

SUPERIOR MUNICIPAL CODE

Supplementation Instructions

This Supplement contains all ordinances deemed advisable to be included at this time through **Ordinance No. O-17, 2007, adopted November 26, 2007.**

Remove old pages:

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16-150a—16-152b
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I-1—I-20

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

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Fort Collins, Colorado
January 2008

SUPERIOR MUNICIPAL CODE

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

Codified 1996
Revised 2001

Published by

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Eric Rosenfeld
Lisa Skumatz

Town Manager
Scott Randall

Town Clerk
Phyllis Hardin

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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 "Superior Municipal Code" is amended by the addition thereto of a new Section 2-121, which is to read as follows:

(Set out full section number, title and contents)

or if the location of the new section number or numbers is undetermined, the Code may be amended as follows:

The "Superior Municipal Code" is amended by the addition of the following:

(Set out section title and contents)

Revisions: A revision of the Code may be accomplished as follows:

Section 2-121 of the "Superior Municipal Code" is repealed in its entirety and readopted to read as follows:

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

or as follows:

Section 2-121 of the "Superior Municipal Code" is amended to read as follows:

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

Repeal: Sections, articles and chapters may be repealed as follows:

Section 2-121 of the "Superior Municipal Code" is repealed in its entirety.

PREFACE

The Town of Superior, 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 *two-place section numbering system* places the chapter number first, followed by a hyphen and section number. This two-place system is simplified by the elimination of article numbering. Each section may be cited by the chapter and section numbers which, together with reserved section numbers, are in sequence within each chapter.

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

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

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

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

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TOWN OF SUPERIOR, COLORADO
ORDINANCE NUMBER 96-O-4

AN ORDINANCE ADOPTING BY REFERENCE A CODIFICATION OF THE ORDINANCES OF THE TOWN OF SUPERIOR OF A GENERAL AND PERMANENT NATURE, EXCEPT ANNEXATION, ZONING AND SUBDIVISION ORDINANCES, ENTITLED THE "SUPERIOR MUNICIPAL CODE, 1996 EDITION"; ADOPTING VARIOUS SECONDARY CODES BY REFERENCE; SETTING FORTH AMENDMENTS TO THE ADOPTED CODES; PROVIDING PENALTIES FOR THE VIOLATIONS OF THE ADOPTED CODES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED IN SUCH MUNICIPAL CODE; PROVIDING FOR THE MANNER OF AMENDING SUCH MUNICIPAL CODE

WHEREAS, the Colorado General Assembly has provided for the codification and publication of the permanent and general ordinances of cities and towns in Sections 31-16-201 through 31-16-208, C.R.S.; and

WHEREAS, the Board of Trustees of the Town of Superior has determined that it is appropriate that the ordinances of the Town of a permanent and general, nature be codified; and

WHEREAS, Colorado Code Publishing Company, 305 West Magnolia, Suite 382, Fort Collins, CO 80521, has compiled, edited and published a codification of the general and permanent ordinances of the Town, which recodification is designated as the "Superior Municipal Code," 1996 Edition.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF SUPERIOR, COLORADO, as follows:

Section 1. The code entitled "Superior Municipal Code," 1996 Edition, published by Colorado Code Publishing Company, 305 West Magnolia, Suite 382, Fort Collins, CO, consisting of Chapters 1 through 16 and 18 ("Superior Municipal Code") is hereby adopted as a primary code by reference pursuant to Part 2 of Article 16 of Title 31, C.R.S.

Section 2. The purpose of the "Superior Municipal Code" is to codify the ordinances of the Town of Superior which are of a general and permanent nature, except for annexation, zoning and subdivision ordinances. The subject matter of the "Superior Municipal Code" includes general provisions concerning the application and interpretation of the code; the administration, personnel and organization of the Town government; revenue and finance; franchises and communications systems; business licenses and regulations; health, sanitation and animals; vehicles and traffic; general offense; streets, sidewalks and public property; municipal utilities; and building regulations.

