

**MUNICIPAL CODE**  
**OF**  
**NUNN, COLORADO**

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Published in 2024 by Order of the Board of Trustees

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OFFICIALS

of the

TOWN OF

NUNN, COLORADO

AT THE TIME OF THIS RECODIFICATION

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Jordan Cable  
*Mayor*

---

Susan Frederiksen, Pro Tem/Trustee  
James Amen, Trustee  
Tashia Asher, Trustee  
Adam Smith, Trustee  
Stephanie Kelly, Trustee  
James Kaus, Trustee  
*Board of Trustees*

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Matthew Gould  
*Town Attorney*

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Cathy Payne  
*Town Clerk*



## PREFACE

This Code constitutes a recodification of the general and permanent ordinances of the Town of Nunn, Colorado.

Source materials used in the preparation of the Code were the 2002 Code, as updated, and ordinances subsequently adopted by the board of trustees. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the 2002 Code, as supplemented, and any subsequent ordinance included herein.

The titles of the Code have been conveniently arranged by topic, and the various sections within each title have been catchlined to facilitate usage. Notes which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

The section numbering system used in this Code is the same system used in many state and local government codes. Most section numbers consist of three parts separated by decimals. The first figure refers to the title number, the second figure refers to the chapter number, and the third figure refers to the position of the section within the chapter. For example, the second section of chapter 8.04 in title 8 is numbered 8.04.020, and the first section of chapter 6.12 in title 6 is 6.12.010. Under this system, each section is identified with its title and chapter, and at the same time new sections can be inserted in their proper place by using the decimal system for amendments. New chapters and new articles may be included in the same way or, in the case of chapters, may be placed at the end of the title embracing the subject, and, in the case of articles, may be placed at the end of the chapter embracing the subject. The next successive number shall be assigned to the new chapter or article.

### *Page Numbering System*

The page numbering system used in this Code is a prefix system. The letters to the left of the colon are an abbreviation which represents a certain portion of the volume. The number to the right of the colon represents the number of the page in that portion. In the case of a chapter of the Code, the number to the left of the colon indicates the number of the chapter. In the case of an appendix to the Code, the letter immediately to the left of the colon indicates the letter of

the appendix. The following are typical parts of codes of ordinances, which may or may not appear in this Code at this time, and their corresponding prefixes:

CHARTER	CHT:1
RELATED LAWS	RL:1
SPECIAL ACTS	SA:1
CHARTER COMPARATIVE TABLE	CHTCT:1
RELATED LAWS COMPARATIVE TABLE	RLCT:1
SPECIAL ACTS COMPARATIVE TABLE	SACT:1
CODE	CD:1
CODE APPENDIX	CDA:1
CODE COMPARATIVE TABLES	CCT:1
STATE LAW REFERENCE TABLE	SLT:1
CHARTER INDEX	CHTi:1
RELATED LAWS INDEX	RLi:1
SPECIAL ACTS INDEX	SAi:1
CODE INDEX	CDi:1

### *Index*

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

### *Looseleaf Supplements*

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up to date. Subsequent amendatory legislation will be properly edited, and the affected page or pages will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up to date at all times will depend largely upon the holder of the publication. As revised pages are received, it will then become the

responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

#### *Acknowledgments*

This publication was under the direct supervision of Mary Margaret Niezgoda, Code Attorney, and Howard George, Editor, of Municode, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Matthew Gould, Town Attorney, and Cathy Payne, Town Clerk, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the town readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the town's affairs.

#### *Copyright*

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## **CODE OF ORDINANCES**

### Title 1

## **GENERAL PROVISIONS**

### **Chapter 1.04. Code Adoption**

- 1.04.010. Title; citation; reference.
- 1.04.020. Reference applies to all amendments.
- 1.04.030. Title, chapter, catchlines of sections; effect of history notes; references in Code.
- 1.04.040. Reference to specific ordinances.
- 1.04.050. Effect of Code on past actions and obligations.
- 1.04.060. Constitutionality.

### **Chapter 1.08. General Provisions**

- 1.08.010. Definitions.
- 1.08.020. Altering Code.
- 1.08.030. Effect of repeal of ordinances.
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**CHAPTER 1.04. CODE ADOPTION****1.04.010. Title; citation; reference.**

The Code shall be known as the "Nunn Municipal Code," and it shall be sufficient to refer to said Code as the "Nunn Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Nunn Municipal Code." Further reference may be made to the titles, chapters, sections, and subsections of the "Nunn Municipal Code," and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the Code. This Code may also be known as "Municipal Code of Nunn, Colorado."

(Code 2002, § 1.01.020)

**1.04.020. Reference applies to all amendments.**

Whenever a reference is made to this Code as the "Nunn Municipal Code" or to any portion thereof, or to any ordinance of the Town of Nunn, Colorado, the reference shall apply to all amendments, corrections, and additions heretofore, now or hereafter made.

(Code 2002, § 1.01.030)

**1.04.030. Title, chapter, catchlines of sections; effect of history notes; references in Code.**

(a) The catchlines of the several sections of this Code in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections nor as any part of such sections nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. No provision of this Code shall be held invalid because of deficiency in any such catchline or in any heading to any chapter, article or division.

(b) The history or source notes appearing in parentheses after sections in this Code are not intended to have any legal effect but are merely intended to indicate the source of matter contained in the section. Editor's notes, cross references, charter references, related law references and state law references which appear after sections or subsections of this Code or which otherwise appear in footnote form are provided for the convenience of the user of this Code and have no legal effect.

(c) All references to chapters, articles, divisions, subdivisions or sections are to chapters, articles, divisions, subdivisions or sections of this Code, unless otherwise specified.

(Code 2002, § 1.01.040)

**1.04.040. Reference to specific ordinances.**

The provisions of this Code shall not in any manner affect matters of record which refer to or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the Code, but such reference shall be construed to apply to the corresponding provisions contained within this Code.

(Code 2002, § 1.01.050)

**1.04.050. Effect of Code on past actions and obligations.**

Neither the adoption of this Code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the town shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinances codified in this chapter, nor be construed as a waiver of any license, fee, or penalty at said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof required to be posted, filed, or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

(Code 2002, § 1.01.060)

**1.04.060. Constitutionality.**

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The town board hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases had been declared invalid or unconstitutional, and if for any reason this Code should be declared invalid or unconstitutional, then the original ordinance shall be in full force and effect.

(Code 2002, § 1.01.080)

**CHAPTER 1.08. GENERAL PROVISIONS****1.08.010. Definitions.**

The following words and phrases, whenever used in the ordinances or Code of the town, shall be construed as defined in this section unless in the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases.

- (1) "Board" or "governing body." The term "board" or "governing body" means the board of trustees of the Town of Nunn, Colorado. The term "all its members" or "all trustees" means the total number of trustees holding office.



- (2) "Capital improvement." The term "capital improvement" means a public improvement of a permanent nature and may include land and equipment necessary for the functioning of a building or other capital improvement.
- (3) "Catchline." The term "catchline" means words in boldface type at the top of each section which are intended as mere catchwords to indicate the contents of the section. Catchlines shall not be deemed or taken to be titles of such sections nor as any part of such sections nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.
- (4) "Code." The term "Code" means the Nunn Municipal Code as designated in section 1.04.010.
- (5) "Computation of time." The time within which an act is to be done shall be computed by excluding the first and including the last day, but if the time for an act to be done falls on Saturday, Sunday or a legal holiday, the act shall be done upon the next regular business day following such Saturday, Sunday or legal holiday.
- (6) "County." The term "county" means the County of Weld.
- (7) "C.R.S." The term "C.R.S." means the Colorado Revised Statutes, including all amendments thereto.
- (8) "Gender." Words of gender include all genders.
- (9) "Law." The term "law" denotes applicable federal law, the Colorado constitution, and the statutes of the State of Colorado, the ordinances of the town of Nunn, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- (10) "Local improvement." The term "local improvement" means public improvement specially beneficial to the property affected and also includes the abatement of such unsafe, unhealthful, or unsanitary conditions as the board of trustees shall determine to be a public nuisance.
- (11) "May." The term "may" is permissive.
- (12) "Mayor." The term "mayor" means the mayor or mayor pro tempore or acting mayor of the town.
- (13) "Month." The term "month" means a calendar month.
- (14) "Must." The term "must" is mandatory.
- (15) "Nontechnical and technical words." The ordinary significance shall be applied to all words, except words of art, or words connected with a particular trade or subject matter, in which case they shall have the significance attached to them by experts in such trade, or with reference to such subject matter.

- (16) "Number." The singular or plural number shall each include the other, unless expressly excluded.
- (17) "Oath." The term "oath" means and includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- (18) "Office." The use of any title of any officer, employee, or any office, or ordinance means such officer, employee, office, or ordinance of the town, unless otherwise specifically designated.
- (19) "Or," "and." The term "or" may be read "and," and the term "and" may be read "or" if the sense requires it.
- (20) "Ordinance." The term "ordinance" means the law of the town.
- (21) "Owner" or "equitable owner." The term "owner" or "equitable owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- (22) "Person." The term "person" means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, limited liability company, government or governmental subdivision or agency, business, trust, estate, organization or other legal entity, and any other group acting as a unit, or the manager, lessee, agent, servant, officer, or employee of any of them.
- (23) "Personal property." The term "personal property" means and includes money, goods, chattels, things in action and evidences of debt.
- (24) "Preceding" and "following." The terms "preceding" and "following" mean next before and next after, respectively.
- (25) "Property." The term "property" means and includes real and personal property.
- (26) "Public improvement." The term "public improvement" means improvement to or in connection with streets, sidewalks, parks, playgrounds, buildings, sewer systems, water systems, power systems, and any other real property or appurtenances thereof of the town used by the public.
- (27) "Public utility." The term "public utility" means and includes all common carriers in the public streets, water, sewage disposal, electrical light, central heating, gas, electric power, telephone and telegraph lines and systems, and such other and different enterprises as the law or the board of trustees may determine.
- (28) "Real property." The term "real property" means and includes lands, tenements, and hereditaments.

- (29) "Schedule of fees and charges." The term "schedule of fees and charges" means the official consolidated list compiled and published by the town which contains rates for utility and other public enterprises, fees, deposit amounts and various charges as determined from time to time by the board of trustees, an official copy of which is maintained in the office of the town clerk where it is available for reference and review during normal business hours.
- (30) "Shall." The term "shall" is mandatory.
- (31) "Sidewalk." The term "sidewalk" means that portion of a street between the curblines and the adjacent property line intended for the use of pedestrians.
- (32) "State." The term "state" means the State of Colorado.
- (33) "Street." The term "street" means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this town which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- (34) "Tenant" and "occupant." The terms "tenant" and "occupant," applied to a building or land, mean and include any person who occupies the whole or any part of such building or land, whether alone or with others.
- (35) "Tense." The present or past tense shall include the future.
- (36) "Town." The term "town" means the Town of Nunn, Colorado, or the area within the territorial limits of the Town of Nunn, Colorado, and such territory outside of the town's boundaries over which the town has jurisdiction or control by virtue of any constitutional or statutory provision.
- (37) "Written." The term "written" means and includes printed, typewritten, mimeographed, multi-graphed, electronic or other permanent visible form.
- (38) "Year." The term "year" means a calendar year.  
(Code 2002, § 1.04.010)

#### **1.08.020. Altering Code.**

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever, except by ordinance or resolution or other official act of the board. Exception to this provision is the editing for obvious typographical and scribes' errors.

**1.08.030. Effect of repeal of ordinances.**

(a) The repeal of a Code section or ordinance, or its expiration by virtue of any provision contained therein, shall not affect any right accrued or any offense committed, any penalty or punishment incurred, or any proceeding commenced before the repeal took effect or the ordinance expired, whichever is first.

(b) When any ordinance repealing a former Code section, ordinance, clause, or provision shall be itself repealed, such repeal shall not be construed to revive such former Code section, ordinance, clause, or provision, unless it shall be expressly so provided.

(c) An ordinance which is in conflict substantially with a subsequent ordinance shall be deemed to be repealed in its entirety, even if no specific repealer is stated. If an ordinance is only partially in conflict with a subsequent ordinance, only the portion of the previous ordinance in conflict with the subsequent ordinance shall be deemed to have been repealed, even if a specific repealer is not stated.

**1.08.040. Severability of parts of Code.**

The sections, subsections, paragraphs, sentences, clauses, and phrases of this Code are severable and if any phrase, clause, sentence, paragraph, subsection, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Code.

**1.08.050. Amendments to Code; effect of new ordinances; amendatory language.**

(a) All ordinances or resolutions passed subsequent to this Code that amend, repeal or in any way affect this Code may be numbered in accordance with the numbering system of this Code and printed for inclusion in this Code. Repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed or omitted, in the case of repeal, shall be prima facie evidence of these subsequent ordinances or resolutions until such time that this Code and subsequent ordinances numbered or omitted are readopted as a new Code.

(b) Amendments to any of the provisions of this Code may be made by amending those provisions by specific reference to the section number of this Code in the following language: "Section \_\_\_\_\_ of the Municipal Code of Nunn, Colorado, is hereby amended to read as follows:..." The new provisions may then be set out in full as desired.

(c) If a new section not heretofore existing in the Code is to be added, the following language may be used: "The Municipal Code of Nunn, Colorado, is hereby amended by adding a section (or article or chapter) to be numbered \_\_\_\_\_, which section reads as follows:..." The new section may then be set out in full as desired.

(d) All sections, articles, chapters or provisions desired to be repealed should be specifically repealed by section, article or chapter number, as the case may be, or by setting them out at length in the repealing ordinance or resolution.

**1.08.060. Interpretation of Code.**

In all interpretations of this Code, and ordinances, the courts shall look diligently for the intention of the board or governing body, keeping in view, at all times, the old law, the evil, and the remedy. Grammatical errors shall not vitiate, and a transposition of words and clauses may be resorted to when the sentence or clause is without meaning as it stands.

**1.08.070. Substantive compliance with Code.**

Substantive compliance with any requirement of the Code, or ordinances, especially on the part of public officers, shall be deemed and held sufficient, and no proceeding shall be declared void for want of such compliance, unless expressly so provided by the enactment.

**1.08.080. Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, insofar as they are the same as those of ordinances and resolutions existing at the time of adoption of this Code, shall be considered as continuations thereof and not as new enactments.

**1.08.090. Prior offenses, penalties, contracts, or rights not affected by adoption of Code.**

(a) Nothing in this Code or the ordinance adopting this Code shall affect any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code.

(b) The adoption of this Code shall not be interpreted as authorizing or permitting any use or the continuance of any use of a structure or premises in violation of any ordinance or resolution in effect on the date of adoption of this Code.

**1.08.100. Supplementation of Code.**

(a) By contract or by town personnel, supplements to this Code shall be prepared at least on an annual basis. A supplement to the Code shall include all substantive, permanent and general parts of ordinances passed by the board during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions.
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles.
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers.
- (4) Change the words "this ordinance" or words of the same meaning to "this title," "this chapter," "this article," "this division," etc., as the case may be, or to "sections to" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code).
- (5) Make other nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**1.08.110. Town staff power.**

The town staff may make nonsubstantive changes necessary to preserve the original meanings of ordinance sections inserted into the Code, but in no case shall the town staff make any change in the meaning or effect of ordinance material included in the Code.

**1.08.120. Certain ordinances not affected by Code.**

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following:

- (1) Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this Code;
- (2) Any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness;
- (3) Any contract or obligation assumed by the town;

- (4) Any ordinance fixing the salary of any town officer or employee, unless superseded;
- (5) Any ordinance or resolution establishing and/or prescribing employment, benefits, and/or personnel policies and procedures for any town officer or town employee;
- (6) Any right or franchise granted by the town;
- (7) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, widening, paving, etc., any street or public way in the town;
- (8) Any appropriation ordinance;
- (9) Any ordinance or resolution which, by its own terms, is effective for a stated or limited term;
- (10) Any ordinance or resolution providing for local improvements and assessing taxes therefor;
- (11) Any ordinance establishing the zoning district for specific real property or amendments thereto, and any ordinance establishing a planning commission, including joint commissions;
- (12) Any ordinance or resolution dedicating or accepting any subdivision plat or providing for subdivision regulations;
- (13) Any ordinance or resolution describing or altering the boundaries of the town;
- (14) The administrative ordinances or resolutions of the town not in conflict or inconsistent with the provisions of this Code;
- (15) Any ordinance levying or imposing taxes not included herein;
- (16) Any ordinance or resolution establishing or prescribing street grades in the town;
- (17) Any ordinance or regulation prescribing traffic regulations for specific locations concerning through streets, parking limitations, parking prohibitions, one-way traffic, limitations on loads of vehicles or loading zones, not in conflict or inconsistent with this Code;
- (18) Any ordinance or resolution of agreement with another political subdivision; and
- (19) Any other ordinance or resolution, or part thereof, which is not of a general and permanent nature; or which is referred to elsewhere in this Code as continuing in effect.

No such ordinance shall be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this chapter; and all such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length herein.

**1.08.130. Rates, charges, and fees established.**

(a) Unless otherwise provided for, all rates, charges, or fees necessary for the administration and enforcement of the provisions of this Code shall be as currently established or as hereafter adopted by motion, resolution or ordinance of the board, from time to time. Any rates, charges, or fees established by the town pursuant to the regulations or requirements established herein may be changed from time to time by the board, and such changes shall both be considered an amendment to this Code.

(b) Whenever any provision of this Code provides that a rate, charge, or fee shall be established by the board, from time to time, then the amount of such rate, charge, or fee shall be the most recent and latest amount established, set or fixed by the board by ordinance, resolution or motion.

**1.08.140. Ordinances—Introduction and passage.**

All ordinances or resolutions in the nature of ordinances shall be introduced to the board in writing by a member of the board. Ordinances may be acted upon immediately, unless the board, by majority vote or motion, shall refer the ordinance to a town official or committee of the board for study and recommendation. To pass any ordinance, there must be no less than four affirmative votes.

(Code 2002, § 2.04.113; Ord. No. 276, § 1, 8-26-2010)

**1.08.150. Ordinances—Voting.**

Each member present shall vote upon the passage of any ordinance or resolution. The yeas and nays shall be called and recorded.

(Code 2002, § 2.04.114)

**1.08.160. Ordinances—Recording; publication.**

All ordinances, as soon as practicable after passage, shall be authenticated by the signatures of the presiding officer and the town clerk and shall be entered in a book kept for that purpose. Such ordinance shall then be posted in those places designated by the board for posting.

(Code 2002, § 2.04.115)

**CHAPTER 1.12. GENERAL PENALTY****1.12.010. Violation of Code provisions; penalty; additional remedies.**

(a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Code, unless provision is otherwise herein made for a lesser penalty, shall, upon conviction thereof, be punished by a fine not exceeding the



maximum allowed by law for qualified municipal courts of record established by statute and found at C.R.S. §§ 13-10-113 and 31-16-101. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued, or permitted by such person, and shall be punished accordingly.

(b) In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this Code shall be deemed a public nuisance and may be, by this town, summarily abated as such, and each day that such condition continues shall be regarded as a new and separate offense.

(Code 2002, § 1.06.010; Ord. No. 290, § 1, 5-16-2015; Ord. No. 309, § 1, 9-20-2018)

**1.12.020. Violation; penalty; juvenile offenders.**

The violation of any section of this Municipal Code by any person not having attained the age of 18 years 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 the maximum allowed by law for qualified municipal courts of record established by statute and found at C.R.S. §§ 13-10-113 and 31-16-101, unless a different and lesser fine is specifically set forth therein. In the event that the juvenile court should assume jurisdiction over the juvenile person so charged pursuant to the provisions of the Colorado Children's Code, prior to final adjudication by the municipal court, then all jurisdiction in the matter shall vest with the juvenile court, and the municipal action shall be dismissed.

(Code 2002, § 1.06.020; Ord. No. 290, § 2, 5-16-2015; Ord. No. 309, § 2, 9-20-2018)

**1.12.030. Violation; penalty; useful public service.**

(a) A violator, upon conviction, may be sentenced to perform a certain number of hours of community or useful public service, not to exceed 40 hours, in addition to any other penalty provided in this chapter. If a person is convicted of more than one violation, community or useful public service may be imposed on any or each and every violation; any community or useful public service penalties in excess of one arising out of multiple violations within one case may run and be satisfied concurrently or consecutively, in the discretion of the court.

(b) For the purposes of subsection (a) of this section, the term "community or useful public service" means any work which is beneficial to the public, any public entity, or any bona fide nonprofit private or public organization and which work would not, with the exercise of reasonable care, endanger the health or safety of the person required to work.

(c) Any community or useful public service penalty imposed pursuant to this section shall be suitable to the age and abilities of the violator, and the amount of community or useful public service work ordered shall be reasonably related to the seriousness of the violation.

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(d) The court may assess a fee to cover the costs of the defendant participating in the useful public service program upon every person required to perform community or useful public service pursuant to this section. The court may waive all or a portion of this fee if the court determines the violator to be indigent.

(Code 2002, § 1.06.030)

Title 2

**ADMINISTRATION AND PERSONNEL**

**Chapter 2.04. Mayor and Board of Trustees**

- 2.04.010. Adoption of municipal election code.
- 2.04.020. Write-in candidate affidavit.
- 2.04.030. Circumstances for cancellation of election.
- 2.04.040. Terms of election; board of trustees.
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- 2.52.140. Distribution of code of conduct.



**CHAPTER 2.04. MAYOR AND BOARD OF TRUSTEES****2.04.010. Adoption of municipal election code.**

The municipal election code, as set forth in C.R.S. title 31, art. 10 (C.R.S. § 31-10-101 et seq.), as amended, is hereby adopted by reference as the election code for the town.  
(Code 2002, § 2.04.010; Ord. No. 210, 1998)

**2.04.020. Write-in candidate affidavit.**

No write-in vote for any municipal office shall be counted unless an affidavit of intent is filed by the person intending to be a write-in candidate. The affidavit shall indicate the name of the person who will be the write-in candidate, the office for which such person is a candidate, and a statement that the person desires the office and is qualified to assume the duties of the office if elected. Such affidavit shall be filed with the town clerk prior to 64 days before the day of the election.

(Code 2002, § 2.04.020; Ord. No. 211, 1998; Ord. No. 306, § 1, 1-18-2018)

**2.04.030. Circumstances for cancellation of election.**

If the only matter before the voters is the election of persons to office, and if at the close of business on the 64th day before the election, there are not more candidates than offices to be filled at such election including candidates who have filed affidavits of intent, the clerk, if instructed by resolution of the board of trustees either before or after such date, shall cancel the election and by resolution declare the candidates elected. Notice of cancellation shall be published, if possible, and notice of such cancellation shall be posted at each polling place and in not less than one other public place.

