any violation of Subsection (e) above shall not constitute a violation of any other provision of this Section.

(9) Sec. 10-7-80. Possession of marijuana. (Chapter 10, Article 7, Alcoholic Beverages and 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.

(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.

(10) Sec. 13-1-110. Unpaid charges to become lien. (Chapter 13, Article 1, Utility Services)

(a) All water rates and rents shall be a charge and lien upon the premises to which water is delivered, from the date the same become due and until paid, and the owner of every building, premises, lot or house shall be liable for all water delivered to or taken and used upon his or her premises, which lien and liability may be enforced by the Town by action at law or suit to enforce the lien. In case the tenant in possession of the premises or building pays the water rent or rates, it shall relieve his or her landlord from such obligation and lien; however,

the Town shall not be required to look to any person whatsoever other than the owner for the payment of water rents and rates as provided in this Chapter.

(b) If such water rates and rents remain unpaid after a thirty-day demand for payment of the same has been made, such water rates and rents may be certified by the Town Clerk to the Board of County Commissioners, to be placed upon the tax list for the current year and to be collected in the same manner as other taxes are collected, together with all fees and costs of collection and a ten-percent penalty for administrative costs.

(11) Sec. 13-1-180. Penalties. (Chapter 13, Article 1, Utility Services)

It is unlawful for any person to violate any of the provisions of this Chapter. Any person violating any provision of this Chapter shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter continues and, upon conviction of any such violation, the violator shall be punished in accordance with the provisions of Section 1-4-20 of this Code. In addition to any and all remedies, the Town may institute an appropriate action for injunction or abatement to enjoin, abate or remove any violation of this Chapter.

(12) Sec. 16-11-130. Inspection fee. (Chapter 16, Article 11, Oil and Gas Drilling and Production)

(a) The inspection fee as set forth in Appendix B shall be per well for each year or part of a year during which such well has not been plugged and abandoned. No inspection fee shall be due for any year following the year in which a well is plugged and abandoned, unless a conditional use permit is granted with respect to such well. No inspection fee shall be due for any calendar year in which the fee for an application for conditional use permit, as provided in Section 16-11-150 below, is paid. Any inspection fee that becomes due and payable after January 1 of each year shall be paid by the operator within thirty (30) days after receipt of an invoice from the Town. An operator contesting the amount of the invoice may, upon payment of the invoice under protest, appeal directly to the Board of Trustees.

(b) If the operator fails to pay the inspection fee imposed by this Section when due, a penalty of ten percent (10%) shall be added to the amount of the fee due, together with interest on the amount due at the rate of one percent (1%) for each month or portion thereof for which the fee is unpaid. The Town Clerk may, in his or her sole discretion, waive the penalty for good cause shown.

(c) The Town may recover, in an action at law, the amount of the inspection or other fees and costs imposed by the provisions of this Section, penalty and interest due and unpaid under this Section, as well as all costs, including attorney fees, incurred by the Town if it prevails in the enforcement of this Article.

(13) Sec. 18-1-40. Violations. (Chapter 18, Article 1, Building Code)

(a) It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy or maintain any building, structure or equipment in the Town, or to cause or permit the same to be done, in violation of any of the codes as adopted in this Chapter. Maintenance of any condition which was unlawful at the time it was initiated and which would be unlawful under any of the codes adopted in this Chapter, if installed after the effective date of the initial ordinance codified herein, shall constitute a continuing violation. Any person violating any of the provisions of any of the

codes as adopted herein shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of any of the codes occurs and/or continues and, upon conviction of any such violation, the violator shall be subject to a fine of not more than three hundred dollars (\$300.00) and imprisonment not to exceed ninety (90) days or both such fine and imprisonment, for each and every offense. In addition to any and all other remedies, the Town may institute an appropriate action for injunction, mandamus or abatement to prevent, enjoin, abate or remove any unlawful repair, construction, reconstruction, alteration, remodeling or use.

(b) It is unlawful for any person to erect, construct, enlarge, alter or change the use of any building or other structure within the Town without first obtaining all permits required by any of the codes as adopted in this Chapter. No permit shall issue unless the plans for the proposed repair, construction, reconstruction, alteration or use fully conform to this Chapter, all zoning ordinances and other applicable regulations of the Town.

(14) Sec. 18-6-30. Amendments. (Chapter 18, Article 6, Fire Code)

The code adopted herein is hereby modified by the following amendments:

....

(3) Violation, penalties. The following section 109.3 of Chapter 1 shall be repealed and replaced, to read-as follows:

"109.3 Violation.

"1. Any owner, lessee, agent or occupant of any building or premises maintaining any condition likely to cause fire or to constitute an additional fire hazard; or any condition which impedes or prevents the egress of persons from such building or premises in violation of the provisions of §32-1-1002(3), C.R.S., shall be deemed to be maintaining a fire hazard. Any person who violates any provision of said Subsection (3) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) or no more than two hundred fifty dollars (\$250.00). Each day in which such violation occurs shall constitute a separate violation of §32-1-1002(3), C.R.S.

"2. The application of the above penalty shall not be construed to prevent the enforced removal or correction of prohibited conditions or other injunctive relief."

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. In the opinion of the Board of Trustees of the Town of Severance, Colorado, this Ordinance is necessary for the preservation of the public peace, health, and safety, and shall become effective immediately.

Section 8. This Ordinance shall become effective thirty (30) days after publication thereof.

INTRODUCED this 6th day of August, 2007.

TOWN OF SEVERANCE, COLORADO

ATTEST:

/s/ _____
Pierre DeMilt, Mayor

/s/ _____
Patricia J. Lesh, Town Clerk
(SEAL)

ADOPTED AND ORDERED PUBLISHED on this 17th day of September, 2007.

TOWN OF SEVERANCE, COLORADO

ATTEST:

/s/ _____
Pierre DeMilt, Mayor

/s/ _____
Patricia J. Lesh, Town Clerk
(SEAL)

APPROVED AS TO FORM:

/s/ _____
Gregory S. Bell, Town Attorney

TOWN OF SEVERANCE
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