Section 3. The annexation, zoning and subdivision ordinances of the Town are not included in the codification. It is the intent of the Board to include such ordinance addition to the code in the near future.

Section 4. The primary code adopted by reference in this Ordinance shall be known as the "Superior Municipal Code," and it shall be sufficient to refer to said code as the "Superior Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity.

Section 5. The following secondary codes were adopted by reference and incorporated into the Superior Municipal Code:

- (1) The *Model Traffic Code for Colorado Municipalities*, 1995 edition, published by the State Department of Highways, as adopted and amended in Section 8-1 *et seq*;
- (2) The *Uniform Building Code*, 1994 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-1 *et seq*;
- (3) The *National Electrical Code*, 1996 edition, published by the National Protection Association, as adopted and amended in Section 18-61 *et seq*;
- (4) The *Uniform Mechanical Code*, 1994 edition, published by the International Conference of Building Officials, as adopted and amended in Section 18-21 *et seq*;
- (5) *The Uniform Plumbing Code*, 1994 edition, published by the International Association of Plumbing and Mechanical Officials, as adopted and amended in Section 18-41 *et seq*;
- (6) The *Uniform Fire Code*, 1994 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association, as adopted and amended in Section 18-81 *et seq*;

Section 6. The penalties provided by the Superior Municipal Code are hereby adopted as follows:

(1) **Sec. 1-72. General penalty for violation.**

(a) No person shall violate any of the provisions of the ordinances of the Town or of this Code. Except in cases where a different punishment is prescribed by any ordinance of this Town or this Code, any person who violates any of the provisions of the ordinances of the Town or of this Code shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not to exceed one hundred eighty (180) days, or by both such fine and imprisonment, except as hereinafter provided in Section 1-73; and provided further that no indigent person shall be punished by imprisonment unless he or she has been given the opportunity to be represented by counsel. In addition, such person shall pay all court costs imposed by the court.

(2) **Sec. 1-73(b). Application of penalties to juveniles.**

Every person who, at the time of commission of the offense, was at least ten (10) but not yet eighteen (18) years of age, and who is subsequently convicted of or pleads guilty or nolo contendere to, a violation of any provision of this Chapter, shall be punished by a fine of not more than five hundred dollars (\$500.00) per violation or count.

(3) **Sec. 2-77. Contempt power.**

(a) When the Municipal Court finds any person to be in contempt, the Municipal Court may vindicate its dignity by imposing on the contemnor a fine not to exceed five hundred dollars (\$500.00) and imprisonment not to exceed a term of ten (10) days.

(4) **Sec. 5-55. Penalty. (Article 14 Cable Television System)**

Any person violating any of the provisions of Section 5-31 or 5-32 of this Article shall, upon conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) or imprisonment not exceeding ninety (90) days.

(5) **Sec. 6-50. Suspension or Revocation; fine (Article 14 Alcoholic Beverages)**

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).

(6) **Sec. 7-60. Minimum Fines (Dogs)**

A person convicted of violating any provision of this Article shall be punished in accordance with Section 1-72 of this Code; provided, however, that the minimum fine for any such violation shall be as follows:

(1) Upon first conviction within any three-year period, a fine of twenty-five dollars (\$25.00);

(2) Upon second conviction within any three-year period, a fine of fifty dollars (\$50.00); and

(3) Upon third or subsequent conviction within any three-year period, a fine of one hundred dollars (\$100.00).

Section 7. Additions or amendments to the Superior Municipal Code, when passed in the form as to indicate the intention of the Town to make the same a part of the Superior Municipal Code, shall be deemed to be incorporated into the Superior Municipal Code, such that reference to the Superior Municipal Code includes the additions and amendments.

Section 8. Ordinances adopted after March 11, 1996 that amend or refer to ordinances that have been codified in the Superior Municipal Code shall be construed as if they amend or refer to those provisions of the Superior Municipal Code.