(Code 2002, § 2.04.030; Ord. No. 211, 1998; Ord. No. 306, § 2, 1-18-2018)

**2.04.040. Terms of election; board of trustees.**

Commencing with the municipal election of 1976, three trustees shall be elected for two-year terms of office, and three trustees shall be elected for four-year terms of office.

(Code 2002, § 2.04.040)

**2.04.050. Terms of office—Board of trustees.**

(a) Commencing with the municipal election of 1976, the three candidates for trustee receiving the greatest number of votes shall be elected to four-year terms, and the three candidates receiving the next greatest number of votes shall be elected to two-year terms.

(b) Commencing with the municipal election of 1978, and all subsequent municipal elections, three trustees shall be elected to four-year terms of office.

(Code 2002, §§ 2.04.050, 2.04.060; Ord. No. 127, 1975)

**2.04.060. Terms of office—Mayor.**

Commencing with the municipal election of 1978, and every fourth year thereafter, the mayor of the town shall be elected to a four-year term of office.

(Code 2002, § 2.04.070; Ord. No. 127, 1975)

**2.04.070. Regular meetings.**

The regular meetings of the board of trustees of the town shall be held on the third Thursday evening of each month at 6:00 p.m. The board of trustees may amend this section only for the purpose of changing the day or time (or both) for regular meetings by resolution passed during the regular January meeting. Any such resolution amending this section shall be effective in the next calendar month after such resolution is passed.

(Code 2002, § 2.04.080; Ord. No. 213, 1999; Ord. No. 274, § 1, 6-3-2010)

**2.04.080. Special meetings.**

The mayor or any three members of the board of trustees may call special meetings by written notice to each of the members of the board personally served or left at the member's usual place of residence.

(Code 2002, § 2.04.090)

**2.04.090. Compensation.**

(a) Pursuant to C.R.S. § 31-4-109, the mayor shall receive for services rendered the sum of \$200.00 each month.

(b) Pursuant to C.R.S. § 31-4-109, each member of the board of trustees shall receive \$25.00 for each regular meeting, special meeting, and work session of the board of trustees attended by the trustee.

(Code 2002, § 2.04.100)

**2.04.100. Order of business.**

The order of business of a board of trustees meeting shall be as follows:

- (1) *Call to order.* The mayor shall take the chair precisely at the hour appointed for the meeting and shall immediately call the board of trustees to order. The mayor or temporary chairperson shall preserve the order and decorum, decide all questions of order and conduct the proceedings of the meeting in accordance with the parliamentary rules contained in Robert's Rules of Order unless otherwise provided by ordinance.
- (2) *Roll call.* Before proceeding with the business of the board of trustees, the town clerk or the clerk's deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.



- (3) *Approval of agenda.* The board shall approve the agenda as submitted by the town clerk unless addition, deletion, or other changes are proposed and approved by the board.
- (4) *Reading the minutes.* Unless a reading of the minutes of a board of trustees meeting is requested by a member of the board of trustees, the minutes of the preceding meeting, which have been furnished by the town clerk to each trustee, shall be considered correct if approved and errors rectified if any exist.
- (5) *Public participation.* Petitions, remonstrances, communications, and comments or suggestions from citizens present shall be heard by the board of trustees. All such remarks shall be addressed to the board of trustees as a whole, and not to any member thereof. Such remarks shall be limited to a reasonable time and such determination will be in the discretion of the presiding officer. No person other than the individual speaking shall enter into the discussion without permission of the presiding officer.
- (6) *Old business.* The board of trustees shall consider any business that has been previously considered and which is still unfinished.
- (7) *New business.* The board of trustees shall consider any business not heretofore considered at a regular or special board of trustees meeting.
- (8) *Consent agenda.* The consent agenda is designed to expedite the handling of routine matters by the board. Any member may request that an item be removed from the consent agenda. All items may be approved by a single vote of the board.
- (9) *Employee reports.* Town employees shall present such reports as need be presented to the board of trustees.
- (10) *Reports by officers.* Town officials and/or committees shall present such reports as need to be presented to the board of trustees.
- (11) *Other remarks.* The board of trustees shall consider other matters that may need to be discussed.
- (12) *Adjournment.* The board of trustees may, by a majority vote of those present, adjourn. A motion to adjourn shall always be in order and decided without debate.

(Code 2002, § 2.04.111)

**2.04.110. Qualification of board member's spouse or household.**

(a) Henceforth, except as provided in subsection (c) of this section, an individual who is the spouse of a current board member, or a member of the same household as a current board member, shall not be qualified for board membership.

(b) In the event the spouse of a current board member, or a member of the same household as a current board member, seeks to be elected to the office of trustee or mayor and does not qualify under subsection (c) of this section, the town clerk will notify such individual of the disqualification and shall decline to certify the candidacy of such individual.

(c) This section shall not bar the candidacy of an individual who is the spouse of a current board member, or a member of the same household as a current board member, when the term of that current board member will end at the time when the individual would assume office. (Ord. No. 318, §§ 1—3, 5-16-2019)

**2.04.120. Committees.**

(a) All committees shall be appointed by the mayor.

(b) The following standing committees shall be appointed bi-annually and shall consist of three members each:

- (1) Finance, budget, and personnel;
- (2) Parks, cemetery, grounds, and recreation;
- (3) Health and welfare, library, and grants;
- (4) Streets, water, and maintenance;
- (5) Code enforcement and police;
- (6) Planning and zoning.

(c) Other committees shall be appointed by the mayor or mayor pro tempore as the need arises.

(Code 2002, § 2.04.117)

**CHAPTER 2.08. ALLOWING MEMBERS OF THE BOARD OF TRUSTEES TO  
SUBMIT ADVANCED VOTES**

**2.08.010. Written voting.**

If all of the following conditions are met, a member of the board of trustees may, in advance of a meeting, submit a written vote on a question expected to come before the board at the meeting:

- (1) The member has received the agenda for the meeting.
- (2) The matter is described on the agenda as a distinct agenda item in the form of a yes-or-no question to be presented to the board.
- (3) The member has received from the town clerk all of the documentary information about the agenda item that has been or will be provided to the other board members.

- (4) The member has reviewed all of the information provided by the town clerk.
  - (5) The member does not discuss the agenda item with any other member of the board.
  - (6) The member is satisfied that he or she has sufficient information to make a decision about the agenda item and, in so doing, to faithfully fulfill the member's obligations as a member of the board of trustees.
  - (7) The member is aware of an unavoidable scheduling conflict that will prevent the member from attending the meeting.
- (Ord. No. 311, § 1, 10-18-2018)

**2.08.020. Requirements for written voting.**

The written vote allowed by section 2.08.010 must meet the following requirements:

- (1) The vote must be submitted to the town clerk prior to the convening of the meeting.
  - (2) The vote must plainly indicate the member's vote on the question.
  - (3) The vote must indicate the date on which it is submitted to the town clerk.
  - (4) The vote must be in the form of:
    - a. A letter or other written statement or ballot signed by the member; or
    - b. An email from the member's email address, which shall be printed by the town clerk.
  - (5) The written instrument shall be preserved by the town clerk in paper form in the meeting records.
- (Ord. No. 311, § 2, 10-18-2018)

**2.08.030. Remote Voting.**

No member will be allowed to vote in advance by telephone, but this shall not be interpreted to prevent a member from attending a meeting by telephone, video conferencing software, or other similar technology allowing real time participation, if such attendance is otherwise lawful.

(Ord. No. 311, § 3, 10-18-2018)

## CHAPTER 2.12. TOWN OFFICERS GENERALLY

**2.12.010. Appointment.**

All appointments by the board shall be by ballot and a majority of the whole number of members elected to the board shall be necessary to an appointment. The names of those who voted and the vote each candidate received upon the vote resulting in an appointment shall be recorded.

(Code 2002, § 2.08.010)

**2.12.020. Term of office.**

(a) At its first regular meeting held after the biennial municipal election, the board shall proceed to appoint persons to perform the following offices:

- (1) Town clerk;
- (2) Town attorney;
- (3) Municipal judge;
- (4) Town treasurer.

(b) All persons appointed by the board shall hold their respective offices for the period of two years, unless they earlier resign or are removed for cause, and until their successors are duly appointed and qualified.

(Code 2002, § 2.08.020)

**2.12.030. Filling of vacancies.**

Should any of the offices listed in section 2.12.020 become vacant from any cause prior to the expiration of the term of the previous appointee, the board shall proceed immediately to fill such office.

(Code 2002, § 2.08.030)

**2.12.040. Removal from office—Grounds.**

Any town officer appointed by the board who is incompetent or who is guilty of any willful violation of any of the officer's official duties, may be removed from office, during the officer's term of office, by a vote of a majority of all members elected to the board.

(Code 2002, § 2.08.040)

**2.12.050. Removal from office—Notice.**

All charges preferred against any appointive officer shall be made in writing and shall clearly specify the cause for removal. A copy of such charges, together with a notice of the time and place of hearing, shall be served upon the accused at least five days prior to the date set for the hearing.

(Code 2002, § 2.08.050)

**2.12.060. Removal from office—Hearing.**

At the time and place set for the hearing, the board shall meet and proceed according to its rules to hear the evidence against the accused, as well as the evidence offered in the accused's behalf, adjourning from time to time as may be necessary, until all of the evidence has been heard. At the hearing, the accused may be heard on the accused's own self or through counsel.

(Code 2002, § 2.08.060)

**2.12.070. Removal from office—Decision.**

Within three days of the conclusion of all the evidence, the board shall vote by ayes and nays upon each charge. If four members of the board find the accused guilty of any of the charges, they shall resolve that the accused be removed from office, and the accused's office is declared vacant.

(Code 2002, § 2.08.070)

**CHAPTER 2.16. TOWN CLERK****2.16.010. Duties.**

The town clerk shall have custody of the town seal as well as all ordinances and laws of the town. The town clerk shall keep a correct journal of all proceedings of the board and shall record all resolutions, bylaws, and ordinances passed by the board in a separate book to be kept for that purpose, have the same duly published, and preserve proof of publication. The town clerk shall keep on file, in a place provided by the board, all papers, books, contracts, bills, claims, correspondence and records of every description belonging to the town and shall not allow the same to be removed from the clerk's office without the written consent of the mayor. The town clerk shall be responsible for handling all administrative and clerical duties associated with the operation of the town government as well as such further duties as are assigned to the clerk by the board.

(Code 2002, § 2.12.010)

**2.16.020. Oath; bond.**

Prior to entering upon the duties as town clerk, the person so appointed shall take and subscribe an oath of office.

(Code 2002, § 2.12.020)

**2.16.030. Compensation.**

The town clerk shall receive as compensation for services rendered as town clerk a salary in an amount to be fixed by decision of the board.

(Code 2002, § 2.12.030)

**CHAPTER 2.20. TOWN ATTORNEY****2.20.010. Duties.**

The town attorney shall be the general legal advisor of the board and all town officers in all matters arising out of any question concerning the ordinances, resolutions and contracts of the town, and in all matters pertaining to the town business. The town attorney shall appear for the

town in all actions and suits in which the town is a party and prosecute or defend as the occasion demands. The town attorney is authorized and empowered to make any and all necessary affidavits and execute all bonds and other instruments in writing, necessary to the proper conduct of any suit or proceeding in which the town is a party, and to take and prosecute appeals in all cases in which, in the attorney's opinion, the interests of the town demand such action.

(Code 2002, § 2.16.010)

**2.20.020. Oath; bond.**

Prior to entering upon the duties as town attorney, the person so appointed shall take and subscribe an oath of office but shall not be required to execute any bond for the faithful performance of the attorney's duties.

(Code 2002, § 2.12.020)

**2.20.030. Compensation.**

The town attorney shall receive as compensation for services rendered as town attorney a salary in an amount to be fixed by decision of the board or per agreement or per contract.

(Code 2002, § 2.12.030)

**2.20.040. Municipal prosecution services.**

The town may engage a separate attorney to provide municipal prosecution services.

**CHAPTER 2.22. TOWN PROSECUTOR (RESERVED)**

**CHAPTER 2.24. POLICE DEPARTMENT**

**2.24.010. Police department established.**

There is hereby established a police department which shall consist of a chief of police and as many police officers and other employees as the board of trustees may from time to time determine. All such personnel shall be employees of the town and not officers thereof.

(Ord. No. 262, § 1(2.20.010), 5-3-2007)

**2.24.020. Functions and duties of department.**

The police department shall be responsible for the preservation of public peace, investigation of crime and preservation of crime scenes, arrest of persons subject thereto under the laws of the state and the ordinances and court rules of the town, protection of the rights of persons and property, and enforcement of the laws of the state and the ordinances of the town.

(Ord. No. 262, § 1(2.20.020), 5-3-2007)

**2.24.030. Rules and regulations.**

The police department shall be operated and managed in accordance with such rules and regulations as may from time to time be adopted by the board of trustees.

(Ord. No. 262, § 1(2.20.030), 5-3-2007)

**2.24.040. Powers and duties of police officers.**

(a) All police officers shall be peace officers within the meaning of the laws of the state and shall have all powers conferred upon them by such laws and by the provisions of this Code, specifically including the power to serve and enforce criminal process.

(b) All members of the police department shall have the power and the duty to enforce all laws of the state and all ordinances of the town, to suppress riots, disturbances and breaches of the peace and to arrest all persons subject thereto under the laws of the state of the ordinances or court rules of the town.

(Ord. No. 262, § 1(2.20.040), 5-3-2007)

**2.24.050. Organization; chief of police.**

The police department shall be managed by the chief of police, who shall:

- (1) Be a peace officer within the meaning of the laws of the state and shall have all powers conferred upon peace officers by such laws. In addition, the chief of police shall have all powers conferred by this Code upon police officers.
- (2) Be the executive and administrative head of the police department. The chief of police shall be responsible for the administration, planning, organization, control, direction, efficiency, custody and care of all police department property, and general good conduct and discipline of the police department. The chief of police shall report to and be under the direction of the board of trustees.
- (3) Investigate, or cause to be investigated, all violations of law, orders, rules and regulations or any other misconduct on the part of the police department personnel and shall report promptly and fully concerning such investigations to the board of trustees.
- (4) Cause to be kept such books, records and reports as may from time to time be required by the board of trustees and applicable laws of the United States and the state and shall be official custodian of all such records.
- (5) Exercise, on behalf of the board of trustees, the powers granted to the town by state law to regulate traffic and to implement appropriate traffic control measure on all streets and highways subject to town jurisdiction, in accordance with state law and applicable provisions of the model traffic code as adopted and amended from time to time by the

town; except that nothing in this subsection shall be construed to authorize the police department to alter any speed limits or parking regulations or restrictions established by said model traffic code.

- (6) Perform such other duties and functions in connection with the police department as the board of trustees shall from time to time direct.

(Ord. No. 262, § 1(2.20.050), 5-3-2007)

#### **2.24.060. Uniforms.**

Every police officer shall wear a uniform of the type and quality prescribed by the board of trustees, as directed by the chief of police.

(Ord. No. 262, § 1(2.20.060), 5-3-2007)

#### **2.24.070. Oath of officers.**

Before entering upon the duties of the office, each police officer shall take and subscribe an oath that the police officer will support the Constitution of the United States, the constitution and laws of the state and the ordinances of the town, and that the police officer will faithfully perform the duties of the office upon which the police officer is about to enter.

(Ord. No. 262, § 1(2.20.070), 5-3-2007)

#### **2.24.080. Reserve police.**

The board of trustees or the chief of police may from time to time hire qualified persons to act as reserve police officers. Such persons shall serve without pay, but the town shall provide suitable uniforms and other equipment as determined by the board or the chief of police. While on duty, reserve police officers shall have all powers and duties of regular police officers. The rules and regulations provided by this chapter shall provide for reserve police officers.

(Ord. No. 262, § 1(2.20.080), 5-3-2007)

#### **2.24.090. Extraterritorial duty on request.**

The chief of police may, in the chief's discretion, upon request of the chief of police, or person exercising the functions thereof, in any other jurisdiction, assign police officers under the chief's control, together with such equipment as the police chief shall deem to be proper, to perform temporary duty in the requesting jurisdiction.

(Ord. No. 262, § 1(2.20.090), 5-3-2007)

#### **2.24.100. Violation of chapter.**

No member of the police department shall seek or accept election, nomination, or appointment as an officer of a political club or organization; take an active part in a count or municipal political campaign; serve as a member of a committee of such club, organization, or circle; seek signatures to any petition provided for by any law; act as a worker at the polls; or distribute



badges, pamphlets, dodgers, or handbills of any kind favoring or opposing any candidate for election or for nomination to a public office, whether county or municipal. Nothing in this section shall prevent any such officer or employee from becoming or continuing to be a member of a political club or organization, attending a political meeting, or enjoying entire freedom from all interference in casting their vote. Any willful violation of this section or violation through culpable negligence is sufficient grounds to authorize the discharge of any member of the police department.

(Ord. No. 262, § 1(2.20.100), 5-3-2007)

## **CHAPTER 2.28. TOWN TREASURER**

### **2.28.010. Duties.**

The town treasurer shall be the general financial officer of the town and shall supervise the preparation of all necessary financial reports, financial statements and books and accounts.

(Code 2002, § 2.24.010)

### **2.28.020. Preparation of reports and statements.**

Whenever, by state statute, the town treasurer is required to prepare financial reports and financial statements, the town treasurer may delegate the responsibility for preparing such reports and statements to the town clerk or the town auditor; provided, however, that such reports must be approved by the treasurer, such approval to be evidenced by the treasurer's signature on the report or statement.

(Code 2002, § 2.24.020)

### **2.28.030. Oath; bond.**

Prior to entering upon the duties as town treasurer, the person so appointed shall take and subscribe an oath of office.

(Code 2002, § 2.24.030)

### **2.28.040. Compensation.**

The town treasurer shall receive as compensation for services rendered a salary in an amount to be fixed by decision by the board.

(Code 2002, § 2.24.040)

**CHAPTER 2.32. TOWN ADMINISTRATOR (RESERVED)****CHAPTER 2.36. PUBLIC WORKS SUPERINTENDENT****2.36.010. Duties.**

The public works superintendent shall personally supervise the establishment, construction, installation, alteration, improvement, repair, removal, or demolition of any of the public works of the town, specifically including, but not limited to, the street and water systems of the town, the town cemetery, and any and all buildings owned by the town. The public works superintendent and the superintendent's deputies shall keep all the public works of the town in good order and repair and shall perform such other duties as may be prescribed elsewhere in this Code.

(Code 2002, § 2.28.010)

**2.36.020. Oath; bond.**

The public works superintendent shall not be required to take any oath of office nor to give bond for the faithful performance of the superintendent's duties, nor shall any oath or bond be required of the superintendent's deputies.

(Code 2002, § 2.28.020)

**2.36.030. Compensation.**

The public works superintendent and the superintendent's deputies shall receive as compensation for their services salaries in an amount to be fixed by decision of the board.

(Code 2002, § 2.28.030)

**CHAPTER 2.40. TOWN ENGINEER (RESERVED)****CHAPTER 2.44. MUNICIPAL COURT****2.44.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Municipal court" means a qualified municipal court of record, as defined under C.R.S. § 13-10-102(3).
- (2) "Municipal judge" means the judge appointed by the town board to preside over the municipal court.

(Code 2002, § 2.36.010; Ord. No. 216, 1999)

**2.44.020. Established.**

There is hereby established a municipal court for the town. A municipal court shall hear and try all alleged violations of the town. The municipal court is hereby created and established as a qualified municipal court of record as defined in C.R.S. § 13-10-102(3). The court shall hold its sessions at town hall on a certain day each month as needed to commence at a certain hour as established by the municipal judge with the approval of the town board. The municipal judge may also order the convening of special sessions to accommodate jury trials and other matters that cannot be accommodated during regular monthly court sessions.

(Code 2002, § 2.36.020; Ord. No. 216, 1999)

**2.44.030. Municipal judge—Term; authority generally; assessment of court costs; surcharge.**

(a) The municipal court shall be presided over by a municipal judge who shall be appointed by the town board for a specified term which shall expire on the date of the succeeding municipal election. The municipal judge may be removed during their term of office only for cause as specified in C.R.S. § 13-10-105. (Code 2002)

(b) The municipal judge, or the person appointed to temporarily act as municipal judge, shall have and is given the authority to impose fines and costs, suspend the collection or execution of any fine, sentence, or penalty imposed upon any person found guilty of a violation of a municipal ordinance, and is given the further power to revoke and terminate any such suspended fine, sentence, or penalty and execution of the same as though it had never been suspended. (Code 2002)

(c) The municipal judge, or the person appointed to temporarily act as municipal judge, shall have and is given the power and authority to assess and shall assess \$20.00 as court costs for each case filed where the defendant is found guilty and/or the defendant pleads guilty. (Code 2002) The amount of court costs to be assessed may be revised by the board from time-to-time by resolution.

(d) 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 \$40.00, but under no circumstances shall the total fine assessed including the surcharge exceed any maximum amount allowed by law. All proceeds generated by the surcharge on fines shall be paid into a special revenue account for the town, to be used solely for the purpose of funding police services. (Ord. 216, 1999) The amount of the surcharge may be revised by the board from time-to-time by resolution.

(Code 2002, § 2.36.030; Ord. No. 216, 1999; Ord. No. 290, § 3, 5-16-2015)

**2.44.040. Municipal judge—Oath.**

Prior to entering upon the duties as municipal court judge, the person so appointed shall take and subscribe an oath of office.

(Code 2002, § 2.36.040; Ord. No. 216, 1999)

**2.44.050. Municipal judge—Compensation.**

The municipal judge shall receive as compensation for services rendered an amount as determined by the town board.

(Code 2002, § 2.36.050; Ord. No. 216, 1999)

**2.44.060. Clerk of the municipal court.**

The town clerk may perform the functions of court clerk. The town clerk shall receive no additional compensation for performing the functions of court clerk.

(Code 2002, § 2.36.060; Ord. No. 216, 1999)

**2.44.070. Jury trial; demand.**

(a) In all trials in the municipal court in cases arising from an alleged violation of an ordinance of the town, other than traffic infractions, and if a jail penalty may be imposed, a defendant shall have the right to a trial by jury, and such defendant may demand a jury which shall consist of three jurors, unless a greater number not to exceed six is requested by the defendant.

(b) A defendant waives the right to a jury trial, unless, within 21 days after entry of a plea, the defendant files with the court a jury demand and at the same time tenders to the court a jury fee of \$25.00, unless the fee is waived by the municipal judge because of the indigence of the defendant.

(Code 2002, § 2.36.070; Ord. No. 216, 1999)

**2.44.080. Jury qualifications.**

(a) All residents of the town at least 18 years of age who meet the qualifications set forth in C.R.S. § 13-71-105 shall be competent to serve as jurors in the municipal court.

(b) The municipal judge shall have the right, upon good cause being shown, to exempt or excuse any prospective juror from services.

(Code 2002, § 2.36.080; Ord. No. 216, 1999)

**2.44.090. Jury commissioner.**

The jury commissioner of the municipal court shall be the court clerk, and the commissioner shall serve for the same terms as their appointment as court clerk without additional compensation.

(Code 2002, § 2.36.090; Ord. No. 216, 1999)



of persons to serve on the jury, or a greater number not to exceed six, if the defendant has demanded a larger number, and if any of the original persons selected are challenged and excused by the municipal judge, then, and in that event, the bailiff shall draw an additional name and shall continue to do so until a jury is selected.

(Code 2002, § 2.36.130; Ord. No. 216, 1999)

**2.44.140. Challenging of jurors—Generally.**

The municipal judge shall pass on all challenges and objections to jurors, and the municipal judge shall have the power to rule on all questions of evidence and the admissibility thereof.

(Code 2002, § 2.36.140; Ord. No. 216, 1999)

**2.44.150. Challenging of jurors—Peremptory challenges.**

In all cases arising under the Municipal Code of the town, wherein a jury trial is had, the town and the defendant shall be entitled to three peremptory challenges.

(Code 2002, § 2.36.010; Ord. No. 216, 1999)

**2.44.160. Instructions to jury.**

At the conclusion of all the evidence, and before arguments of counsel, the municipal judge shall read to the jury the provisions of the municipal ordinance alleged to have been violated by the defendant and shall orally instruct the jury as to any points of law that the municipal judge believes to be pertinent to the issues to be determined by the jury. Counsel for either of the parties may submit written instructions to the municipal judge and if he or she believes the proposed instructions to be proper, he or she shall read the same to the jury.

(Code 2002, § 2.36.160; Ord. No. 216, 1999)

**2.44.170. Pleas of guilty.**

If any person accused of violating any of the provisions of an ordinance of the town having right to trial by jury shall confess to being guilty, the municipal judge, without a jury trial, shall hear the evidence and fix and determine the sentence, penalty, or punishment and enter judgment and execution thereon.

(Code 2002, § 2.36.170; Ord. No. 216, 1999)

**2.44.180. Judgment of acquittal.**

The municipal judge shall have the power to enter a judgment of acquittal in favor of the defendant when the evidence presented is insufficient to sustain the guilt of the defendant.

(Code 2002, § 2.36.180; Ord. No. 216, 1999)

**2.44.190. Costs and fees.**

Jurors shall be paid the sum of \$6.00 per day for actual jury service and \$3.00 for each day of service on the jury panel alone.

(Code 2002, § 2.36.190; Ord. No. 216, 1999)

**2.44.200. Verdict; sentence.**

Upon the jury's returning a verdict of guilty, the municipal judge shall record the same in the docket and shall proceed to fix or determine the punishment, penalty, or sentence, and to render judgment upon such verdict for the punishment, penalty, or sentence, so determined by the judge and for costs, but if the jury returns a verdict of not guilty, the municipal judge shall record the same and discharge the defendant without costs.

(Code 2002, § 2.36.200; Ord. No. 216, 1999)

**2.44.210. Suspended sentence.**

The municipal judge shall have the power to suspend all or any part of the sentence upon such conditions believed to be proper by the court under the circumstances. The court shall have the power to retain jurisdiction over the defendant for a period of up to 12 months after the sentence suspension. The court shall have the power to revoke any suspended sentence within the 12-month period mentioned in this section.

(Code 2002, § 2.36.210; Ord. No. 216, 1999; Ord. No. 309, § 3, 9-20-2018)

**CHAPTER 2.48. PLANNING COMMISSION****2.48.010. Membership.**

The board of trustees shall assume and exercise any power granted to or duty placed upon the municipal planning commission and the municipal zoning commission, and the board of trustees shall designate at each meeting the planning commission business for approval, findings, determinations, or resolution.

(Code 2002, § 2.40.010; Ord. No. 164, 1992)

**CHAPTER 2.52. CODE OF CONDUCT****2.52.010. Title.**

This chapter shall be known and may be cited as the "Town of Nunn Code of Conduct."

(Code 2002, § 2.44.010; Ord. No. 188, 1997)

**2.52.020. Declaration of policy.**

The proper operation of democratic government requires that the public officers and employees be independent, impartial, and responsible to the people; that government decisions and policy be made within the proper channels of the government structure; that public office not be used for personal gain; and that the public have confidence in the integrity of its government. In recognition of these goals, a code of conduct for all town officers and employees is adopted. The purpose of this code is to establish guidelines for ethical standards of conduct for all such officers and employees by setting forth those acts or actions that are incompatible with the best interest of the town, and by directing disclosure by such officers and employees of private financial or other interests in matters affecting the town.

(Code 2002, § 2.44.020; Ord. No. 188, 1997)

**2.52.030. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Business" means any corporation, limited liability corporation, partnership, sole proprietorship, trust, or foundation, or other individual or organization carrying on as a business, whether or not operated for profit.
- (2) "Confidential information" means all information, whether transmitted orally or in writing, which is of such a nature that it is not, at that time, a matter of public knowledge.
- (3) "Conflict of interest" means a circumstance where the taking of any official action by a town officer would:
  - a. Substantially affect to its economic benefit a business or other undertaking in which such officer has a substantial financial interest;
  - b. Substantially affect a business or other undertaking by whom the officer is employed, or by whom such officer is engaged as consultant, representative, or agent;
  - c. Substantially affect to its economic detriment any business or other undertaking when such officer has a substantial financial interest in a competing business or undertaking; or
  - d. Give rise to the appearance of impropriety on the part of such officer.

An officer shall not be deemed to have a conflict of interest with respect to matters determined by the board to involve the common public interest, such as matters concerned with the adoption of general land use regulations, the formation of special



or local improvement districts within which the officer owns real property, the imposition of taxes, the authorization of bond and similar actions involving the common public interest.

- (4) "Employee" and "town employee" means any person employed in the service of the town, including, without limitation, the town public works superintendent. The term "town employee" also includes those independent contractors who provide contract services to the town, whose contract with the town subjects them to the provisions of this code of conduct.
- (5) "Officer" or "town officer" means the town trustees, mayor, members of the board of adjustment, town clerk, town attorney, and other town officers appointed under C.R.S. § 31-4-304.
- (6) "Official act" or "official action" means any vote, decision, recommendation, approval, or disapproval, or other action, including inaction, which involves the use of discretionary authority.
- (7) "Substantial financial interest" means an interest owned or held by a town officer or town employee which is:
  - a. An ownership interest in a business;
  - b. A creditor interest in a business;
  - c. An ownership interest in real or personal property;
  - d. A loan or any other debtor interest;
  - e. A directorship or officership in a business;
  - f. An employment or a prospective employment for which negotiations have begun.An officer or town employee shall be presumed to have a substantial financial interest in any of the above mentioned interests owned, held, or controlled by such officer's or employee's spouse or dependent children.
- (8) "Town contractor" means a person or business under contract to perform work for the town; a person or business who has submitted a bid to do work for the town, which bid is still pending; and any person or business who has performed work for the town within the preceding 12 months.
- (9) "Undertaking" means any activity conducted primarily for the purpose of making a profit, including, without limitation, any activity which substantially advances a person's private financial interest or position.

(Code 2002, § 2.44.030; Ord. No. 188, 1997)

**2.52.040. Town employee—Prohibited conduct.**

A town employee shall not:

- (1) Disclose confidential communications with the town attorney. Communications between any town officer or employee and the town attorney, other than during public meetings, is privileged and confidential. The policy underlying the attorney/client privilege is to ensure candid and open discussion with the legal advisor without fear of disclosure. The attorney/client privilege of confidentiality as to such communications can only be waived by a majority vote of the board of trustees.
- (2) Communicate or cooperate with parties in litigation with or asserting a present or potential claim against the town. No trustee or other town officer shall communicate, either directly or indirectly, with a party involved in litigation or other claims against the town, or such party's attorney, agent, or other representative, as to the subject matter of such litigation or claim, on matters related to or bearing on such litigation or claim, without prior consultation with the town attorney and authorization by the town board.
- (3) Disclose or use confidential information acquired in the course of such employee's duties in order to further a business or other undertaking in which such employee has a substantial financial interest.
- (4) Disclose any confidential information acquired in the course of such employee's duties to any person under circumstances where the employee knows, or reasonably should know, that the person to whom such confidential information is disclosed will use the confidential information in order to further a private business or undertaking.
- (5) Engage in a substantial financial transaction for the employee's private business purposes with a person whom such employee inspects or supervises in the course of their employment with the town.
- (6) Perform an official act which directly and substantially affects to its economic benefit a business or other undertaking in which such employee has a substantial financial interest.
- (7) Acquire or hold an interest in any business or undertaking which such employee has reason to believe may be directly and substantially affected to its economic benefit by official action taken by the agency over which said employee has substantive authority.
- (8) Perform an official act directly and substantially affecting to its economic detriment any business or undertaking when such employee has a substantial financial interest in a competing business or undertaking.
- (9) Solicit or accept a present or future gift, favor, loan, service, or thing of value from a person under circumstances which would lead a reasonably prudent person to believe

that such gift, favor, loan, service, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such employee in connection with an official act or as a reward for official action the employee has previously taken.

- (10) Perform any official act under circumstances which give rise to an appearance of impropriety on the part of the employee.
- (11) Seek or accept election, nomination, or appointment to the governing board of any unit of local government operating in the county whose boundaries overlap with the boundaries of the town.

(Code 2002, § 2.44.040; Ord. No. 188, 1997)

**2.52.050. Town employee—Exemptions.**

The provisions of section 2.52.040 shall not prohibit a town employee from:

- (1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act.
- (2) Appearing before the town board, planning commission, or any town board in the course of the performance of such employee's duties for the town.
- (3) Appearing before the town board, planning commission, or any town board, in connection with planning/development matters pertaining to such employee's primary residence.
- (4) Appearing in municipal court on such employee's own behalf or on behalf of such employee's spouse or minor child.
- (5) Appear with respect to any matter of public concern before the town board, planning commission, or any town board in such employee's capacity as a citizen, and neither in such person's capacity as an employee, nor as counsel, consultant, representative, or agent for any person, business, or undertaking.
- (6) Accepting gifts or loans which are:
  - a. An occasional non-pecuniary gift insignificant in value;
  - b. A non-pecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - c. Payment of, or reimbursement for, travel and subsistence for attendance at a convention or other meeting at which such employee is scheduled to participate as a speaker or other contributor in their capacity as a town employee if the paying or reimbursing party has no current or anticipated business with the town. If the employee is paid by the town while attending such convention, or meeting, any honorarium or other monetary compensation received by the employee in connection with such convention or meeting shall be turned over to the town;

- d. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such town employee which is not extraordinary when viewed in light of the position held by such employee;
  - e. Items of perishable or non-permanent value, including, but not limited to, meals and tickets to sporting, recreational, educational, or cultural events.
- (7) Receiving such compensation for services rendered to the town as may be fixed by ordinance, pay plan, budget, or other similar official action.  
(Code 2002, § 2.44.050; Ord. No. 188, 1997)

**2.52.060. Town officer—Prohibited conduct.**

A town officer shall not:

- (1) Disclose discussions on matters discussed in executive session. Public disclosure of discussions held in executive session constitutes official misconduct and is grounds for removal of a trustee from office.
- (2) Disclose confidential communication with the town attorney. Communications between any town officer or employee and the town attorney, other than during public meetings, is privileged and confidential. The policy underlying the attorney/client privilege is to ensure candid and open discussion with the legal advisor without fear of disclosure. The attorney/client privilege of confidentiality as to such communications can only be waived by a majority vote of the board as a whole.
- (3) Make unauthorized individual inquiries or contacts with town contractors. An individual trustee should not contact the town's accountants, attorney, or other parties in a contractual relationship with the town unless authorized by the board to do so. To keep expenses to the town to a minimum, request for action or information from such contractors shall be channeled through the mayor or the town clerk.
- (4) Communicate or cooperate with parties in litigation with, or asserting a present or potential claim against, the town. No trustee or other town officer shall communicate, either directly or indirectly, with a party involved in litigation or other claims against the town, or such party's attorney, agent, or other representative, as to the subject matter of such litigation or claim, on matters related to or bearing on such litigation or claim, without prior consultation with the town attorney and authorization by the town board.
- (5) Disclose or use confidential information acquired in the course of such officer's duties in order to further a business or other undertaking in which such officer has substantial financial interest.

- (6) Disclose any confidential information acquired in the course of such officer's duties to any person under circumstances where the officer knows, or reasonably should know, that the person to whom such confidential information is disclosed will use the confidential information in order to further a private business or undertaking.
- (7) Solicit or accept a present or future gift, favor, loan, service, or thing of value from a person under circumstances which would lead a reasonably prudent person to believe that such gift, favor, loan, service, or thing of value was made or given primarily for the purpose of influencing or attempting to influence such officer in connection with an official act, or as a reward for official action such officer has previously taken.
- (8) Make or accept any ex parte communication or contact concerning a quasi-judicial matter which is to be determined after a public hearing without making the contents of such communication or contact a part of the record of such public hearing. The provisions of this subsection shall not apply to legislative matters to be considered by an officer.
- (9) Appear, except as authorized in section 2.52.070, with respect to any matter before the town board, planning commission, or board of adjustment.
- (10) Neglect the official duties of such town officer. Failure to regularly attend town board meetings shall be cause for removal from office.
- (11) Violate the fiduciary duty to act in the best interest of the town.  
(Code 2002, § 2.44.060; Ord. No. 188, 1997)

**2.52.070. Town officer—Exemptions.**

The provisions of section 2.52.060 shall not prohibit a town officer from:

- (1) Accepting or receiving a benefit as an indirect consequence of the performance of an official act.
- (2) Taking official action or speaking at a public meeting when such officer is similarly situated with other town residents, such as in connection with the adoption of general use regulations, the formation of special or local improvement districts within which the officer owns real property, the imposition of taxes, the authorization of bonds, or generally acting when the matter involves the common public interest.
- (3) Appearing before the town board, planning commission, or board of adjustment in connection with a planning/development matter pertaining to such officer's primary residence, provided that the officer shall be deemed to have a conflict of interest with respect to such matter and shall not vote with respect to such matter except as provided in section 2.52.090.
- (4) Appearing in municipal court on such officer's own behalf, or on behalf of such officer's spouse or minor child.

- (5) Appear with respect to any matter of public concern before the town board, planning commission, or board of adjustment in such officer's capacity as a citizen, and neither in such person's official capacity, or as counsel, consultant, representative, or agent for any person, business, or undertaking.
- (6) Accepting gifts or loans which are:
  - a. Campaign contributions reported as required by law;
  - b. An occasional non-pecuniary gift insignificant in value;
  - c. A non-pecuniary award publicly presented by a nonprofit organization in recognition of public service;
  - d. Payment of, or reimbursement for, actual and necessary expenditures for travel and subsistence for attendance at a convention or other meeting at which such employee is scheduled to participate as a speaker or other contributor in their capacity as a town officer if the paying or reimbursing party has no current or anticipated business with the town. Any honorarium or other monetary compensation received by the officer in connection, with such convention or meeting shall be turned over to the town;
  - e. Reimbursement for, or acceptance of, an opportunity to participate in a social function or meeting which is offered to such town officer which is not extraordinary when viewed in light of the position held by such officer;
  - f. Items of perishable or non-permanent value, including, but not limited to, meals and tickets to sporting, recreational, educational, or cultural events unless prohibited by applicable departmental rule or regulation;
  - g. A loan at a rate of interest which is not substantially lower than the commercial rate than currently prevalent for similar loans within the town.
- (7) Receiving such compensation for services rendered to the town as may be fixed by ordinance, pay plan, budget, or other similar official action.
- (8) Personally contracting with a town contractor for the performance of work so long as such contract will not interfere with or delay the contractor's performance of any contract with the town, and the contract is paid by the officer at substantially the generally prevailing market rate for such services within the town. Before entering into such contract, the officer shall notify the town clerk in writing.

(Code 2002, § 2.44.080; Ord. No. 188, 1997)

**2.52.080. Conflict of interest in planning commission or board of adjustment action.**

Any member of the planning commission or board of adjustment who believes such member has a conflict of interest as defined in this chapter on any matter proposed or pending before the planning commission or board of adjustment shall disclose such conflict to the planning

commission or board of adjustment. Any member who believes that another member of the planning commission or board of adjustment has a conflict of interest shall bring the matter to the attention of the planning commission or board of adjustment prior to the consideration of the issue involving the alleged conflict. The planning commission or board of adjustment shall determine whether a conflict of interest exists. If the planning commission or board of adjustment determines that an actual conflict of interest exists, the member with the conflict shall not attempt to influence other members of the planning commission or board of adjustment in connection with such matter and, except as provided herein, shall not vote upon such matter. The member shall leave the table during discussion and action on the subject and shall return only when the planning commission or board of adjustment has taken up the next agenda item.

(Code 2002, § 2.44.090; Ord. No. 188, 1997)

**2.52.090. When trustee or member of planning commission or board of adjustment with conflict of interest may vote.**

A trustee or member of the planning commission or board of adjustment may vote upon a matter in which said trustee or member has a conflict if:

- (1) Said trustee or member participation is necessary to obtain a quorum or to otherwise enable the board of adjustment or planning commission to act; and
  - (2) If said trustee or member complies with the disclosure provisions of section 2.52.100.
- (Code 2002, § 2.44.100)

**2.52.100. Mandatory disclosure to secretary of state.**

No later than 72 hours before voting pursuant to section 2.52.090, the trustee or member of the planning commission or board of adjustment shall give written notice to both the secretary of state and to the town board or planning commission, whichever is applicable. Such notice shall clearly state the nature of the conflict of interest.

(Code 2002, § 2.44.110)

**2.52.110. Public contracts.**

(a) Except as provided herein, no town officer or town employee shall have an interest in any contract made by the town.

(b) The provisions of this section shall not apply to:

- (1) Contracts awarded to the lowest bidder based on competitive bidding procedures;
- (2) Merchandise sold to the highest bidder at public auctions;
- (3) Investments or deposits in financial institutions which are in the business of loaning or receiving money;

- (4) A contract between the town and an officer or employee if, because of geographic restrictions, the town could not otherwise reasonably afford itself of the subject of the contract. It shall be presumed that the town could not otherwise reasonably afford itself of the subject of a contract if the additional cost to the town is greater than ten percent of a contract with an officer or employee or if the contract for services that must be performed within a limited time period and no other contractor can provide those services within that time period. If the contract involves a trustee, such trustee shall disclose their interest to the town board and such trustee shall not vote upon the issue of the award of such contract except in accordance with section 2.52.090.

(c) The term "interest," as used in this section, and particularly in subsection (a) of this section, shall not include employment of a town officer or town employee by one who is a party to the contract in question.

(Code 2002, § 2.44.120; Ord. No. 188, 1997; Ord. No. 281, § 2, 2-18-2012)

**2.52.120. Enforcement.**

(a) The town attorney shall have the responsibility for the enforcement of this chapter as to all town employees. The town attorney shall have the power to investigate any complaint, to initiate any suit, and to prosecute any criminal or civil action on behalf of the town where the town attorney believes such action is appropriate.

(b) The town board shall have the responsibility for the enforcement of this chapter as to town officers. It shall have the power to investigate any complaint, to initiate any suit, and to authorize the town attorney to prosecute any criminal or civil action on behalf of the town where it believes such action is appropriate.

(c) Any person who believes that a violation of any portion of this chapter has occurred may file a complaint with the town clerk, which complaint shall be promptly investigated and such action taken thereon as the town attorney or board shall deem to be appropriate.

(Code 2002, § 2.44.130; Ord. No. 188, 1997)

**2.52.130. Penalties and remedies.**

(a) Any person found to have violated any provision of this chapter shall be subject to termination of employment or removal from office. Additionally, such person shall be liable to the town for such damages as may have been suffered or incurred as a result of such violation, together with any costs (including attorney's fees) incurred by the town in the investigation and prosecution of such violation.

(b) Any court of competent jurisdiction called upon to enforce the provisions of this chapter may, with the consent of the town board, exempt from the provisions of this chapter any conduct of a town officer or town employee upon the finding that the enforcement of this chapter with respect to such officer or employee's conduct would not be in the public interest.



(c) Notwithstanding anything contained in this chapter to the contrary, no town employee or town officer shall be in violation of the provisions of this chapter if, prior to engaging in the conduct which would otherwise have resulted in a violation of this chapter, the town employee or town officer has obtained a written opinion from the town attorney that the particular conduct in question would not violate the provisions of this chapter, and the town employee or town officer acts in accordance with the opinion of the town attorney. The town attorney shall promptly render an opinion as to the legality of any proposed conduct or action under this chapter upon the request of a town employee or officer.

(Code 2002, § 2.44.140; Ord. No. 188, 1997)

**2.52.140. Distribution of code of conduct.**

The town clerk shall cause a copy of this code of conduct to be distributed to every officer and employee of the town within 30 days after enactment of the ordinance adopting this code. Each officer and employee elected, appointed, or engaged thereafter shall be furnished with a copy of the code of conduct upon entering into the conditions of such office or employment.

(Code 2002, § 2.44.150; Ord. No. 188, 1997)



Title 3

**REVENUE AND FINANCE**

**Chapter 3.04. Sales Tax**

- 3.04.010. Purpose.
- 3.04.020. Definitions.
- 3.04.030. Licenses.
- 3.04.040. Property and services taxed.
- 3.04.050. Amount of tax.
- 3.04.060. Exemptions.
- 3.04.070. General provisions.
- 3.04.080. Collection, administration, and enforcement.

**Chapter 3.08. Use Tax**

- 3.08.010. Purpose.
- 3.08.020. Uses taxed.
- 3.08.030. Limitations.
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**Chapter 3.12. Emergency Telephone Charges**

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- 3.20.010. Purpose.
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- 3.20.030. Procedure for disposition of property.
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**Chapter 3.24. Special Accounts**

- 3.24.010. Established for circumstances of limited and restricted purposes.

**Chapter 3.28. Excise Tax**

- 3.28.010. Marijuana excise tax.

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- 3.28.020. Uses of collected marijuana excise tax.
- 3.28.030. Assessment and collection of marijuana excise tax.
- 3.28.040. Interpretation.
- 3.28.050. Invalidation of provision.

**CHAPTER 3.04. SALES TAX****3.04.010. Purpose.**

The purpose of this chapter is to impose a sales tax upon the sale at retail of tangible personal property and the furnishing of certain services in the town, pursuant to the authority granted to incorporated towns of the state by C.R.S. § 29-2-101 et seq., as amended. This chapter shall be so construed and interpreted as to effectuate the general purpose of making it uniform with the sales tax of the state, levied by C.R.S. § 29-2-101 et seq., as amended.

(Code 2002, § 3.04.010; Ord. No. 174, 1996)

**3.04.020. Definitions.**

For the purpose of this chapter, the definition of words herein contained shall be as said words are defined in C.R.S. § 39-26-102, as amended, and said definitions are incorporated herein.