Section 9. All ordinances or portions of ordinances of a general and permanent nature of the Town enacted on or before March 11, 1996, except for annexation, zoning, subdivision and other land use matters, which are inconsistent with the provisions of the Superior Municipal Code, to the extent of such inconsistency, are hereby repealed. The repeal of ordinances and parts of ordinances of a general and permanent nature by this Section 8 shall not affect any offense committed or act done, any penalty or forfeiture incurred, or any contract, right or obligation established prior to the time when said ordinances and parts of ordinances are repealed. Further, the repeal of ordinances of a general and permanent nature by this Section 8 shall not repeal any ordinance or part thereof saved from repeal specifically by the Superior Municipal Code, nor shall such repeal affect any ordinance:

1. Promising, guaranteeing or authorizing the payment of money by or for the Town.

2. Authorizing or relating to specific issuances of bonds or other evidences of indebtedness.
3. Granting a franchise.
4. Establishing the compensation of Town officers or employees.
5. Imposing taxes, making appropriations or adopting a budget.
6. Creating specific local improvement districts.
7. Making special assessments for local improvements.
8. Vacating, accepting, establishing, locating, relocating or opening any Street or public way.
9. Affecting the corporate limits of the Town.
10. Which is of a special or temporary nature.
11. Dedicating or accepting by plat or subdivision.
12. Making a change in the Town's Zoning map and ordinance as it pertains to specific real property.

Section 10. The repeal established in the foregoing section of this Ordinance shall not be construed to revive any ordinance or part thereof that had been previously repealed by any ordinance which is repealed by this Ordinance.

Section 11. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases had been declared invalid.

Section 12. If any section, subsection or provision of the codes adopted by reference in this Ordinance, or the application thereof to any person or circumstances, is declared unconstitutional or otherwise invalid by any competent court, such invalidity shall not affect the other sections, subsections, provisions or applications of such code(s) if they can be given effect without the invalid sections, subsection, provision or application.

Section 13.

(A) At least one (1) copy of the Superior Municipal Code, and of each secondary code adopted therein, all certified by the Mayor and the Town Clerk to be true copies of such codes as they were adopted by this Ordinance, shall be kept on file in the office of the Town Clerk and shall be available for public inspection.

(B) The Town Clerk shall prepare and publish revised sheets of every loose leaf page of the Superior Municipal Code in need of revision by reason of amendment, addition or repeal. The

Town Clerk shall distribute said revised loose leaf sheets for such fee as the Board of Trustees may direct.

Section 14. The Town Clerk shall maintain a reasonable supply of copies of the codes adopted by reference in this Ordinance to be available for purchase by the public at a moderate price.

Section 15. The Board of Trustees hereby finds, determines and declares that it has the power to adopt this Ordinance under the provisions of Section 31-16-201, *et seq.*, C.R.S., as amended, and the general powers granted to municipalities in Colorado.

Section 16. The Board of Trustees hereby finds, determines and declares that an emergency exists and that this Ordinance is necessary for the immediate preservation of the public health and safety in order to make this ordinance applicable to the Town at the earliest possible date so that administrative efficiency may be obtained therefrom and to assume that the purposes of this Ordinance are met.

Section 17. This Ordinance shall take effect and be in full force and effect upon adoption of this Ordinance by three-fourths ($\frac{3}{4}$) of the members of the Board of Trustees.

INTRODUCED the 26th day of February, 1996, and a public hearing shall be held on this Ordinance on March 11, 1996, at 7:30 p.m. The Clerk shall give notice thereof as required by law.

READ, ADOPTED AND ORDERED PUBLISHED BY TITLE ONLY this 11th day of March, 1996.

TOWN OF SUPERIOR, COLORADO

ATTEST:

(signature)
Ted Asti, Mayor

(signature)
Phyllis Hardin, Town Clerk

TOWN OF SUPERIOR

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