(Code 2002, § 3.04.020; Ord. No. 174, 1996)

**3.04.030. Licenses.**

(a) It shall be unlawful for any person to engage in the business of selling tangible personal property at retail or to furnish certain services as herein specified without first having obtained a license therefor, which license shall be granted and issued by the town clerk and shall be in force and until December 31 of the year in which it is issued, unless sooner revoked. Such license shall be granted or renewed only upon application stating the name and business and location, and such other facts as the town clerk may require.

(b) It shall be the duty of each such licensee on or before January 1 of each year during which this chapter remains in effect to obtain a renewal thereof if the license remains in retail business or is liable to account for the tax herein provided, but nothing herein contained shall be construed to empower the town clerk to refuse such renewal except revocation for cause of licensee's prior license.

(c) For each license issued, a fee of \$10.00 per year or part of a year or such other amount as the board may from time to time approve by resolution shall be paid, which fee shall accompany the application.

(d) In case business is transacted at two or more separate places by one person, a separate license for each place of business shall be required.

(e) Each license shall be numbered and shall show the name and place of business of the licensee and shall be posted in a conspicuous place in the place of business for which it is issued. No license shall be transferable.

(f) Any license may be revoked for cause as provided in C.R.S. § 39-26-103, as amended, which provision is incorporated herein by this reference.

(g) Any person engaged in the business of selling tangible personal property at retail or the furnishing of certain services as herein specified without having first secured a license therefor as provided in this chapter shall be guilty of a violation of this chapter.  
(Code 2002, § 3.04.030; Ord. No. 174, 1996)

**3.04.040. Property and services taxed.**

(a) There is hereby levied and there shall be collected and paid a sales tax, in the amounts in this chapter provided, upon the sale at retail of tangible personal property and the furnishing of certain services, as provided in C.R.S. § 36-26-104, as amended.

(b) The amount subject to tax shall not include the amount of any sales or use tax imposed by C.R.S. § 39-26-101 et seq., as amended.

(c) The gross receipts from sales shall include delivery charges when such charges are subject to the state sales and use tax imposed by C.R.S. § 39-26-101 et seq., as amended, regardless of the place to which delivery is made.

(d) No sales tax shall apply to the sale of construction and building materials, as the term is used in C.R.S. § 29-2-109, as amended, if such materials are picked upon by the purchaser and if the purchaser of such materials presents to the retailer a building permit or other documentation acceptable to such local government evidencing that a local use tax has been paid or is required to be paid.

(e) No sales or use tax shall apply to the sale of food purchased with food stamps. For the purposes of this subsection, the term "food" shall have the same meaning as provided in 7 USC 2012(g), as such section existed on October 1, 1987, or is thereafter amended.

(f) No sales or use tax shall apply to the sale of food purchased with funds provided by the special supplemental food program for women, infants, and children, 42 USC 1786, as such section existed on October 1, 1987, or is thereafter amended.

(g) No sales tax shall apply to the sale of tangible personal property at retail or the furnishing of services if the transaction was previously subjected to a sales or use tax lawfully imposed on the purchaser or user by another statutory or home rule city and county, city or town equal to or in excess of that sought to be imposed by the town with respect to such transaction equal in amount to the lawfully imposed local sales or use tax previously paid purchaser or user to the previous statutory or home rule city and county, city or town. The amount of the credit shall not exceed the sales tax imposed by the town.

(h) Notwithstanding any other provision of this chapter, the value of construction and building materials on which a use tax has previously been collected by an incorporated town, city, or county shall be exempt from the town, city, or county sales tax if the materials are delivered by the retailer or the retailer's agent to a site within the limits of such town, city, or county.

(Code 2002, § 3.04.040; Ord. No. 174, 1996)

#### **3.04.050. Amount of tax.**

There is hereby imposed upon all sales of tangible personal property and the furnishing of certain services, as specified in property and services taxed section of this chapter, a two percent sales tax upon the sale at retail of tangible personal property and the furnishing of certain services as provided herein.

(Code 2002, § 3.04.050; Ord. No. 174, 1996)

#### **3.04.060. Exemptions.**

All sales of tangible personal property on which specific tax has been paid or is payable shall be exempt from sales tax when such sales meet both of the following conditions:

- (1) The purchaser is a nonresident of, or has its principal business outside of, the town; and
- (2) Such tangible personal property is registered or required to be registered outside the limits of the town under the laws of the state.

(Code 2002, § 3.08.030(A); Ord. No. 174, 1996)

#### **3.04.070. General provisions.**

(a) For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer, unless the tangible personal property sold is delivered by the retailer or their agent to a destination outside the limits of the town or to a common carrier for delivery to a destination outside the limits of the town.

(b) In the event a retailer has no permanent place of business in the town or has more than one place of business, the places at which the retail sales are consummated for the purpose of the sales tax imposed by this chapter shall be determined by the provisions of C.R.S. § 39-26-101 et seq., as amended, and by rules and regulations promulgated by the department of revenue of the state.

(Code 2002, § 3.04.060; Ord. No. 174, 1996)

#### **3.04.080. Collection, administration, and enforcement.**

The collection, administration, and enforcement of the sales tax imposed by this chapter shall be performed by the executive director of the department of revenue of the state in the same manner as the collection, administration, and enforcement of the state sales tax. Accord-

ingly, the provisions of C.R.S. §§ 29-2-101 et seq., 39-21-101 et seq. and 39-26-101 et seq., as amended, and all rules and regulations promulgated by the executive director of the department of revenue pertaining to such collection, administration, and enforcement are incorporated herein by this reference.

(Code 2002, § 3.04.070; Ord. No. 174, 1996)

### CHAPTER 3.08. USE TAX

#### 3.08.010. Purpose.

The purpose of this chapter is to impose a use tax of two percent thereof for the privilege of using or consuming in the town any construction and building materials purchased at retail, and for storing, using, or consuming in the town any motor and other vehicles on which registration is required purchased at retail.

(Code 2002, § 3.08.010; Ord. No. 174, 1996)

#### 3.08.020. Uses taxed.

There is hereby levied and there shall be collected and paid a two percent use tax upon the use or consumption of any construction or building materials, purchased at retail, and for storing, using, or consuming any motor or other vehicles on which registration is required, purchased at retail.

(Code 2002, § 3.08.020(intro ¶)); Ord. No. 174, 1996)

#### 3.08.030. Limitations.

In no event shall the use tax imposed by this chapter extend or apply:

- (1) To the storage, use, or consumption of any tangible personal property, the sale of which is subject to a retail sales tax imposed by the town.
- (2) To the storage, use, or consumption of any tangible personal property purchased for resale in the town, either in its original form or as an ingredient of a manufactured or compounded product, in the regular course of business.
- (3) To the storage, use, or consumption of any tangible personal property brought into the town by a nonresident thereof for said nonresident's own storage, use, or consumption while temporarily within the town; however, this exemption does not apply to the storage, use, or consumption of tangible personal property brought into this state by a nonresident to be used in the conduct of a business in this state.
- (4) To the storage, use, or consumption of tangible personal property by the United States government or the State of Colorado, or its institutions or political subdivisions, in their governmental capacities only.



- (5) To the storage, use, or consumption of tangible personal property by a person engaged in the business of manufacturing or compounding for sale, profit, or use any articles, substance, or commodity, which tangible personal property enters into the processing of or becomes an ingredient or component part of the product or service which is manufactured, compounded, or furnished and the container, label, or the furnished shipping case thereof.
- (6) To the storage, use, or consumption of any article of tangible personal property, the sale or use of which has already been subjected to a legally imposed sales tax of another statutory home rule town, city, or city and county equal to or in excess of that imposed by this chapter. A credit shall be granted against the use tax imposed by this chapter with respect to a person's storage, use, or consumption in the town or city of tangible personal property purchased by the person in a previous statutory or home rule town, city, or city and county. The amount of the credit shall be equal to the tax paid by the person by reason of the imposition of sales or use tax of the previous statutory or home rule town, city, or city and county on said person's purchase or use of the property. The amount of the credit shall not exceed the tax imposed by this chapter.
- (7) To the storage, use, or consumption of tangible personal property and household effects acquired outside the town and brought into it by a nonresident acquiring residency.
- (8) To the storage or use of a motor vehicle if the owner is or was, at the time of purchase, a nonresident of the town, and the owner purchased the vehicle outside the town for use outside the town and actually so used it for a substantial and primary purpose for which it was acquired and the owner registered, titled, and licensed said motor vehicle outside the town.
- (9) To the storage, use, or consumption of any construction and building materials and motor and other vehicles on which registration is required if a written contract for the purchase thereof was entered into prior to the effective date of such use tax.
- (10) To the consumption of any construction and building materials required or made necessary in the performance of any construction contract bid, let, or entered into at any time prior to the effective date of the use tax ordinance from which this chapter is derived.

(Code 2002, §§ 3.08.020, 3.08.030(B)—(J); Ord. No. 174, 1996)

**3.08.040. Motor and other vehicle use tax.**

(a) The two percent use tax provided for herein shall be applicable to every motor vehicle for which registration is required by the laws of the state, and no registration shall be made of any motor or other vehicle for which registration is required, and no certificate of title shall be issued for such vehicle by the department of revenue or its authorized agents until any tax due upon the use, storage, or consumption thereof pursuant to this chapter has been paid.

(b) The use tax imposed by this chapter shall be collected by the authorized agent of the department of revenue in the county.

(c) The proceeds of said use tax shall be paid to the town periodically in accordance with an agreement entered into by and between the town and the department of revenue.  
(Code 2002, § 3.08.040; Ord. No. 174, 1996)

**3.08.050. Construction and building materials use tax collection.**

(a) The collection of the use tax for construction and building materials shall be administered by the board of trustees of the town.

(b) The collection and administration of the use tax imposed by this chapter shall be performed by the board of trustees of the town in substantially the same manner as the collection, administration, and enforcement of the state sales and use tax.  
(Code 2002, § 3.08.050; Ord. No. 174, 1996)

**CHAPTER 3.12. EMERGENCY TELEPHONE CHARGES**

**3.12.010. Creation of emergency telephone authority.**

The mayor is authorized to sign the intergovernmental agreement creating an emergency telephone service system in the county.  
(Code 2002, § 3.12.010; Ord. No. 153, 1987)

**3.12.020. Imposition of charge.**

There is hereby imposed, pursuant to C.R.S. § 29-11-101 et seq., as amended, upon all telephone exchange access facilities within the town an emergency telephone charge in an amount not to exceed two percent of the tariff rates as approved by the public utilities commission of the emergency telephone service authority. The board of trustees may, by resolution, raise or lower the emergency telephone charge, but in no event shall such charge exceed the amount of two percent of the tariff as approved by the public utilities commission.  
(Code 2002, § 3.12.020; Ord. No. 153, 1987)

**3.12.030. Collection of charges.**

Telephone service suppliers providing telephone service in the town are hereby authorized to collect the emergency telephone charge imposed by this chapter in accordance with C.R.S. § 29-11-101 et seq., as amended.  
(Code 2002, § 3.12.030; Ord. No. 153, 1987)

**CHAPTER 3.16. RETENTION OF REVENUE****3.16.010. Collection and expenditure of proceeds and fees of the town.**

Pursuant to Colo. Const. art. X, § 20, the qualified electors of the town authorize the town and the town shall thereby collect, retain and expend the full proceeds of all available non-federal grants, town fees and other revenues, notwithstanding any state restriction of fiscal year spending, including, without limitation, the restrictions of Colo. Const. art. X, § 20, from the date of January 1, 1993, and thereafter.

(Code 2002, § 3.16.010; Ord. No. 168, 1994)

**CHAPTER 3.20. DISPOSITION OF UNCLAIMED PROPERTY****3.20.010. Purpose.**

The purpose of this chapter is to provide for the administration and disposition of unclaimed property which is in the possession of or under the control of the town.

(Code 2002, § 3.24.010; Ord. No. 166, 1992)

**3.20.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Director" means the town clerk or designee thereof.
- (2) "Owner" means a person or entity, including a corporation, partnership, association, governmental entity, other than this town, or a duly authorized legal representative or successor in interest of the same, which owns unclaimed property held by the town.
- (3) "Unclaimed property" means any tangible or intangible property, including any income or increment derived therefrom, less any lawful charges, that is held by or under the control of the town and which has not been claimed by its owner for a period of time of presumed abandonment as provided under the Unclaimed Property Act, C.R.S. § 38-13-101 et seq.

(Code 2002, § 3.24.020; Ord. No. 166, 1992)

**3.20.030. Procedure for disposition of property.**

(a) Prior to disposition of any unclaimed property having an estimated value of \$50.00 or more, the director shall send a written notice by certified mail, return receipt requested, and first class mail postage prepaid to the last known address, if any, of any owner of unclaimed property. The last known address of the owner shall be the last address of the owner as shown by the records of the town department or agency holding the property. The notice shall include a description of the property, the amount or estimated value of the property, and, when

available, the location where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the director with written notice within a 60-day claim period, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.

(b) Prior to disposition of any unclaimed property having an estimated value of \$50.00 or more, and no known address of owner, the director shall cause a notice to be published in a newspaper of general circulation in the town. The notice shall include a description of the property, the owner of the property, the amount or estimated value of the property and, when available, the purpose for which the property was deposited or otherwise held. The notice shall state where the owner may make inquiry of or claim the property. The notice shall also state that if the owner fails to provide the director with a written claim for the return of the property within 60 days of the date of the publication of the notice, the property shall become the sole property of the town and any claim of the owner to such property shall be deemed forfeited.

(c) If the director receives no written claim within the 60-day claim period, the property shall become the sole property of the town, and any claim of the owner to such property shall be deemed forfeited.

(d) If the director receives a written claim within the 60-day claim period, the director shall evaluate the claim and give written notice to the claimant with 90 days thereof that the claim has been accepted or denied in whole or in part. The director may investigate the validity of a claim and may request further supporting documentation from the claimant prior to disbursing or refusing to disburse the property.

(e) In the event that there is more than one claimant for the same property, the director may, in the director's sole discretion, resolve said claims, or may resolve such claims by depositing the disputed property with the registry of the district court in an interpleader action.

(f) In the event that all claims filed are denied, the property shall become the sole property of the town, and any claim of the owner of such property shall be deemed forfeited.

(g) Any legal action filed challenging a decision of the director shall be filed pursuant to Rule 106 of the Colorado Rules of Civil Procedure within 30 days of such decision or shall be forever barred. If any legal action is timely filed, the property shall be disbursed by the director pursuant to the order of the court having jurisdiction over such claim.

(h) The director is authorized to establish and administer procedures for the administration and disposition of unclaimed property consistent with this chapter, including compliance requirements for other municipal officers and employees in the identification and disposition of such property.

(Code 2002, § 3.24.030; Ord. No. 166, 1992)

**3.20.040. Disposition of property at board discretion.**

Sale or disposition of any unclaimed property held by the town shall be disposed of at the town board's discretion.

(Code 2002, § 3.24.040)

**CHAPTER 3.24. SPECIAL ACCOUNTS****3.24.010. Established for circumstances of limited and restricted purposes.**

The board of trustees may from time to time establish special accounts for limited purposes from which monies may be deposited and withdrawn, but only for the restricted purposes as may be provided by the ordinance or resolution establishing the account.

(Code 2002, § 3.25.101)

**CHAPTER 3.28. EXCISE TAX****3.28.010. Marijuana excise tax.**

(a) Commencing January 1, 2017, a five percent excise tax shall be paid on the price received for the wholesale sale of unprocessed marijuana by a "marijuana cultivation facility," as defined in chapter 17.28, when unprocessed marijuana is sold or transferred from within the corporate limits of the town by a marijuana cultivation facility for resale.

(b) The tax revenues resulting from the excise tax imposed in subsection (a) of this section shall be used for the purpose of funding additional costs incurred by the town, including additional facilities, equipment, and personnel needed, due to operations of marijuana cultivation facilities within the town and for the purpose of funding the town's general operations, including public safety, municipal services, transportation and other public improvements, park and recreational facilities, police services, and any other lawful public purpose of the town.

(c) Commencing January 1, 2019, or on such subsequent date as the ordinance from which this subsection is derived may take effect, the town's current excise tax on wholesale sales of unprocessed marijuana under subsection (a) of this section will apply on the first sale or transfer of unprocessed retail marijuana by a retail marijuana cultivation facility at a rate of five percent of the average market rate, as determined by the department of revenue pursuant to C.R.S. § 39-28.8-101, of the unprocessed retail marijuana if the transaction is between affiliated retail marijuana business licensees, and at a rate of five percent of the contract price, as defined in C.R.S. § 39-28.8-101, for unprocessed retail marijuana if the transaction is between unaffiliated retail marijuana business licensees.

(Ord. No. 299, §§ 1, 2, 1-21-2017; Ord. No. 313, § 1, 12-20-2018)

**3.28.020. Uses of collected marijuana excise tax.**

The tax revenues resulting from the excise tax imposed in section 3.28.010(c) shall be used for the purposes set forth in of section 3.28.010(b).

(Ord. No. 313, § 2, 12-20-2018)

**3.28.030. Assessment and collection of marijuana excise tax.**

The tax referenced herein shall be assessed and collected in accordance with this chapter and other provisions of this Code.

(Ord. No. 313, § 3, 12-20-2018)

**3.28.040. Interpretation.**

This chapter shall be so interpreted and construed as to effectuate its general purpose.

(Ord. No. 313, § 4, 12-20-2018)

**3.28.050. Invalidation of provision.**

If any part of this chapter is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter. The town board hereby declares that it would have ordained these provisions and each part thereof, irrespective of the fact that any one part is declared invalid.

(Ord. No. 313, § 5, 12-20-2018)

Title 4

**RESERVED**

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Title 5

**BUSINESS LICENSE AND REGULATIONS**

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- 5.04.010. Intent of provisions.
- 5.04.020. License officer duties.
- 5.04.030. Application submittal.
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- 5.04.050. License required; fee.
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- 5.04.090. Investigation and enforcement.
- 5.04.100. Right of entry authorized when.
- 5.04.110. Suspension or revocation conditions.
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**Chapter 5.08. Liquor Authority Board**

- 5.08.010. Authority of board designated; powers and function.
- 5.08.020. Application of state statutes.
- 5.08.030. Licensing fees.
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**Chapter 5.16. Peddlers, Solicitors, and Transient Merchants**

- 5.16.010. Door-to-door solicitation.
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**Chapter 5.20. Medical Marijuana Businesses**

- 5.20.010. Definitions.
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- 5.20.030. Penalty.
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### **Chapter 5.24. Marijuana Cultivation Facility**

- 5.24.010. Marijuana facilities prohibited in town.
- 5.24.020. Violation of chapter.
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### **Chapter 5.28. Local Marijuana Licensing Authority**

- 5.28.010. Statement of intent.
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- 5.28.030. Establishment of licensing authority.
- 5.28.040. License required.
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- 5.28.060. Issuance of marijuana license.
- 5.28.070. Requirements of license application.
- 5.28.080. Incomplete applications.
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**CHAPTER 5.04. BUSINESS LICENSES GENERALLY****5.04.010. Intent of provisions.**

It is the intent of this chapter to impose a business license fee for the privilege of carrying on or engaging in any business, profession, or occupation with the town limits, which business, profession, or occupation consists of the selling of goods, wares, merchandise, or service, the performing or rendering of service for charge, and the carrying on or engaging in any occupation.

(Code 2002, § 5.04.010; Ord. No. 181, 1996)

**5.04.020. License officer duties.**

(a) The town license officer shall be the town clerk. The license officer shall collect all license fees and shall issue licenses in the town to all persons qualified under the provisions of this chapter.

(b) The town clerk shall promulgate and enforce all reasonable rules and regulations necessary to the operation and enforcement of this chapter. The clerk shall keep a record of all licenses issued pursuant to this chapter. The record shall contain the following:

- (1) The name of the person or business licensed;
- (2) The date of the license;
- (3) The purpose for which granted;
- (4) The amount paid therefor;
- (5) The expiration date.

(Code 2002, § 5.04.020; Ord. No. 181, 1996)

**5.04.030. Application submittal.**

Every person or business required to secure a license under the provisions of this chapter shall submit an application for such license to the town clerk. This application shall:

- (1) Be in writing, if required by the town clerk, and upon the form provided by the town clerk.
- (2) Be accompanied by the full amount of the license fee.

(Code 2002, § 5.04.030; Ord. No. 181, 1996)

**5.04.040. Applicant qualifications.**

The general standards set out herein relative to the qualifications of every applicant for a business license pursuant to this chapter shall be considered and applied by the town license officer. The applicant shall:

- (1) Not be in default under the provisions of the town ordinances or indebted or obligated in any manner to the town except for current taxes.

- (2) Provide proof of compliance with all applicable building, fire and zoning codes and ordinances.

(Code 2002, § 5.04.040; Ord. No. 181, 1996)

**5.04.050. License required; fee.**

Every person who is the owner of any business, profession, or occupation which is subject to the business license fee set forth in this chapter, shall obtain a general business license from the town prior to the engaging in any business, profession or occupation with the town. The license fee shall be \$10.00 per year, or such other amount as the board may from time to time approve, which sum shall be part of the general revenue of the town.

- (1) The license shall be in force and effect until December 31 of the year in which it is issued (unless sooner revoked) and shall be renewed on or before January 1.
- (2) The license is non-transferable and no portion of the license fee is refundable.

(Code 2002, § 5.04.050; Ord. No. 181, 1996)

**5.04.060. Content of license.**

Each license issued under this chapter shall state upon its face the following:

- (1) The name of the licensee and any other name under which such business is to be conducted;
- (2) The address of each business so licensed;
- (3) The amount of license fee therefor;
- (4) The dates of issuance and expiration thereof;
- (5) Such other reasonable information as may be requested by the license officer.

(Code 2002, § 5.04.060; Ord. No. 181, 1996)

**5.04.070. Duties of licensee.**

Every licensee under this chapter shall:

- (1) Permit all reasonable inspections of their business;
- (2) Ascertain, and at all times comply with, all laws and regulations applicable to such licensed business;
- (3) Avoid all forbidden, improper or unnecessary practices or conditions which do, or may affect, the public health, morals and welfare;
- (4) Refrain from operating the licensed businesses on premises after expiration of their license and during the period their license is revoked or suspended;

- (5) Display their license where it may be seen at all times, or carry such license on their person when the licensee has had no licensed business premises in the town;
- (6) Not loan, sell, give or assign to any other person, or allow another person to use or display, or to destroy, damage, remove, or to have in their possession, except as authorized by law, a license which has been issued to such licensee.

(Code 2002, § 5.04.070; Ord. No. 181, 1996)

**5.04.080. Change of name and/or business location.**

A licensee shall have the right to change the name and/or location of the licensed business without paying an additional fee, provided the licensee notifies the town clerk.

(Code 2002, § 5.04.080; Ord. No. 181, 1996)

**5.04.090. Investigation and enforcement.**

The town clerk or other authorized administrative authority shall make all investigations reasonably necessary for the enforcement of this chapter.

(Code 2002, § 5.04.090; Ord. No. 181, 1996)

**5.04.100. Right of entry authorized when.**

All persons authorized in this chapter to inspect licenses and businesses shall have the authority to enter, with or without search warrants, at all reasonable times, the following premises:

- (1) Those for which a license is required;
- (2) Those for which a license was issued and which, at the time of inspection, are operating under such license;
- (3) Those for which a license has been revoked or suspended.

(Code 2002, § 5.04.100; Ord. No. 181, 1996)

**5.04.110. Suspension or revocation conditions.**

When the conduct of any licensee, agent or employee is so contrary to the public health, safety and general welfare as to constitute a nuisance, and thus give rise to an emergency, the town clerk shall have the authority to suspend the license. The town clerk may also revoke any license for violation of any of the provisions under which the license is granted.

(Code 2002, § 5.04.110; Ord. No. 181, 1996)

**5.04.120. Appeals.**

Any person whose license has been revoked or suspended by the town clerk shall have the right to appeal to the board of trustees by filing a written appeal to the town clerk within ten

days following the effective date of the action or decision complained of. The board of trustees shall hear the appeal at its next regular meeting, and its findings shall be final and conclusive. (Code 2002, § 5.04.120; Ord. No. 181, 1996)

**5.04.130. Failure to procure license; penalty.**

It is unlawful for any person to engage in any business, profession or occupation without first having obtained a license therefor, and paying the license fee pursuant to the provisions of this chapter. Any person convicted of a violation or provisions stated or adopted in this chapter shall be punished in accordance with chapter 1.12.

(Code 2002, § 5.04.130; Ord. No. 290, § 4, 5-16-2015)

**CHAPTER 5.08. LIQUOR AUTHORITY BOARD**

**5.08.010. Authority of board designated; powers and function.**

The board shall serve as the liquor authority board of the town, which shall be the local licensing authority with all associated powers including the power to grant application for retail license and renewal of retail license to sell malt, vinous or spirituous liquors pursuant to the Colorado Liquor Code.

(Ord. No. 283, att.(ch. 5.12(intro ¶)), 5-8-2013)

**5.08.020. Application of state statutes.**

The state beer code, C.R.S., § 44-4-101 et seq.; the state liquor code, C.R.S. § 44-3-101 et seq.; and statutes concerning special event permits, C.R.S. § 44-5-101 et seq., as they presently exist or may hereafter be amended, shall apply to the sale of fermented malt beverages, alcoholic beverages, special malt liquors, spirituous liquors and vinous liquors in the town.

(Ord. No. 283, att.(5.12-1), 5-8-2013)

**5.08.030. Licensing fees.**

The liquor authority board finds and determines the fees in connection to the application for issuance, transfer and renewal of certain types of beer, wine and liquor licenses. The local liquor authority board further finds that the fees established are reasonable and are in the amounts sufficient to cover the actual expenses incurred by the town in connection with the handling of such licenses and applications. The fees shall be paid to the town clerk at the time of filing the application or request.

(Ord. No. 283, att.(5.12-2), 5-8-2013)

**5.08.040. Conduct of establishment.**

Each licensee shall conduct their establishment in a decent, orderly and respectable manner, and shall not permit on the licensed premises the serving or loitering of a visibly intoxicated

person or habitual drunkard, nor shall the licensee or their employee or agent permit profanity, rowdiness, undue noise or other disturbances or activity offensive to the senses of the average citizen or to the residents of the neighborhood in which the licensed establishment is located. (Ord. No. 283, att.(5.12-3), 5-8-2013)

**5.08.050. Reporting of disturbances required.**

(a) It is unlawful for any licensee or any employee or agent of such licensee to permit any unlawful disturbance or act of disorderly conduct by any person at the licensed premises.

(b) Any licensee or any employee or agent of such licensee shall, upon learning of any unlawful disturbance or act of disorderly conduct that occurs on the licensed premises, immediately report such act to law enforcement.

(c) It shall not be a defense that the licensee was not personally present at the licensed premises at the time of any violations of this section; provided, however, an employee or agent of the licensee shall not be liable under this section when not on duty at the licensed premises. (Ord. No. 283, att.(5.12-4), 5-8-2013)

**5.08.060. Suspension or revocation; fines and penalties.**

It is unlawful for any person to violate any provision of this chapter and, upon conviction of a violation of the chapter, shall be punished by the fine that shall not be less than \$200.00 and no more than \$1,000.00. There may be a possible suspension or revocation of the retail license for temporary period or a permanent period once the local liquor authority board completes review.

(Ord. No. 283, att.(5.12-5), 5-8-2013)

**CHAPTER 5.16. PEDDLERS, SOLICITORS, AND TRANSIENT MERCHANTS**

**5.16.010. Door-to-door solicitation.**

(a) It shall be unlawful for any person to enter or remain upon any public or private premises in the town, not having been requested or invited by the occupant or occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value. The provisions of this chapter shall apply to, but shall not be limited to, books, pictures, and periodicals.

(b) Nothing in this chapter shall be deemed to apply to solicitations by nonprofit organizations exempt from federal income tax under 26 USC 501(c)(3).

(c) Nothing in this chapter shall be deemed to apply to any person engaged in the business of selling and delivering goods or services directly to residents of the town, who regularly delivers on a schedule or usually employs a vehicle for such deliveries over a regularly defined route and ordinarily sells from orders previously placed by such residents.

(d) Nothing in this chapter shall be deemed to apply to any person engaged in the distribution of information in the exercise of such person's rights under the Constitutions of the United States and the State of Colorado.

(Ord. No. 291, § 1(5.20.010), 5-16-2015)

**5.16.020. Attempt to obtain invitation prohibited.**

No person shall attempt to obtain, by telephone or otherwise, an invitation to visit any private residence for the purpose of soliciting the purchase or sale of goods, services or any other thing of value, by knowingly making a false or deceptive representation or statement.

(Ord. No. 291, § 1(5.20.020), 5-16-2015)

**5.16.030. Signs prohibiting solicitation.**

With the exception of solicitations permitted by section 5.16.010(d), no person shall enter or remain upon any public or private premises in the town, having not been requested or invited by the occupant or occupants thereof, for the purpose of soliciting the immediate or future purchase or sale of goods, services or any other thing of value when a "No Solicitation" or "No Trespassing" sign is posted at or near the entrance to such premises.

(Ord. No. 291, § 1(5.20.030), 5-16-2015)

**5.16.040. Hours for solicitation.**

All persons exempted by the provisions of this chapter shall conduct solicitations only between the hours of 9:00 a.m. and 7:00 p.m.

(Ord. No. 291, § 1(5.20.040), 5-16-2015)

**5.16.050. Violation; penalty.**

Every person convicted of a violation of any provision of this chapter shall be punished in accordance with chapter 1.12.

(Ord. No. 291, § 1(5.20.050), 5-16-2015)

**CHAPTER 5.20. MEDICAL MARIJUANA BUSINESSES**

**5.20.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Medical marijuana center" is given the identical meaning as that defined in C.R.S. § 12-43.3-104(8).



- (2) "Medical marijuana-infused product" is given the identical meaning as that defined in C.R.S. § 12-43.3-104(9).
  - (3) "Medical marijuana-infused products manufacturer" is given the identical meaning as that defined in C.R.S. § 12-43.3-104(10).
  - (4) "Optional premises cultivation operation" is given the identical meaning as that defined in C.R.S. § 12-43.3-104(12).
- (Ord. No. 278, § I, 7-21-2011)

**5.20.020. Operation and licensing of medical marijuana centers, optional premises cultivation operation, and medical marijuana-infused products manufacturing prohibited.**

Except as provided in chapter 17.28 and subject to the provisions of chapter 5.28, the operation and licensing of medical marijuana centers, optional premises cultivation operation, and medical marijuana-infused products manufacturing is prohibited within the boundaries of the town.

(Ord. No. 278, § II, 7-21-2011)

**5.20.030. Penalty.**

Any action violating any of the provisions of this chapter shall be punishable by a fine not exceeding \$500.00 or imprisonment for a term not exceeding 90 days, or by both such fine and imprisonment, for each separate offense.

(Ord. No. 278, § III, 7-21-2011)

**5.20.040. No impairment of constitutional rights afforded under amendment 20.**

Nothing set forth herein shall be construed or enforced in such a manner as to impair or deny the exercise of the privileges and exemptions afforded patients, physicians and primary caregivers, as defined in Colo. Const. art. XVIII, § 14(1).

(Ord. No. 278, § IV, 7-21-2011)

## **CHAPTER 5.24. MARIJUANA CULTIVATION FACILITY**

**5.24.010. Marijuana facilities prohibited in town.**

Except as provided in chapter 17.28 and subject to the provisions of chapter 5.28, the use of property as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana testing facility or retail marijuana store, as those operations are defined in Colo. Const. art. XVIII, § 16, is prohibited in all zoning districts in the town.

(Ord. No. 286, § 1, 9-21-2013)

**5.24.020. Violation of chapter.**

Violations of this chapter shall be subject to the general penalty provisions set forth in chapter 1.12.

(Ord. No. 286, § 2, 9-21-2013)

**5.24.030. Validity of chapter.**

If any article, section, paragraph, sentence, clause, or phrase of this chapter is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this chapter. The board of trustees hereby declares that it would have passed this chapter and each part hereof irrespective of the fact that any part is declared unconstitutional or invalid.

(Ord. No. 286, § 3, 9-21-2013)

**CHAPTER 5.28. LOCAL MARIJUANA LICENSING AUTHORITY****5.28.010. Statement of intent.**

By enacting this chapter, the town does not intend to encourage or promote the establishment of any business or operation, or the commitment of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of the ordinance from which this chapter is derived, the use, possession, distribution, and sale of marijuana is illegal under federal law and those who engage in such activities do so at their own risk of criminal prosecution.

(Ord. No. 304, § 2, 8-12-2017; Ord. No. 310, § 2, 9-20-2018)

**5.28.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Applicant" means a person applying for any license and the employees, agents and representatives of such person.
- (2) "Building official" means any person hired, authorized, or assigned by the town to conduct building inspections and code compliance inspections or to issue code violation notices or citations.
- (3) "Dual operation" has the same meaning as in C.R.S. § 12-43.4-401.
- (4) "License" means a license issued by the authority to operate any regulated marijuana facility.
- (5) "Licensee" means a person who holds any license.
- (6) "Local regulations" means the ordinances of the town and this Code.

- (7) "Regulated cultivation facility" means any marijuana cultivation facility, as such term is defined in Colo. Const. art. XVIII, § 16(2)(h) and/or any "optional premises cultivation operation," as such term is defined in C.R.S. § 12-43.3-104(12).
  - (8) "Regulated manufacturing facility" means any marijuana product manufacturing facility, as such term is defined in Colo. Const. art. XVIII, § 16(2)(j) and/or any medical marijuana-infused products manufacturer, as such term is defined in C.R.S. § 12-43.3-104(10).
  - (9) "Regulated marijuana facility" means any regulated cultivation facility and/or any regulated manufacturing facility.
- (Ord. No. 304, § 3, 8-12-2017; Ord. No. 310, § 3, 9-20-2018)

**5.28.030. Establishment of licensing authority.**

The board shall be the local licensing authority (authority) of the town for the licensing of regulated marijuana facilities, pursuant to this chapter, unless the board designates other persons to serve as the local licensing authority by ordinance. The authority shall possess all powers given to local licensing authorities by the provisions of the Colorado Retail Marijuana Code and rules and regulations promulgated thereunder, provided that the authority shall not have the power to issue any license for any activity that is not expressly permitted under chapter 17.28. Any decision made by the authority to grant or deny a license, to revoke or suspend a license, or to renew or not renew a license shall be a final decision and may be appealed to the district court pursuant to rule 106(a)(4) of the Colorado Rules of Civil Procedure.

(Ord. No. 304, § 4, 8-12-2017; Ord. No. 310, § 4, 9-20-2018)

**5.28.040. License required.**

It is unlawful to operate any regulated marijuana facility in the town without first having obtained a license under this chapter and a state license under applicable state statutes and regulations. A separate license shall be required for each distinct activity that is licensed by the state. For example, if a licensee holds a state license to operate a marijuana cultivation facility as such term is defined in Colo. Const. art. XVIII, § 16(2)(h) and a state license to operate a marijuana product manufacturing facility as such term is defined in Colo. Const. art. XVIII, § 16(2)(j), then the licensee must hold two licenses under this chapter, one for each state-issued license, and must pay all applicable fees for each license.

(Ord. No. 304, § 5, 8-12-2017; Ord. No. 310, § 5, 9-20-2018)

**5.28.050. Dual operations.**

Dual operations are permitted so long as appropriate state and town licenses have been issued and remain valid and active for both operations, provided that nothing in this section shall be interpreted to permit marijuana related activities that are otherwise prohibited by an ordinance of the town.

(Ord. No. 304, § 6, 8-12-2017; Ord. No. 310, § 6, 9-20-2018)

**5.28.060. Issuance of marijuana license.**

The authority shall consider and act upon all complete license applications as authorized by this chapter. The authority may defer to the state to enforce compliance with the requirements of any state statute or regulation. The authority shall grant or deny a license or permit based solely upon the authority's investigation and findings, and no public hearing shall be required. The authority shall deny any application or permit that is not in full compliance with this chapter, provided that the authority may, at its discretion, waive specific submission requirements or require the submission of additional materials as may be useful in making a determination under this chapter. The burden of proving an applicant's qualifications for licensure rests at all times with the applicant.

(Ord. No. 304, § 7, 8-12-2017; Ord. No. 310, § 7, 9-20-2018)

**5.28.070. Requirements of license application.**

An application for a license shall contain the following:

- (1) A copy of any application submitted to the state that is related to activities for which a license from the town is being requested (state application).
- (2) A completed license application in a form to be specified by the town (town application).
- (3) All attachments or supplemental information required by the state applications and the town application.
- (4) A full remittance of the application and license fees.

(Ord. No. 304, § 8, 8-12-2017; Ord. No. 310, § 8, 9-20-2018)

**5.28.080. Incomplete applications.**

The authority or its designee, including the town clerk, may refuse to accept an incomplete application. An applicant's failure to provide any requested information by the authority deadline may be grounds for denial of the application. Before issuing a new license under this chapter, the authority shall determine that all of the following requirements have been met in addition to any requirements of any state statute or regulation:

- (1) The application is complete and all fees have been paid.
- (2) The use is permitted and the owner or operator has obtained any required approvals under local regulations restricting or regulating land use.
- (3) No zoning violations exist on the property.
- (4) All existing or proposed signage meets the requirements of local regulations.
- (5) All existing or proposed lighting complies with local regulations.

- (6) All structures in which the use is located have been inspected by the building official or designee who has determined that all required permits and a certificate of occupancy or final inspection have been obtained.
  - (7) The property has all required well and septic permits or is adequately served by public water and sewer.
  - (8) There are no overdue property taxes for the property or any property in the town owned by the applicant or business owner.
  - (9) The property has satisfactory vehicular access and parking facilities, has provided for reasonably required offsite transportation improvements to serve the proposed site, and has suitably mitigated any traffic hazards associated with the use.
  - (10) The sum of the percentages of ownership listed on an application of all owners of an applicant equals 100 percent.
- (Ord. No. 304, § 9, 8-12-2017; Ord. No. 310, § 9, 9-20-2018)

**5.28.090. Requirements of regulated marijuana facility.**

Every regulated marijuana facility licensed by the town shall comply with the following requirements:

- (1) Odors should not escape the property line. If any complaints are received, licensee will work with the town to rectify air quality concerns. Unresolved air quality complaints may constitute a violation of this chapter, subject to the enforcement processes and penalties described herein.
  - (2) All cultivation, manufacture, production, storage, display, testing, and sales of marijuana and marijuana-infused products must not be visible from the exterior of the business.
  - (3) At all times, all determinations pursuant to section 5.28.080 shall remain true.
  - (4) Any change of ownership of the license shall be disclosed at least 30 days in advance of such change in ownership.
- (Ord. No. 304, § 10, 8-12-2017; Ord. No. 310, § 10, 9-20-2018)

**5.28.100. Applicant certifications.**

By signing and submitting a license application, the applicant certifies that the applicant has received permission from the property owner to allow inspections as may be required under state or local licensing law. In addition, the applicant certifies that both the applicant and property owner authorize the authority or designee and the building official or designee to enter upon and inspect the premises. Such inspections, if necessary, shall take place at a reasonable time with prior notice to the property owner and prior to a determination on the application. Upon request, the applicant or property owner shall timely provide the authority

with records related to the business. Any inspection under this section must comply with state statutes and regulations pertaining to such inspections. This section shall not limit any inspection authorized under any other provision of law or regulation.

(Ord. No. 304, § 11, 8-12-2017; Ord. No. 310, § 11, 9-20-2018)

**5.28.110. Decision and appeal.**

(a) The authority, in its sole discretion, may delay issuing a decision on a license application while the applicant is working toward bringing a noncompliant property into compliance. Applicants receiving the benefit of such a delay must proceed to correct the noncompliance diligently and in good faith or be subject to denial.

(b) Once the authority has completed a review of the application, it shall either issue a license or a denial letter that specifies the reasons for denial. Within ten days of a denial letter, the applicant may request that the authority reconsider its decision by submitting a letter to the authority clearly stating the grounds for the request. In response, the authority may deny the request, issue a revised denial letter, or issue a license. A denial letter, revised denial letter, or license denial is subject to judicial review as specified in to C.R.S. § 12-43.3-801 or Colorado Rule of Civil Procedure 106(a)(4), as applicable.

(Ord. No. 304, § 12, 8-12-2017; Ord. No. 310, § 12, 9-20-2018)

**5.28.120. Term and renewal.**

(a) A license shall be valid for a period of one year.

(b) A renewal application and all applicable fees must be submitted at least 45 days before the expiration of the license, or a late fee may apply. Failure to submit a renewal application prior to the expiration date of a license will result in the revocation of the license on the expiration date.

(c) Renewal of any license is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place.

(d) If the licensee has not filed a personal property schedule, as required by C.R.S. § 39-5-108, for the most recent applicable year, the license shall not be renewed unless a schedule is filed prior to the expiration date of the license or permit.

(e) If there are overdue property taxes for the real property where the regulated marijuana facility is located or for the personal property owned by the licensee, the license shall not be renewed, with the exception that if the licensee is current pursuant to a payment plan for personal property taxes, the license may be renewed.

(f) All reports of offensive odors must have been rectified.

(g) The authority may administratively continue a license beyond the expiration date while it completes the renewal licensing process.

(h) If the licensee files a renewal application within 30 days prior to expiration, the licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the authority accepts the application, then the authority may elect to administratively continue the license beyond the expiration date while it completes the renewal licensing process, or it may allow the license to expire.

(Ord. No. 304, § 13, 8-12-2017; Ord. No. 310, § 13, 9-20-2018)

**5.28.130. Violations and enforcement.**

(a) If the authority has reasonable cause to believe that a licensee has violated any state statute or this chapter, it shall issue an order to show cause, specifically identifying the alleged violation, advising that action may be taken against the license, and giving the licensee ten days to provide a response in writing.

(b) Based on the licensee's response and any other evidence that has been presented, the authority shall determine if a violation has occurred, and if so, the appropriate penalty. The authority may take into consideration any aggravating and mitigating factors surrounding the violation which could impact the type or severity of penalty imposed. The range of penalties may include a written warning, license suspension, a fine per individual violation of up to \$5,000.00 each, a fine in lieu of suspension of up to \$50,000.00, and/or license revocation depending on the mitigating and aggravating circumstances. Sanctions may also include restrictions on the license.

(c) Within ten days of any decision by the authority, the licensee may provide a written response by submitting a letter to the authority clearly stating its position. In response, the authority may make a final decision, request additional information or conduct additional investigation prior to issuing a final decision, or withdraw the violation determination. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A licensee may continue to operate during the pendency of an appeal, provided that nothing in this section shall extend the term of a license. The authority may grant extensions of deadlines related to any order to show cause or subsequent processing for good cause shown.

(d) Any license issued under this chapter shall be null and void if a court of competent jurisdiction determines that the issuance of licenses violates federal law. Upon denial or revocation of a state license, all related licenses issued under this chapter shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the licensee.

(Ord. No. 304, § 14, 8-12-2017; Ord. No. 310, § 14, 9-20-2018)

**5.28.140. Fees.**

Fees to be collected in connection with the provisions of this chapter may be revised from time to time by a resolution of the authority and included in the town's fee schedule (including the addition of new fees not adopted with this chapter) and shall initially be as follows:

<i>Fee Description</i>	<i>Amount</i>
Application for new license	\$2,500.00
Renewal application	\$500.00
Annual operating fee	\$4,000.00

(Ord. No. 304, § 15, 8-12-2017; Ord. No. 310, § 15, 9-20-2018)

**5.28.150. Nature of licensure.**

No person shall have any entitlement or vested right to licensing under this chapter, town zoning approvals, or town building permits. To lawfully engage in any business licensed under this chapter, all persons must obtain a license or permit under this chapter. Such a license or permit is a revocable privilege subject to the will and scrutiny of local and state authorities and is subject to this chapter and any related ordinance amending, replacing, or repealing this chapter in whole or in part, including any ordinance that may change, restrict, or forever revoke the right to conduct activities that are permissible under this chapter in its original form.

(Ord. No. 304, § 16, 8-12-2017; Ord. No. 310, § 16, 9-20-2018)

**5.28.160. Assessment and collection of fees and taxes.**

The town clerk is authorized and directed:

- (1) To assess and collect from licensee any lawful tax of the town;
- (2) To establish and enforce such reasonable reporting requirements on all licensees as may be deemed necessary and appropriate to ensure prompt and full collection of all lawful taxes of the town, including appropriate tax return forms; and
- (3) To set such deadlines for payment of all lawful taxes of the town as may be reasonable and appropriate.

(Ord. No. 304, § 17, 8-12-2017; Ord. No. 310, § 17, 9-20-2018)

**5.28.170. Findings and determinations.**

The board hereby finds, determines and declares that this chapter is promulgated under the general police power of the town, that it is promulgated for the health, safety and welfare of the public and that this chapter is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The board further determines that this chapter bears a rational relation to the proper legislative object sought to be attained.

(Ord. No. 304, § 18, 8-12-2017; Ord. No. 310, § 18, 9-20-2018)

**5.28.180. Severability.**

If any clause, sentence, paragraph, or part of this chapter or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

(Ord. No. 304, § 19, 8-12-2017; Ord. No. 310, § 19, 9-20-2018)



**5.28.190. Preservation of other prohibitions.**

Nothing herein shall be construed to allow within the town any marijuana activities that are not expressly permitted under chapter 17.28.

(Ord. No. 310, § 20, 9-20-2018)



Title 6

**ANIMALS**

**Chapter 6.04. Animal Control**

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**CHAPTER 6.04. ANIMAL CONTROL****6.04.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Animal control officer" means an officer of the town police department assigned to enforce the provisions of this chapter.
- (2) "Animal shelter" means a facility in which to impound animals held by the town, or a humane society, pursuant to contract, acting for the town.
- (3) "At-large" means off the premises of the owner and not under the control of the owner.
- (4) "Bodily injury" means physical injury to the body or person of a human being.
- (5) "Control" means physical restraint by use of a leash or a containing device.
- (6) "Daylight hours" means one-half hour before sunrise until one-half hour after sunset.
- (7) "Humane officer" means the same as the term "animal control officer" as described herein.
- (8) "Leash" or "lead" means a thong, cord, rope, chain, or similar device which holds an animal in restraint, and which is not more than ten feet long.
- (9) "Livestock" means any bovine animal, horse, mule, ass, sheep, goat, fowl, or swine.
- (10) "Owner" means any person, partnership or corporation owning any dogs, or having the same in his, her or its care, custody or control; or who shall cause, encourage, or suffer the same to remain on their premises for a period of three consecutive days or more.
- (11) "Premises" means real property owned, rented, leased, used, kept, or occupied by a person, a partnership, a corporation or governmental unit, howsoever described.
- (12) "Public nuisance" means any animal that:
  - a. Menaces or attacks persons or vehicles;
  - b. Menaces or attacks other animals;
  - c. Is at-large;
  - d. Damages public or private property;
  - e. Goes upon public property which is marked or signed "No Dogs Allowed" without the permission of the person in charge thereof, excluding Seeing Eye dogs or dogs trained as ears for the deaf and being used for such purposes at the time;

- f. Barks, whines, howls, or makes any other noise in a manner, which, under the non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities, as excessive, or continuous, or in such manner as to interfere with the sleep of any person;
  - g. Being a female in heat, because of the nature of its confinement, or lack of the same, has attracted other animals and caused them to congregate or remain on or about the premises;
  - h. Would be considered by normal persons or is considered by an animal control officer, as described herein, as a vicious animal; or
  - i. Any other act or condition in this chapter designated as a public nuisance.
- (13) "Rabies vaccination" means the inoculation of an animal with a rabies vaccine approved by the state department of health.
- (14) "Running at-large" means the same as the term "at-large" as previously described.
- (15) "Veterinary hospital" means any premises upon which a licensed veterinarian performs surgery, makes diagnoses, and treats diseases of and injuries to animals.
- (16) "Vicious animal" means any animal that constitutes a threat to human beings or other animals.
- (Code 2002, § 6.04.010; Ord. No. 152, 1997)

#### **6.04.020. Licensing.**

Except as hereinafter otherwise provided, any person within this town owning, keeping, harboring, or having custody of any dog over the age of six months shall obtain a license for each animal in the manner hereinafter specified with a maximum of four licenses or dogs allowed per premises.

- (1) *Time for application.* An applicant for such license shall apply for a license within 30 days after having begun to keep, harbor, or have custody of, any such dog, or within 30 days after such dog is brought into this town; provided, however, this requirement does not apply to a nonresident, keeping a dog within the town for not longer than 60 days.
- (2) *Application contents.*
  - a. An applicant for such license may apply to the town clerk. Such application shall be upon forms provided by the town and shall contain at least the following information:
    - 1. The name, address, and telephone number (if any) of the owner;
    - 2. The "call name," breed, age, color, and sex of the animal.

- b. Such application shall be accompanied by:
1. A valid rabies vaccination certificate issued by a licensed veterinarian, which certificate shall contain at least the following information:
    - (i) The name, address, and telephone number (if any) of the owner of the vaccinated dog;
    - (ii) The date of said vaccination;
    - (iii) The date of expiration of said vaccination;
    - (iv) The type of rabies vaccine used;
    - (v) The year and number of the rabies tag;
    - (vi) The breed, age, color, and sex of the vaccinated dog;
    - (vii) The signatures of the veterinarian administering the vaccine; and
  2. The license fee hereinafter required.
- (3) *License issuance.* A license shall not be issued if the vaccination expires prior to December 31 of the licensing year. Upon acceptance of the completed license application and receipt of the rabies vaccination certificate, and after payment of said license fee, the town clerk shall issue a durable tag stamped with an identifying number and year of issuance. The said license is an annual license for the period beginning on January 1 of each year and expiring on December 31 of each said year, and provided, further, that any dog released from impoundment to the owner shall first have been duly licensed as hereinabove provided, regardless of age.
- (4) *License use.* Dogs shall wear said tags at all times while outside of the owner's premises. No person shall use or permit the use of a license tag for an animal other than the animal for which such tag was duly issued.
- (5) *Duplicate license.* A duplicate license maybe obtained upon payment of a replacement fee in an amount as to be found in the town's fee schedule.
- (6) *Records.* The town clerk shall maintain a record of all tags so issued, and such record may be inspected by the public at reasonable and convenient times during regular business hours but in such a manner as not to interfere unduly with the regular business of said offices.
- (7) *License fees.* License fees shall be in amounts as established and amended by the board from time to time by resolution and included in the town's fee schedule.
- (8) *Proof of neuter or spay.* For any owner to take advantage of the license fee for neutered male dogs or spayed female dogs, said owner shall first present to the town clerk a certificate signed by a veterinarian stating that the dog identified therein had been neutered or spayed.

- (9) *Revocation of license.* The animal control officer may, after reasonable notice and opportunity for hearing, revoke a previously issued license if:
- a. The applicant has knowingly made any material misrepresentation in the license application.
  - b. Any violation of any provision of this chapter is not corrected within 30 days after written notice thereof has been mailed to the license holder (applicant). Said notice is complete upon mailing.
  - c. The applicant has been convicted of a violation of this chapter and in such case, no new license may be issued to said owner.
- (10) *Resolution.* The town board may, in its discretion, from time to time establish by resolution all fees for dog licenses and other charges in connection with the control of dogs and other animals.

(Code 2002, § 6.04.020; Ord. No. 152, 1997)

**6.04.030. Control.**

(a) *Animals subject to impoundment.* Any animal that constitutes a public nuisance or is at-large may be taken by the animal control officer or humane officer and impounded in the animal shelter. Animals impounded by the town for animal control violations shall be turned over to the county animal control or to such other agency or organization as the animal control officer may deem suitable as soon as practical and shall be subject to such further fees and charges as may be assessed by such agency or organization.

(b) *Medical treatment for injured animals.* Animals killed or injured on or along public streets are deemed to have been running at-large, and the animal control officer or the humane officer may remove such animals therefrom and in the officer's discretion may take those needing medical attention to the animal shelter or a veterinarian. The owner of any animal receiving such medical attention shall pay the town for the cost thereof, which cost may, if the owner refuses to pay therefor, be recovered by a personal civil action by the town against the owner. The town is not and will not be liable for the cost of treatment for such animals.

(c) *Dogs running at-large.* A dog shall be deemed to be running at-large when off or away from the premises of its owner and not under the control of such owner.

(d) *Inflicting damage or injury to person or property by a dog.* It shall be deemed that a dog is not under the control of its owner when the dog inflicts damage or injury to the person or property of another or by harassing, chasing, or attacking people, livestock (or worrying livestock as defined in C.R.S. § 35-43-126), or wildlife, except in the defense of the owner, the owner's family or property.



(e) *Certain dogs exempted from control measure.* The term "control" shall not apply to dogs while actually working livestock, locating or retrieving wild game in season for a licensed hunter during daylight hours or assisting enforcement officers or while actually being trained for any of these pursuits.

(f) *Disturbance of peace and quiet.* No owner of an animal in the town shall permit such animal to disturb the peace and quiet, or the quiet enjoyment of the premises of any family, individual, or neighborhood by barking, whining, howling, or making any other noise in an excessive or continuous manner so as to interfere with the sleep of any reasonable person of ordinary sensibilities. The animal control officer and the humane officer have authority, without liability, to use all reasonable means to abate said nuisance including the authority to impound such animal, upon receipt of a signed complaint, where the owner is absent from the premises; provided, however, that this authority does not extend to entering the owner's dwelling or other building upon the owner's premises. Upon impoundment of an animal for violation of this section, said officers, or any of them, shall attempt to identify the absent owner by reasonable means as soon as possible, and such animal may not be destroyed until the owner is notified and has had an opportunity to redeem the animal from impoundment. Whenever a person is charged with a violation of this section, said person shall not be convicted thereof unless two or more complaining witnesses testify at the trial or other corroborating evidence is presented and received.

(g) *Animals in heat.* An animal control officer or the humane officer may order any unspayed female dog that is in a state of estrous (heat) and is not properly confined, or any such animal that is creating a public nuisance, to be properly confined, or any such animal that is creating a public nuisance, to be removed to a boarding facility or a veterinary hospital until the period of estrous is finished. All expenses incurred as a result of said order shall be paid by the animal's owner. Failure to comply with such an order is a violation of this section, and the animal may be impounded at the owner's expense.

(h) *Damage to property.* Any animal owner whose animal, whether or not running at-large, destroys, damages, or injures any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public property or upon private property when permission of the owner or tenant of said property has not been obtained, in violation of this section, and the same is a public nuisance.

(Code 2002, § 6.04.030; Ord. No. 152, 1997)

#### **6.04.040. Rabies control.**

(a) *Inoculation required.* The owner of every dog and cat over the age of six months shall cause such dog or cat to be inoculated against rabies and said owner shall obtain from a licensed veterinarian a rabies vaccination certificate containing the information required in section 6.04.020(2)b.

(b) *Reporting animal bites.* The owner of any animal that bites a human being shall report the occurrence to the animal control officer when known to the owner or reported to them and shall deliver the animal to an animal control officer and shall provide such further information requested by the animal control officer.

(c) *Quarantine of dangerous animals.* Any animal that bites a human being shall be quarantined pursuant to one of the following procedures for a period of not less than ten days:

- (1) If the owner of the animal shows a valid rabies vaccination certificate and provides written assurance that the animal shall be and remain quarantined, the animal may be quarantined on the owner's premises; or
- (2) In any other event, the animal shall be quarantined at the animal shelter or at a veterinary hospital at the expense of the owner.

(d) *Handling rabies cases.*

- (1) Every person having knowledge thereof shall report to the animal control officer any suspected or positively diagnosed occurrence of rabies and any biting by any suspected or confirmed rabid animal.
- (2) No person shall kill any suspected or confirmed rabid animal except upon the prior written consent of the animal control officer or in defense of a human being or other animal or to prevent the escape of such suspected or confirmed rabid animal.
- (3) No person shall remove the dead body of any suspected or confirmed rabid animal from where the animal was killed or found without the prior written approval of the animal control officer.

(e) *Destruction of rabid animals.* If rabies has been diagnosed in any animal by a veterinarian or medical doctor, such animal shall be summarily destroyed, and its brain sent immediately to the state health department in Denver for positive verification, at the owner's expense, or the animal or its body may be disposed of according to law, regulation, or order of said department of health.

(f) *Animals without incubation period.* If a standard rabies incubation period has not been established for a particular species of animal, and any animal of that species has been diagnosed as rabid, it shall be summarily destroyed, and if involved with another animal or human, a necropsy shall be performed to determine whether the other animal is contaminated by rabies.

(g) *Area-wide quarantine.* When there has been a positive diagnosis of rabies within the town, the mayor may declare a town-wide quarantine for a reasonable period of time not to exceed six months. During the period of such quarantine, every owner of animals shall confine their animals within the premises of the owner and shall not transport, take, or remove their animal from the town without the prior written consent of the animal control officer.

(Code 2002, § 6.04.040; Ord. No. 152, 1997)

**6.04.050. Vicious animals.**

(a) No person shall own, keep, harbor, or possess any vicious animal in the town provided, however, that an animal shall not be deemed a vicious animal because it has attacked or bitten any or all of the following persons:

- (1) Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
- (2) Any person engaged in the unlawful entry into the animal owner's automobile or other vehicle wherein such animal is confined; or
- (3) Any person engaged in attempting to aid such animal when it is injured.

(b) For the purpose of this section, a person is lawfully upon the private property of such owner when said person is on the property in the performance of any duty imposed upon the person by the laws of the state or town or the law or postal regulations of the United States or when said person is on such property at the invitation, expressed or implied, of the owner thereof.

(c) It is the duty of the animal control officer or any police officer of the town to investigate all complaints concerning vicious or dangerous animals. After such investigation, the animal control officer shall determine whether such animal should be confined as provided herein.

(d) If the animal control officer of the town deems an animal to be a vicious animal, the animal control officer shall issue a written warning to the owner of the said animal or he or she may cause criminal charges to be filed in municipal court against the owner alleging the vicious propensities of such animal.

(e) If the municipal court finds that the evidence supports such charge, the judge shall order the animal to be destroyed by the animal control officer in an approved humane manner.

(f) It is the duty of the animal control officer to seize and impound any vicious animal observed in violation of this chapter, whether or not said vicious animal is on the premises of the owner, by whatever means is reasonable.

(Code 2002, § 6.04.050; Ord. No. 152, 1997)

**6.04.060. Impoundment.**

(a) *Animals subject to impoundment.* Any animal which constitutes a public nuisance as herein defined or which has or is suspected of having rabies, or which is found running at-large or otherwise in violation of this chapter, shall be taken into the custody of the animal control officer, humane officer, or any officer, and shall be humanely impounded in the animal shelter.

(b) *Disposition of impounded animals.*

- (1) Immediately upon impounding any animal, the animal control officer shall post notice of such action in a public place at the animal shelter and at the town hall. The officer

shall mail notice to the owner of such animal at the owner's last known address as indicated on the most recent license application unless verbal notice of impoundment is given to the owner or another person of suitable age and discretion who resides with the owner. Said notice shall be effective upon mailing.

- (2) In no event shall any animal be disposed of prior to the expiration of 72 hours after said notice has been given as provided in subsection (b)(1) of this section or, in the event the owner is unknown, after the expiration of 72 hours after impoundment; provided, however, such animal may be disposed of at any time pursuant to the direction or authorization of state or other health authorities.
- (3) Any animal not reclaimed by its owner within the time heretofore established in subsection (b)(2) of this section may be humanely euthanized or adopted.

(c) *Release of impounded animals.*

- (1) An animal control officer or humane officer shall not release, except to a veterinarian, any animal which is dangerous or shows symptoms of rabies or other infectious or contagious diseases.
- (2) An unlicensed dog shall not be released until such animal has been duly licensed and vaccinated for rabies. Upon receipt of an immunization deposit, however, such animal may be released in order that it may be immunized. Upon proof that such animal has been duly immunized within five working days after such release, the town clerk shall refund such immunization deposit.
- (3) An unlicensed dog shall not be released until such animal has been duly licensed and vaccinated for rabies. Upon receipt of an immunization deposit, however, such animal may be released in order that it may be immunized. Upon proof that such animal has been duly immunized within five working days after such release, the town clerk shall refund such immunization deposit.

(d) *Owner's liability for fees.*

- (1) An owner reclaiming an impounded animal shall be assessed double the costs incurred on behalf of such animal for care, subsistence, custody, impoundment, plus all other fees and charges as fixed in this chapter.
- (2) The owner of an impounded animal remains personally liable for all impoundment and subsistence fees, notwithstanding that the owner may abandon the animal or the animal is adopted or euthanized. Failure to pay said fees is a violation of this chapter.

(e) *Ownership of unclaimed animals.* Any animal not duly reclaimed within 72 hours after notice has been given pursuant to subsection (b)(2) of this section by its owner becomes and is the property of the town, and the owner is deemed to have abandoned the animal and forfeited their rights thereto, and has no cause of action against the town or its employees as a result thereof.

(Code 2002, § 6.04.060; Ord. No. 152, 1997)

**6.04.070. Public nuisances; duty of owner.**

The town board hereby finds, determines and declares that the following animals are detrimental to the public health, safety and welfare of the inhabitants of the town, and hereby finds, determines and declares each such animal to be a public nuisance; any animal that:

- (1) Menaces or attacks persons or vehicles;
- (2) Attacks other animals;
- (3) Goes upon public property which is marked or signed "No Dogs Allowed" without the permission of the person in charge thereof, excluding Seeing Eye dogs or dogs trained as ears for the deaf and being used for such purposes at the time;
- (4) Is at-large;
- (5) Barks, whines, howls, or makes any other noise, in a manner which, under non-mitigating circumstances, could be considered by reasonable persons of ordinary sensibilities as excessive, or continuous or in such a manner as to interfere with the sleep of any such persons;
- (6) Being a female in heat, because of the nature of its confinement, or lack of the same has attracted other animals and caused them to congregate or remain on or about any premises;
- (7) Has not been duly licensed or vaccinated as required by this chapter;
- (8) Has been abandoned;
- (9) Is not under control as required by this chapter;
- (10) Damages public property or private property not owned by the owner;
- (11) Has contracted rabies or other contagious or pestilential disease and is not under the care of a veterinarian;
- (12) Is a vicious animal;
- (13) Is tied or otherwise physically fastened to any object on public property and the owner has departed from the immediate vicinity or location where the animal has been physically fastened; or, is on private property and is tied or fastened so as to create an immediate danger to the physical well-being of the animal or any person;

- (14) Is on premises open to the public where food or beverages are prepared, stored, or sold; provided, however, this subsection does not apply to Seeing Eye dogs or dogs trained as ears for the deaf and used for such purposes at the time;
  - (15) Defecates on public property or private property not owned by the owner in violation of section 6.04.120; (Ord. No. 152, 1997)
  - (16) Is a domesticated animal and is found in public park, either on a leash or unleashed. This subsection does not apply to Seeing Eye dogs, government-owned animals, or animals participating in shows or exhibits that are conducted in compliance with officially sanctioned activities.
- (Code 2002, § 6.04.070; Ord. No. 152, 1997)

**6.04.080. Animal care; humane treatment.**

It is unlawful for any person to:

- (1) Fail to provide an animal owned or in the custody of such person with adequate food and water, proper shelter, veterinary services and with humane care and treatment necessary to maintain the good health of the animal and to prevent suffering by the animal;
- (2) Physically abuse any animal;
- (3) Torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals, or between animal and humans;
- (4) Abandon an animal (in this context abandon means to leave the animal unattended for more than 48 consecutive hours);
- (5) Intentionally or maliciously kill or injure any animal, unless such act is necessary to defend a human being or other animal from immediate attack or as otherwise authorized by law or ordinance;
- (6) Confine any animal within a parked, closed vehicle, without allowing cross ventilation to prevent the animal from suffering heat exhaustion, heat stroke or death; and under no circumstances shall such person confine such animal in any parked, closed vehicle on any public street or way for more than one hour. Any animal control officer observing any animal kept in violation of this subsection may enter said vehicle, leaving written notice in said vehicle, and shall impound such animal to protect its well-being. Any such officer making an entry to any such vehicle for the purposes of this subsection is immune from suit or liability, criminal or civil, for, caused by, or arising out of such entry;
- (7) Keep any animal in said person's custody for more than 12 consecutive hours without providing for the animal's physical needs;

- (8) Take and deliver to the animal shelter or elsewhere an animal not their own from any enclosed lot, premises, or other building not their own, unless said person shall have first received permission from the owner of such animal, as well as the owner or person in possession of said premises, or as otherwise authorized by this chapter;
  - (9) Without the consent of the owner, release any dog from restraint except when necessary to preserve the life of such dog; provided, however, when a dog has been released under such necessity, the person making such release shall immediately return the dog to the custody of its owner;
  - (10) Tie or to otherwise physically fasten an animal to any object on a public way, or so near to a public way that the animal may go upon the same, and to leave the animal and depart the immediate vicinity thereof;
  - (11) Tie or otherwise physically fasten an animal in such a manner as to create an immediate physical danger to the well-being of the animal;
  - (12) Expose to any known poisonous substance, whether mixed with food or not, so that a reasonable person would know or should know that such substance would probably cause animals to be attracted thereto, eat thereof, and be poisoned thereby; provided, however, this section does not make unlawful the poisoning of rats or mice with commercial rat poison with vegetable substances;
  - (13) Set any type of steel jaw trap or any other inhumane trap which, by its nature, may kill or maim any animal, including a human; provided, however, this section does not prohibit the use of common rat and mousetraps.
- (Code 2002, § 6.04.080; Ord. No. 152, 1997)

**6.04.090. Motor vehicle accidents; animals.**

Any person who, while driving a motor vehicle, strikes or injures any domestic animal, shall:

- (1) Stop immediately and if safe to do so, render assistance to the animal; and
- (2) Immediately report the accident to the owner of the animal; or
- (3) If after a reasonable search, said driver cannot locate the owner, immediately report the accident to the animal control officer or the police.

(Code 2002, § 6.04.090; Ord. No. 152, 1997)

**6.04.100. Interference with animal control; prohibited.**

No person shall knowingly resist, oppose, obstruct, or interfere with any animal control officer or police officer acting within the scope of the officer's authority under this chapter, or by threats or otherwise to intimidate or attempt to intimidate any such animal control officer or police officer in the discharge of the officer's official duty.

(Code 2002, § 6.04.100; Ord. No. 152, 1997)

**6.04.110. Protective custody.**

(a) Any animal found receiving inhumane treatment as described in section 6.04.080 may be removed and impounded at the expense of the owner by the animal control officer, police officer, or the humane officer.

(b) Any animal whose life reasonably appears to be endangered may be so removed and impounded, whether or not in the presence of its owner.

(Code 2002, § 6.04.110; Ord. No. 152, 1977)

**6.04.120. Animal defecation.**

(a) Any owner taking the animal upon any public way or other public property in the town shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal.

(b) Any owner taking any animal upon any private property other than their own shall immediately remove or cause to be removed and lawfully dispose of all fecal matter left on such property by the animal.

(Code 2002, § 6.04.120; Ord. No. 152, 1997)

**6.04.130. Cooperation with officers.**

(a) *Enforcement of chapter.* The animal control officers, police officers, and humane officers acting under the direction of an animal control officer or police officer may enforce the provisions of this chapter and may cooperate with state, county, and federal or other governmental officers, employees, or agents to enforce this chapter or laws of the other said governmental subdivisions which relate to animal control, protection, or humane treatment; provided however, that such cooperation takes place in the town and in the county.

(b) *Safety of public officers and public.* Any animal control officer, police officer or humane officer may, when reasonably necessary to protect the officer's own person or that of members of the public, immediately destroy any animal. The owner of any such animal has no recourse or cause of action against either the town or such officer, or any of them.

(Code 2002, § 6.04.130; Ord. No. 152, 1997)

**6.04.140. Enforcement.**

(a) *Generally.* The animal control officer, the humane officer, and police officers shall enforce the provisions of this chapter. It is a violation of this chapter and this section for any person to interfere with any animal control officer, any police officer, or any humane officer who is performing their duties pursuant to this chapter, the ordinances of the town, or state law. It is a violation of this chapter for any person to fail to obey a lawful order of any such officer.



(b) *Certificates.* Officers and agents of the Humane Society shall be provided with certificates by such society that they are such officers and agents, in such form as the directors of such society may choose, or with a badge bearing the name or seal of such society and shall, if requested, show such certificate when acting officially.

(c) *Authority.* Any officer, agent or employee of the Humane Society of Weld County, if such society is under contract with the town, may perform such functions as provided by said contract and by this chapter and, in performing such functions, has the same authority as an animal control officer or special police officer of the town.

- (1) It is the purpose of this section, among other things, to authorize officers, agents, and employees of the Humane Society of Weld County to enforce the provisions of this chapter to the extent provided in a current contract then in force between the town and said humane society.
- (2) It is also the intention of this section that under those circumstances, officers, agents, and employees of the Humane Society of Weld County shall be deemed to be, and are, peace officers, within the meaning of the state municipal court rules of procedure, for purposes of issuing summonses and complaints relating to the enforcement of this chapter.
- (3) Nothing in this section or chapter may be construed to, and in no way does, limit the authority of police officers to enforce this chapter.

(d) *Placement of live traps; prohibited.* The animal control officers, humane officers and police officers may place and set humane or live traps for the purpose of capturing unrestrained animals on any property in the town at the written request of the owner of such property. No person, other than said officers, shall molest or release any animal trapped therein or bother in any way any trap set pursuant to this section. In addition, animal control officers, humane officers, town employees, and board of trustee members, and police officers may, for animals at-large or vicious animals, use a tranquilizer or stun gun or other similar device for controlling or capturing such animal, and such personnel, as well as the town, shall be free from any liability for such use of a stun gun or similar device.

(e) *Unauthorized traps; confiscation.*

- (1) No person shall use unauthorized or inhumane traps within the town.
- (2) The animal control officers and humane officers shall confiscate and destroy all unauthorized or inhumane traps.
- (3) No person using or setting unauthorized or inhumane traps has any cause of action, civil or criminal, against the town or its officers as a result of the confiscation of such traps as hereinbefore provided.

(f) *Unprovoked biting of humans.*

- (1) If any animal, being unprovoked, bites a human being for the first time, the town board may prohibit the owner thereof from keeping such animal within the town or order the animal destroyed.
- (2) If an animal, being unprovoked, bites a human being for the second or additional time, the town board shall prohibit the owner thereof from keeping such animal within the town, or the board shall order the animal destroyed.

(Code 2002, § 6.04.140; Ord. No. 152, 1997; Ord. No. 242, § 1, 6-3-2004)

**6.04.150. Penalty for violation.**

(a) Any person who violates any provision of this chapter or commits any unlawful act defined by this chapter, or any person who fails to perform any act required by this chapter, or any person who fails or refuses to comply with any lawful order given pursuant to this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished as provided in chapter 1.12. Violation also requires a mandatory impoundment period. Animals are kept overnight for an amount to be established and amended from time to time by resolution of the board and set forth in the town's fee schedule.

(b) The minimum fines set forth shall be mandatory and shall not be suspended for any reason. Each day any violation continues shall constitute a separate offense and is punishable accordingly. Any person charged with a third offense shall be required to appear in front of the town board to have the penalty portion set for the offense.

(Code 2002, § 6.04.150; Ord. No. 152, 1997)

Title 7

**RESERVED**



## Title 8

### HEALTH AND SAFETY

#### Chapter 8.04. Garbage Collection and Disposal

- 8.04.010. Definitions.
- 8.04.020. Responsibility for cleanup.
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- 8.16.060. Specific prohibitions.
- 8.16.070. Authority to order extinguishment.
- 8.16.080. Enforcement.



**CHAPTER 8.04. GARBAGE COLLECTION AND DISPOSAL****8.04.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Garbage" means the animal and vegetable waste resulting from the preparation, cooking and consumption of foods.
- (2) "Refuse" means any and all hay, straw, shavings, excelsior, paper, ashes, rubbish, containers, boxes, glass, cans, bottles, and the residue from the burning and other destruction of all combustible materials whatsoever, and any and all other material commonly known as rubbish or refuse, except building rubbish from building construction or reconstruction, street refuse, large trees, industrial refuse, dead animals, abandoned large machinery or vehicles, or such other waste materials as are not commonly produced in homes, stores, or institutions.

(Code 2002, § 8.04.010)

**8.04.020. Responsibility for cleanup.**

The town is not obligated to clean, pick up or remove waste or other debris resulting from construction or repairs to buildings or other improvement of property within the town, or dead or fallen trees, or limbs from trees on private property or parking adjacent thereto, nor trash resulting from a general cleanup of vacant or improved property. All such shall be removed by the owner, occupant, tenant or lessee at their own expense, except as may be otherwise provided in this chapter.

(Code 2002, § 8.04.020)

**8.04.030. Transport of garbage; requirements.**

It is unlawful for any person to remove or carry, or cause to be removed or carried, on or along the streets and alleys of the town any garbage or other matter offensive to sight or smell except in watertight cans or in carts, trucks, or wagons having iron beds or boxes with proper covers, so that the garbage or other matter is not offensive. The garbage shall be so loaded that none of it falls, drips or spills on the ground.

(Code 2002, § 8.04.030)

**8.04.040. Collection; frequency.**

Refuse and garbage will be collected at least once each week, and where necessary to protect the public health, the board of trustees may require more frequent collections. It is the intent of

this chapter that the reasonable accumulations of refuse of each family for the collection period will be collected for the standard charge; however, the board of trustees may refuse or may make additional charges for such unreasonable amounts.

(Code 2002, § 8.04.040)

**8.04.050. Charges.**

(a) For residential property, collection charges shall be as fixed by resolution of the board.

(b) For commercial property, collection charges shall be as fixed by resolution of the board.

(c) The charges provided in this section shall be payable, billed, and collected in the same manner and upon the same terms, penalties, and provisions for collection as, and together with the water rates as provided in title 13, as amended.

(Code 2002, § 8.04.050)

**8.04.060. Billing procedures.**

The charges as fixed by resolution of the board shall be payable, billed, and collected in the same manner and upon the same terms as provided in title 13 for water charges.

(Code 2002, § 8.04.060)

**8.04.070. Town authorized trash haulers.**

(a) The town, by and through its duly authorized agents, employees, contractors, or town-licensed haulers, shall be the sole agency for the collection and disposal of refuse and no person except such duly authorized agents, employees, contractors, or town-licensed haulers shall collect or dispose of any refuse, whether their own or another's within the town. Nothing contained herein shall prevent an individual from hauling their own waste material, provided that it is properly disposed of in conformity with state law, this Code, and health department rules and regulations.

(b) The charge for town collection of refuse will be made at the same time as the charge for the water utility service offered and furnished by the town, and such refuse charge shall be due and payable at the same time and place as the charge for the water utility service.

(c) The charge for town refuse collection and the charge for water utility service are hereby declared to be parts of one debt to the town insofar as the same or any one customer or consumer, and the refusal or failure to pay any part of such debt for any monthly period of service in accordance with the rules and regulations established by the town board shall be sufficient cause for discontinuing water utility service and/or refuse collection.

(d) The amount of the charge for refuse collection service provided by the town shall be a lien upon the property service until the same is paid. In case of failure to pay the established charges for collection service by the owner or person having the occupancy, control, or



management of any premises within 30 days after the time prescribed for payment of such charges by the town, the town clerk may certify such charges as assessed to the county treasurer to be placed on such tax list for the current year to be collected in the same manner as other taxes are collected with a ten percent penalty to defray the cost of collection as provided by state law.

(Code 2002, § 8.04.070)

**8.04.080. Rules and regulations.**

The town board may promulgate rules and regulations relating to the manner of preparing and accumulating refuse and waste material for collection; the kind of containers to be used for such accumulation; the manner of, use of, and care for such containers, the location of pickup points, procedures, schedules, and such other rules and regulations as, in their discretion, are necessary or desirable in the interests of maintaining the efficiency and sanitary conditions and the refuse collection system and service within the town; and such rules and regulations, when promulgated, shall be of the same force and effect as if incorporated in this Code.

(Code 2002, § 8.04.090)

**8.04.090. Unlawful dumping.**

(a) It shall be prohibited for anyone who is not a town resident to dump any trash in any of the dumpsters provided by the town's contractor for trash hauling services.

(b) The town has provided a place within the town limits for disposing of trees and limbs. It shall be prohibited for anyone to dispose of any materials other than trees or limbs at such dump. A permit for dumping trees and limbs must first be obtained from the town clerk. The board of trustees may establish a permit fee by resolution.

(Code 2002, § 8.04.100)

**8.04.100. Abatement of refuse accumulations.**

Any unreasonable accumulation of refuse on any premises is declared to be a nuisance and is prohibited. Failure to remove any existing accumulation of refuse within 30 days after notice is deemed a violation of this chapter.

(Code 2002, § 8.04.110)

**8.04.110. Tree, leaves, or grass clippings.**

It shall be unlawful for any person to burn leaves, brush, or other refuse upon the paved surface or gutter of any street in the town or to throw or deposit garbage or refuse, or to cause the same to be thrown or deposited, upon any street, alley, gutter, park, or other public place, except that leaves and trimmings of trees, shrubs, and grass may be neatly piled in the alleys or

streets along the edges so as not to obstruct passage through and along such street, alley or any sidewalk along such street, to be picked up and removed by the owner, occupant, tenant, or lessee, or by the town, as provided in this chapter.

(Code 2002, § 8.04.120)

**8.04.120. Violation; penalty.**

Any person who violates any of the provisions of this chapter is guilty of violation of this chapter and shall be punished as provided in chapter 1.12.

(Code 2002, § 8.04.130)

**CHAPTER 8.08. WEEDS AND RUBBISH**

**8.08.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Brush" means any volunteer growth of bushes or trees growing out of a place and includes cuttings from trees and shrubs and any rank growth which may conceal filthy deposits or constitute a fire hazard when dry.
- (2) "Rubbish" means unsightly material, waste products, refuse, trash, or waste lumber left piled or scattered that may become a breeding place for flies, mosquitoes or vermin or that may give off unpleasant odors or create a health or fire hazard where located.
- (3) "Weeds" means any annual or perennial herbaceous plants of volunteer growth not cultivated or useful for human food or enjoyment and which, when in blossom, exhale an unpleasant or noxious odor or give off pollen irritating to human tissues, and also any high or rank vegetable growth that may conceal filthy deposits or constitute a fire hazard when dry.

(Code 2002, § 8.08.010)

**8.08.020. Nuisance declared.**

As defined in section 8.08.010, weeds, brush, and rubbish are declared to be nuisances and dangerous to public health and safety.

(Code 2002, § 8.08.020)

**8.08.030. Notice to remove; removal by town.**

(a) At any time during the calendar year when the health and safety of the community or area is in danger, the town code enforcement officer shall cause notice to be published in one newspaper in the town notifying owners of lots or tracts of land within the town limits that all weeds must be removed, either by cutting or spraying, in accord with approved agricultural

practices, and that all dry weeds, brush, or rubbish shall be removed or burned, further notifying such owners that if they fail to do so within 15 days after being notified, the same will be removed, sprayed or burned and the entire cost thereof, plus five percent for inspection and incidentals, will be assessed against the lots and lands owned by them within the town limits.

(b) On such expiration of the time so fixed, the town code enforcement officer shall cause all such weeds, brush, and rubbish not so removed to be removed, sprayed or burned, as the case may require and as in the enforcement officer's judgment are a nuisance or health or fire hazard, and shall cause to be filed with the town clerk a statement showing the charges to be assessed against such lots or tracts of land in payment of work so done, including not to exceed five percent.

(c) When requested by the town code enforcement officer, it is the duty of the public works superintendent to provide the materials, labor, and equipment for such removal, spraying, or burning of weeds, brush, and rubbish under the direction of the town code enforcement officer. (Code 2002, § 8.08.030)

#### **8.08.040. Removal by town; assessment.**

(a) After receipt of such statement, the town clerk shall publish a notice to the owners of the lots or tracts of land that assessments will be made against such lots or tracts of land to provide for the cost of the removal, spraying, or burning of weeds, brush or rubbish, as provided therein; that the board of trustees will sit to hear objections thereto not less than 15 days after the publication of such notice; that the description of the lots and tracts of land to be assessed and the amounts of the proposed assessments to be levied thereon are on file in the office of the town clerk for inspection. Such notice shall be published by mailing the notice to the last known address of the owner by certified mail, return receipt requested and by such additional means as the town clerk deems appropriate.

(b) The owners shall be notified, naming them, when the proposed assessment is made by the board of trustees, that the same must be paid to the town clerk on or before 30 days after the board of trustees has ascertained and fixed the amounts of such assessments against the lots and tracts of land and certified by the town clerk to the county treasurer, to be collected by the county treasurer for the town, the same as general taxes. (Code 2002, § 8.08.040)

#### **8.08.050. Hearing on assessment.**

At the time and place designated in the notice of the town clerk that the board of trustees will sit to hear objections to proposed assessments against lots or tracts of land, the board of trustees shall hear, consider, and determine objections thereto and, as determined by the board, the town clerk shall proceed to collect as provided in section 8.08.040. The assessment, when certified by the town clerk to the county treasurer, shall be a lien in the amount of the

assessment against the lots or tracts of land until paid. All monies received by the town clerk in payment of assessments levied under this chapter shall be placed in the general fund of the town.

(Code 2002, § 8.08.050)

**8.08.060. Removal from town property.**

It is the duty of the public works superintendent to remove or spray all weeds growing in alleys in the town before they become noxious or detrimental to health or a fire hazard. The public works superintendent shall likewise cause areas bordering sidewalks, outside lot lines, to be kept free of noxious weeds.

(Code 2002, § 8.08.060)

**8.08.070. Complaint; penalties.**

Any person who, as owner or as tenant and in possession of any lots or tracts of land within the town, permits weeds, brush, or rubbish to become nuisances, as defined in this chapter, or any person who, as owner or as tenant in possession of any lots or tracts of land, fails or refuses to remove, spray, or burn weeds, brush, or rubbish, as may be required under the circumstances, after 48 hours' written request of the town code enforcement marshal; or any person who as owner or as tenant in possession, refuses or fails to heed the notice provided in section 8.08.030, on complaint being made to the town, is guilty of a civil violation and, upon conviction thereof, shall be punished in accordance with chapter 1.12. The fact that assessments have been proposed, determined, or levied shall not prevent other penalties from being imposed for violation of this chapter.

(Code 2002, § 8.08.070)

**8.08.080. Disposal of decaying vegetable or animal matter.**

(a) All persons are prohibited from depositing, permitting to be deposited, and from keeping or permitting to be kept, any dead animals, offal, waste, putrid, offensive or nauseous animal or vegetable substances at or on any public or private premises or place within the town limits except in lawful receptacle therefor at the town dump ground.

(b) No person shall bury or cause to be buried any dead animal or fowl or part thereof within the limits of this town. Persons having dead animals or fowl unfit for food or an animal or fowl sick or injured and past recovery or an animal or fowl in such offensive condition or conditions as to be detrimental to health on said persons' premises shall at once remove or cause the same to be removed to a licensed rendering plant and there disposed of at their own expense.

(Code 2002, § 8.08.080)

**CHAPTER 8.12. USE OF PROPANE TANKS****8.12.010. Prohibition of certain propane tanks.**

(a) Gas service in the town shall be through the gas utility which has been approved by the town board.

(b) It shall be unlawful for any person to install or use a propane tank as the gas supply for heating, cooking, or other use in any structure located in the town.

(c) The above prohibition shall not apply to small propane tanks, not to exceed 20 gallons capacity, used for an outdoor grill or installed in a camper-trailer, motor home, or other such conveyance which is not used as a permanent residence or dwelling.

(Code 2002, § 8.12.010; Ord. No. 194, 1997)

**8.12.020. Notice to abate.**

The town clerk shall notify the owner of record of the property on which any violation of this chapter has occurred, by certified mail, return service or by posting on the property, that if the violation is not corrected within ten days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in municipal court to answer charges for the violation of this chapter, or that other appropriate enforcement action will be taken.

(Code 2002, § 8.12.020; Ord. No. 194, 1997)

**8.12.030. Abatement.**

At the expiration of the ten day notice period, in addition to any other remedy, the town may abate any violation of this chapter as a nuisance and obtain appropriate injunctive relief in any court having jurisdiction.

(Code 2002, § 8.12.030; Ord. No. 194, 1997)

**8.12.040. Penalties.**

Any person, firm, or corporation violating this chapter or any provision is guilty of a civil violation and, upon conviction thereof, shall be punished as provided in chapter 1.12. Each day during which such violation continues shall be deemed a separate offense.

(Code 2002, § 8.12.040; Ord. No. 290, § 5, 5-16-2015)

**CHAPTER 8.16. FIRE PIT****8.16.010. Fire pit construction and design.**

Fire pits shall be constructed as follows:

- (1) In-ground fire pits shall be no more than three feet in diameter or the wall more than two feet above ground in height. A screen shall be placed over the pit while in use.

- (2) Freestanding fire pits shall be manufactured as a portable outdoor fire pit, outside fireplace, or chimenea and as available through a retail or wholesale store. All manufactured fire pits shall include a screen or spark arrestor design feature.

(Ord. No. 300, § 1, 2-18-2017)

**8.16.020. Burning materials.**

- (a) Only clean, dry wood such as tree limbs or untreated wood may be burned in the fire pit.

(b) Prohibited items include treated or painted wood, flammable or combustible liquids, yard waste and leaves, cardboard or paper, and garbage or refuse.

(Ord. No. 300, § 2, 2-18-2017)

**8.16.030. Flame size.**

Flames shall not exceed two feet.

(Ord. No. 300, § 3, 2-18-2017)

**8.16.040. Supervision of fire pits.**

A non-impaired adult over the age of 18 years must be present to supervise the fire and ensure that the fire is out when unattended.

(Ord. No. 300, § 4, 2-18-2017)

**8.16.050. Extinguishing fire pits.**

- (a) A means of extinguishing the fire shall be on hand at all times.

(b) Acceptable means of extinguishing is a hose at the ready (water on with a nozzle restricting flow until needed) or a shovel with loose dirt or sand nearby or a certified commercial fire extinguisher.

(Ord. No. 300, § 5, 2-18-2017)

**8.16.060. Specific prohibitions.**

The burning of fire pits is prohibited during red flag days or high wind warnings.

(Ord. No. 300, § 6, 2-18-2017)

**8.16.070. Authority to order extinguishment.**

The town police department and/or fire department are authorized to order extinguishment of any violation of this fire pit ordinance if deemed offensive by the officer or firefighter responding to a complaint or if safety guidelines are not followed.

(Ord. No. 300, § 7, 2-18-2017)

**8.16.080. Enforcement.**

Penalties will incur upon improper use and operation and or not adhering to the rules established. Section 9.24.070 may be followed by any law enforcement for any such violation. The graduated fine schedule for such penalty assessment procedure shall be:

- (1) \$50.00 for the first offense.
  - (2) \$100.00 for the second offense.
  - (3) Summons to court for the third offense.
  - (4) Summons to court for red flag days or high wind warnings.
- (Ord. No. 300, § 8, 2-18-2017)





Title 9

**PUBLIC PEACE, MORALS AND WELFARE**

**Chapter 9.04. General Provisions**

- 9.04.010. Applicability of provisions; terms referring to prohibited conduct.
- 9.04.020. Definitions.
- 9.04.030. Responsibility for offenses; defense conditions.
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**Chapter 9.08. Offenses by or Against Public Officers and Government**

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**Chapter 9.12. Offenses Against Public Decency**

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- 9.24.020. Loitering.
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### **Chapter 9.28. Offenses Relating to Alcoholic Beverages**

- 9.28.010. Definitions.
- 9.28.020. Sales near schools.
- 9.28.030. Regulations concerning fermented malt beverages.
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## PUBLIC PEACE, MORALS AND WELFARE

### **Chapter 9.40. Noise**

- 9.40.010. Disturbing the peace.
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- 9.44.010. Marijuana.
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- 9.48.010. Definitions.
- 9.48.020. Ownership of recyclable materials and solid waste.
- 9.48.030. Scavenging prohibited.
- 9.48.040. Donations and sales by owners permitted.
- 9.48.050. No waiver of trespass.



**CHAPTER 9.04. GENERAL PROVISIONS****9.04.010. Applicability of provisions; terms referring to prohibited conduct.**

(a) Any person who does an act prohibited by the provisions of this title or who fails to do an act required to be done by the provisions of this title shall be guilty of a misdemeanor and shall be subject to punishment within the limits prescribed by chapter 1.12.

(b) The terms "offense," "violation," "unlawful," and "misdemeanor," as used in this title, are synonymous and all refer to conduct prohibited or the failure to do acts required by this title.

(c) The provisions of this title shall apply to any such prohibited or required conduct occurring, or required to occur, within the territorial limits, and upon real property owned by or under the exclusive control of the town.

(Code 2002, § 9.040.010)

**9.04.020. Definitions.**

The following definitions are applicable to the determination of culpability requirements for offenses defined in this title:

- (1) "Act" means a bodily movement and includes words and possession of property.
- (2) "Conduct" means an act or omission and its accompanying state of mind or, where relevant, a series of acts or omissions.
- (3) "Criminal negligence." A person acts with "criminal negligence" when, through a gross deviation from the standard of care that a reasonable person would exercise, he or she fails to perceive a substantial and unjustifiable risk that a result will occur or that a circumstance exists.
- (4) "Culpable mental state" means intentionally or knowingly or recklessly or with criminal negligence, as those terms are defined in this chapter.
- (5) "Intentionally." A person acts intentionally with respect to a result or to conduct described by an ordinance defining an offense when said person is aware that their conduct is of such nature or that such circumstance exists.
- (6) "Knowingly." A person acts knowingly with respect to conduct or to a circumstance described by an ordinance defining an offense when said person is aware that their conduct is of such nature, or that such circumstance exists.
- (7) "Omission" means a failure to perform an act as to which a duty of performance is imposed by law.
- (8) "Police officer" also means peace officer.
- (9) "Recklessly." A person acts recklessly when the person consciously disregards a substantial and unjustifiable risk that a result will occur or that a circumstance exists.

- (10) "Voluntary act" means an act performed consciously as a result of effort or determination and includes the possession of property if the actor was aware of said actor's physical possession or control thereof for a sufficient period to have been able to terminate it.

(Code 2002, § 9.04.020)

**9.04.030. Responsibility for offenses; defense conditions.**

(a) *Impaired mental condition.* Evidence of an impaired mental condition, though not legal insanity, may be offered in a proper case as bearing upon the capacity of the accused to form the specific intent, if such intent is an element of the offense charged.

(b) *Intoxication.*

- (1) Intoxication of the accused is not a defense to a criminal charge, except as provided in subsection (c) of this section, but in any prosecution for an offense, evidence of intoxication of the defendant may be offered by the defendant when it is relevant to negative the existence of a specific intent, if such intent is an element of the crime charged.
- (2) Intoxication does not, in itself, constitute mental disease or defect, within the meaning of impaired mental condition in subsection (a) of this section.
- (3) A person is not criminally responsible for their conduct if, by reason of intoxication that is not self-induced at the time said person acts, the person lacks capacity to conform their conduct to the requirements of the law.
- (4) The term "intoxication," as used in this section, means a disturbance of mental or physical capacities resulting from the introduction of any substance into the body.
- (5) The term "self-induced intoxication" means intoxication caused by substances which the defendant knows or ought to know have the tendency to cause intoxication and which the defendant knowingly introduced or allowed to be introduced into their body or under circumstances that would afford a defense to a charge or crime.

(c) *Responsibility; affirmative defense.* The issue of responsibility under this section is an affirmative defense.

(Code 2002, § 9.04.030)

**9.04.040. Arrest by peace officer authorized when.**

A peace officer may arrest a person when:

- (1) The officer has a warrant commanding that such person be arrested;
- (2) Any crime has been or is being committed by such person in the officer's presence; or

(3) The officer has probable cause to believe that the offense was committed and has probable cause to believe that the offense was committed by the person to be arrested.  
(Code 2002, § 9.04.040)

**9.04.050. Enforcement; rules of procedure.**

All proceedings pertaining to the enforcement of the sanctions of this title and of other ordinances and codes of the town shall be carried out in accordance with the municipal court rules of procedure promulgated by the state supreme court.  
(Code 2002, § 9.04.050)

**CHAPTER 9.08. OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT**

**9.08.010. Refusing to aid a peace officer.**

A person shall be in violation of this section if said person, when commanded to do so by a peace officer, unreasonably refuses or fails to aid the peace officer in effecting or securing an arrest, or preventing the commission by another of any offense.  
(Code 2002, § 9.08.010)

**9.08.020. False reporting.**

A person commits false reporting to authorities if:

- (1) The person knowingly causes a fire alarm or alarm of fire or other emergency to be transmitted to or within an official or volunteer fire department or rescue squad;
- (2) The person knowingly makes a report to a law enforcement agency or peace officer of a crime or other incident within their official concern which the person knows did not occur; or
- (3) The person makes a report or knowingly causes the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when the person knows that they have no such information or knows that the information is false.

(Code 2002, § 9.08.020)

**9.08.030. Impersonating a peace officer.**

A person who falsely pretends to be a peace officer and performs an act in that pretended capacity commits a violation of this chapter.  
(Code 2002, § 9.08.030)

**9.08.040. Refusing to disperse.**

A person shall be guilty of a violation of this chapter if, after receiving a verbal or written order by a peace officer acting in the interest of public safety, the person refuses to disperse or leave the area designated in such order within the time specified within such order.

(Code 2002, § 9.08.040)

**9.08.050. Resisting arrest.**

(a) A person commits resisting arrest if said person intentionally prevents or attempts to prevent a peace officer, acting under color of the peace officer's official authority, from effecting the arrest of the actor or another by:

- (1) Using or threatening the use of physical force or violence against the peace officer or another; or
- (2) Using any other means which creates a substantial risk of causing physical injury to the peace officer or another.

(b) It is no defense to a prosecution under this section that the peace officer was attempting to make an arrest which was in fact unlawful, if the peace officer was acting at the time under the color of their official authority. A peace officer acts under the color of their official authority when, in the course of assigned duties, the peace officer makes a judgment in good faith based upon surrounding facts and circumstances that an arrest should be made by them.

(Code 2002, § 9.08.050)

**CHAPTER 9.12. OFFENSES AGAINST PUBLIC DECENCY****9.12.010. Indecent exposure.**

(a) A person shall be guilty of a violation of this chapter if said person:

- (1) In a manner calculated to alarm or to excite, exposes, in a public place or place open to public view, the external genitalia or female breast; or
- (2) Urinates or otherwise relieves themselves in a public place or a place open to public view.

(b) A person commits indecent exposure:

- (1) If the person knowingly exposes their genitals to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person with the intent to arouse or to satisfy the sexual desire of any person;
- (2) If the person knowingly performs an act of masturbation in a manner which exposes the act to the view of any person under circumstances in which such conduct is likely to cause affront or alarm to the other person.



(c) For purposes of this section, the term "masturbation" means the real or simulated touching, rubbing, or otherwise stimulating of a person's own genitals or pubic area for the purpose of sexual gratification or arousal of the person, regardless of whether the genitals or pubic area is exposed or covered.

(Code 2002, § 9.012.010)

## CHAPTER 9.16. OFFENSES AGAINST PROPERTY

### 9.16.010. Criminal trespass.

(a) A person commits the crime of criminal trespass if the person unlawfully enters or remains in or upon premises which are enclosed in a manner designed to exclude intruders or premises which are fenced to exclude intruders.

(b) It shall be unlawful for any person to climb in or upon, to deface or damage in any way, to open or close any valve or to trespass upon property immediately under the town water tower, except for such persons authorized by the board of trustees to conduct necessary construction, maintenance, or repair to the town water tower.

(c) A person commits the crime of second degree criminal trespass if such person:

- (1) Unlawfully enters or remains in or upon the premises of another which are enclosed in a manner designed to exclude intruders or are fenced;
- (2) Knowingly and unlawfully enters or remains in or upon the common areas of a hotel, motel, condominium, or apartment building; or
- (3) Knowingly and unlawfully enters or remains in a motor vehicle of another.

(Code 2002, § 9.16.010)

### 9.16.020. Defacing property.

(a) Any person who destroys, defaces, removes, or damages any historical monument is guilty of defacing property.

(b) Any person who destroys, defaces, aids in or permits defacing of any public or private property without the consent of the owner by any method of defacement, including, but not limited to, painting, drawing, writing, or otherwise marring the surface of the property by use of paint, spray paint, ink, or any other substance or object, commits the crime of defacing property.

(c) Any person who, with regard to a cave that is public property or the property of another, knowingly performs any of the following acts without the consent of the owner commits the crime of defacing property:

- (1) Breaking or damaging any lock, fastening, door, or structure designed to enclose or protect any such cave;

(2) Defacing, damaging, or breaking from any part of such cave any cave resource; or

(3) Removing from such cave any cave resource.

(Code 2002, § 9.16.020)

**9.16.030. Theft.**

(a) It is unlawful for a person to commit theft. A person commits theft when the person knowingly obtains or exercises control over anything of another without authorization or by threat or deception when the value of the thing is less than \$400.00 and:

(1) Intends to deprive the other person permanently of the use or benefit of the thing of value;

(2) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;

(3) Uses, conceals, or abandons the thing of value, intending that such use, concealment or abandonment will deprive the other person permanently of its use and benefit; or

(4) Demands any consideration to which the person is not legally entitled as a condition of restoring the thing of value to the other person.

(b) A person commits theft when the person knowingly obtains, retains, or exercises control over anything of value of another without authorization or by threat or deception; receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that the person knows or believes to have been stolen; or procures food or accommodations from a public establishment without making payment therefor and:

(1) Intends to deprive the other person permanently of the use or benefit of the thing of value;

(2) Knowingly uses, conceals, or abandons the thing of value in such manner as to deprive the other person permanently of its use or benefit;

(3) Uses, conceals, or abandons the thing of value intending that such use, concealment, or abandonment will deprive the other person permanently of its use or benefit;

(4) Demands any consideration to which he or she is not legally entitled as a condition of restoring the thing of value to the other person; or

(5) Knowingly retains the thing of value more than 72 hours after the agreed-upon time of return in any lease or hire agreement.

(c) For the purposes of this section, a thing of value is that of another if anyone other than the defendant has a possessory or proprietary interest therein.

(Code 2002, § 9.16.030)

**9.16.040. Theft by receiving.**

(a) It is unlawful to commit theft by receiving. A person commits theft by receiving when said person receives, retains, loans money by pawn or pledge on or disposes of anything of value of another, knowing or believing that the thing of value has been stolen, and when the person intends to deprive the lawful owner permanently of the use or benefit of the thing of value, where the value of the thing of value is less than \$400.00.

(b) Every person who obtains control over any stolen thing of value knowing the thing of value to have been stolen by another may be tried, convicted, and punished whether or not the principal is charged, tried, or convicted.

(Code 2002, § 9.16.050)

**9.16.050. Concealment of goods.**

If any person willfully conceals unpurchased goods, wares, or merchandise valued at less than \$400.00 owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment is on their own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

(Code 2002, § 9.16.060)

**9.16.060. Tampering and unauthorized connection.**

(a) Any person who connects any pipe, tube, stopcock, wire, cord, socket, motor, or other instrument or contrivance with any main, service pipe, or other medium conducting or supplying gas, water, or electricity to any building without the knowledge and consent of the person supplying such gas, water, or electricity commits tampering and unauthorized connection, which is unlawful.

(b) Any person who in any manner alters, obstructs, or interferes with any meter pit, meter, or metering device provided for measuring or registering the quantity of gas, water, or electricity passing through said meter without the knowledge and consent of the person owning said meter commits tampering and unauthorized connection, which is unlawful.

(c) A person who tampers with property of another with intent to cause injury, inconvenience, or annoyance to that person or to another, or if the person knowingly makes unauthorized connection with property of a utility, commits tampering and unauthorized connection, which is unlawful.

(d) Nothing in this section shall be construed to apply to any licensed electrical or plumbing contractor while performing usual and ordinary services in accordance with recognized customs and standards.

(Code 2002, § 9.16.070)

**CHAPTER 9.20. OFFENSES RELATING TO STREETS AND PUBLIC PLACES****9.20.010. Disorderly conduct.**

(a) It shall be unlawful for any person to commit the offense of disorderly conduct as provided in this section.

(b) For purposes of this section, a person commits disorderly conduct if the person intentionally, knowingly or recklessly:

- (1) Makes a coarse and obviously offensive utterance, gesture, or display in a public place and the utterance, gesture, or display tends to incite an immediate breach of the peace;
- (2) Makes unreasonable noise in a public place or near a private residence that the person has no right to occupy;
- (3) Fights with another in a public place except in an amateur or professional contest of athletic skill;
- (4) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States; or
- (5) Not being a peace officer, displays a deadly weapon or a real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a deadly weapon or a firearm, or represents verbally or otherwise that they are armed with a deadly weapon or a firearm in a public place in a manner calculated to alarm and does alarm another person.

(Code 2002, § 9.20.010; Ord. No. 292, § 9.20.010, 11-21-2015)

**9.20.020. Littering.**

(a) Any person who deposits, throws, or leaves any litter on any public or private property or in any water commits littering.

(b) It shall be an affirmative defense that such property is an area designated by law or authority for the disposal of such material, and the person is authorized by the proper authority to so use the property.

(c) When any litter is thrown, deposited, dropped, or dumped from any motor vehicle in violation of this section, the operator of said motor vehicle is presumed to have caused or permitted the litter to be so thrown, deposited, dropped, or dumped.

(d) The term "litter" means all rubbish, waste material, refuse, garbage, trash, debris, or any other foreign substance, solid or liquid.

(Code 2002, § 9.20.020)

**9.20.030. Unlawful conduct on public property.**

(a) It is unlawful for any person to enter or remain in any public building or on any public property or to conduct themselves in or on them in violation of any order, rule, or regulation concerning any matter prescribed in this section, limiting or prohibiting the use, activities, or conduct in such public building or on such public property, issued by any officer or agency having the power of control, management, or supervision of the building or property. In addition to any authority granted by any other law, each such officer or agency may adopt such orders, rules, or regulations as are reasonably necessary for the administration, protection, and maintenance of such public buildings and property, specifically, orders, rules, and regulations upon the following matters:

- (1) Preservation of property, vegetation, wildlife, signs, markers, statues, buildings, grounds, and other structures, and any object of scientific, historical, or scenic interest;
- (2) Restriction or limitation of the use of such public buildings or property as to time, manner, or permitted activities;
- (3) Prohibition of activities or conduct within public buildings or on public property which may be reasonably expected to substantially interfere with the use and enjoyment of such places by others or which may constitute a general nuisance;
- (4) Camping and picnicking, public meetings and assemblages, and other individual or group usages, including the place, time, and manner in which such activities may be permitted;
- (5) Use of all vehicles as to place, time, and manner of use; and
- (6) Control and limitations of fires and designation of places where fires are permitted.

(b) No conviction may be obtained under this section unless notice of such limitations or prohibitions is prominently posted at all public entrances to such building or property or unless such notice is actually first given the person by the office or agency, including any agent thereof or by any law enforcement officer having jurisdiction or authority to enforce this section.

(c) Any person who violates this section is guilty of unlawful conduct on public property.  
(Code 2002, § 9.20.030)

**9.20.040. Public buildings; trespass; interference.**

(a) No person shall so act in such a way at or in any public building owned, operated, or controlled by the town as to willfully deny to any public official, public employee, or invite on such premises the lawful rights of such official, employee, or invitee to enter, to use the facilities of or to leave any such public building.

(b) No person shall, at or in any public building, willfully impede any public official or employee in the lawful performance of duties or activities through the use of restraint, abduction, coercion, or intimidation or by force and violence or threat thereof.

(c) No person shall willfully refuse or fail to leave any such public building upon being requested to do so by the chief administrative officer or the officer's designee charged with maintaining order in such public building, if the person has committed, is committing, threatens to commit, or incites others to commit any act which did or would, if completed, disrupt, impair, interfere with, or obstruct the lawful missions, processes, procedures, or functions being carried on in the public building.

(d) No person shall, at any meeting or session conducted by any judicial, legislative, or administrative body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such meeting or session by any act of intrusion into the chamber or other areas designated for the use of the body or official conducting the meeting or session or by any act designed to intimidate, coerce, or hinder any member of such body or official engaged in the performance of duties at such meeting or session.

(e) No person shall, by any act of intrusion into the chamber or other areas designated for the use of any executive body or official at or in any public building, willfully impede, disrupt or hinder the normal proceedings of such body or official.

(f) The term "public building," as used in this section, means and includes any premises being temporarily used by a public officer or employee in the discharge of their official duties.

(g) Any person who violates any of the provisions of this section commits an unlawful act. (Code 2002, § 9.20.040)

**9.20.050. Interfering with use of streets or sidewalks.**

It shall be unlawful for any person, alone or in a group or assemblage of persons, whose standing, remaining, or congregating on any public highway, street, alley, or sidewalk in the town shall obstruct, interfere with or present the free, unobstructed and reasonable use of that public highway, street, alley, or sidewalk by any other person, to fail or refuse to yield to the reasonable use or passage of any other person on that public highway, street, alley, or sidewalk, or to fail or refuse to move on, disperse, or cease such obstruction or interference immediately upon being so ordered by any police officer of the town or other authorized peace officer.

(Code 2002, § 9.20.050)

**9.20.060. Injuring or destroying public property.**

It shall be unlawful for any person to either willfully, maliciously, wantonly, negligently, or in any other manner injure or destroy real property, improvements thereto or moveable or personal property belonging to the town.

(Code 2002, § 9.20.060)

**9.20.070. Injury or removal of street signs.**

It shall be unlawful for any person, without proper authorization, to remove, deface, injure, or destroy any street sign or sign erected or placed in or adjacent to any street indicating the name of such street.

(Code 2002, § 9.20.070)

**9.20.080. Discharge onto street.**

(a) It shall be unlawful for any person to permit the flow or discharge into or onto any portion of any public street, alley, right-of-way or any public property or private property of any liquid or semi-liquid or any other substance other than uncontaminated water from any property or vehicle or any other source. The person causing the flow into public streets, alleys, rights-of-way, or any public or private property shall immediately notify the local law enforcement authority of such flow and shall immediately take all necessary steps to clean up the unlawful discharge and shall be responsible for all costs and damages caused by such discharge.

(b) Nothing in this section shall prevent any peace officer from issuing any summons for a violation of this section.

(Code 2002, § 9.20.080)

**CHAPTER 9.24. OFFENSES AGAINST PUBLIC PEACE, ORDER AND SAFETY****9.24.010. Assault.**

(a) A person commits harassment if, with intent to harass, annoy, or alarm another person, he or she:

- (1) Strikes, shoves, kicks, or otherwise touches a person or subjects a person to physical contact;
- (2) In a public place, directs obscene language or makes an obscene gesture to or at another person;
- (3) Follows a person in or about a public place or, without the consent of the owner thereof, onto private property or into a private residence;
- (4) Initiates communication with a person, anonymously or otherwise by telephone, in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion, or proposal by telephone which is obscene;
- (5) Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation;
- (6) Repeatedly insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

(b) As used in this section, unless the context otherwise requires, the term "obscene" means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus, or excretory functions.

(c) Harassment is a misdemeanor.

(d) Any act prohibited by subsection (a)(5) of this section may be deemed to have occurred or to have been committed at the place at which the telephone call was either made or received.  
(Code 2002, § 9.24.010)

**9.24.020. Loitering.**

It shall be unlawful for any person to be upon any public way or place of public nature in such manner as to interfere with free and unobstructed use of such public way or place of public nature by any other person or to be profane, lewd, or wanton in speech or behavior in such public way or place.

(Code 2002, § 9.24.030)

**9.24.030. Disturbing lawful assemblies.**

No person shall disquiet or disturb any congregation or assembly met for religious worship or for any other lawful purpose by making a noise or by rude and indecent behavior or profane discourse within the place of meeting or so near the same as to disturb the order or solemnity of the occasion, nor shall the person disturb it in any other manner.

(Code 2002, § 9.24.040)

**9.24.040. Storage of flammable liquids.**

It shall be unlawful to store or cause to be stored or parked, except for delivery, any tank vehicle carrying flammable liquids or gases upon any streets, ways, or avenues of the town or in any other part of the town except those areas zoned for such uses.

(Code 2002, § 9.24.050)

**9.24.050. Explosives.**

It shall be unlawful for any person to store within the town limits or within one mile thereof any amount of gunpowder, blasting powder, nitroglycerine, dynamite, or other high explosive in excess of one 50 pound box or in excess of 500 caps or other devices used for the detonation of such high explosives.

(Code 2002, § 9.24.060)



**9.24.060. Abandoned iceboxes or vehicles and similar items.**

Any person abandoning or discarding, in any public or private place accessible to children, any chest, closet, piece of furniture, refrigerator, icebox, motor vehicle, or other article having a compartment of a capacity of 1½ cubic feet or more and having a door or lid which, when closed, cannot be opened easily from the inside without tools or special knowledge or who, being the owner, lessee, or manager of such place, knowingly permits such abandoned or discarded article to remain in such condition, violates this chapter.

(Code 2002, § 9.24.070)

**9.24.070. Burning trash or other matter.**

Any person who intentionally and without lawful authority sets on fire, or causes to be set on fire, any trash, leaves, lumber, matter or grounds of any description, whether their own or those of another, except in a fireplace, stove, or outdoor grill, for the purpose of heating a residence or preparing food, violates this chapter.

(Code 2002, § 9.24.080)

**9.24.080. Throwing of stones or missiles.**

No person shall throw or shoot any stone or other missile at or upon any person, animal, public or private property, building, structure, tree, or shrub.

(Code 2002, § 9.24.090)

**9.24.090. Aiding and abetting.**

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared herein to be a violation of the ordinances of the town, whether individually or in connection with one or more persons, as a principal, agent, or accessory, shall be guilty of such offense, and every person who fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any ordinance of the town is likewise guilty of such offense.

(Code 2002, § 9.24.100)

**9.24.100. Fraud by check.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Check" means a written, unconditional order to pay a certain sum in money, drawn on a bank, payable on demand, and signed by the drawer. The term "check," for the purposes of this section only, also includes a negotiable order of withdrawal and a share draft.

- (2) "Drawee" means the bank upon which a check is drawn or a bank, savings and loan association, or credit union on which a negotiable order of withdrawal or a share draft is drawn.
- (3) "Drawer" means a person, either real or fictitious, whose name appears on a check as the primary obligor, whether the actual signature is that of themselves or of a person authorized to draw the check on themselves.
- (4) "Insufficient funds" means a drawer has insufficient funds with the drawee to pay a check when the drawer has no checking account, negotiable order of withdrawal account or share draft account with the drawee, or has funds in such an account with the drawee in an amount less than the amount of the check plus the amount of all other checks outstanding at the time of issuance, and a check dishonored for no account shall also be deemed to be dishonored for insufficient funds.
- (5) "Issue." A person issues a check when said person makes, draws, delivers, or passes it, or causes it to be made, drawn, delivered, or passed.
- (6) "Negotiable order of withdrawal" and "share draft" mean negotiable or transferable instruments drawn on a negotiable order of withdrawal account or a share draft account, as the case may be, for the purpose of making payments to third persons or otherwise.
- (7) "Negotiable order of withdrawal account" means an account in a bank or savings and loan association, and "share draft account" means an account in a credit union on which payment of interest or dividends may be made on a deposit with respect to which the bank, savings and loan association, or credit union, as the case may be, may require the depositor to give notice of an intended withdrawal not less than 30 days before the withdrawal is made, even though in practice such notice is not required and the depositor is allowed to make withdrawal by negotiable order of withdrawal or share draft.
  - (b) Any person, knowing that they have insufficient funds with the drawee, who, with intent to defraud, issues a check for a sum less than \$400.00 for the payment of services, wages, salary, commissions, labor, rent, money, property, or other thing of value, commits fraud by check, which is unlawful.
  - (c) Any person, having acquired rights with respect to a check which is not paid because the drawer has insufficient funds, shall have standing to file a complaint under this section, whether or not the person is the payee, holder, or bearer of the check.
  - (d) Any person who opens a checking account, negotiable order of withdrawal account or share draft account using false identification or an assumed name for the purpose of issuing fraudulent checks commits fraud by check, which is unlawful.

(e) If deferred prosecution is ordered, the court, as a condition of supervision, shall require the defendant to make restitution on all checks issued by the defendant that are unpaid as of the date of commencement of the supervision in addition to other terms and conditions appropriate for the treatment or rehabilitation of the defendant.

(f) A bank, savings and loan association or credit union is not civilly or criminally liable for releasing information relating to the drawer's account to a sheriff, deputy sheriff, undersheriff, police officer, agent of the state bureau of investigation, division of gaming investigator, division of lottery investigator, parks and outdoor recreation officer, state wildlife officer, district attorney, assistant district attorney, or authorized investigator for a district attorney or the attorney general investigating or prosecuting a charge under this section.

(g) This section does not relieve the prosecution from the necessity of establishing the required culpable mental state. However, for purposes of this section, the issuer's knowledge of insufficient funds is presumed, except in the case of a postdated check or order if:

- (1) The issuer has no account upon which the check or order is drawn with the bank or other drawee at the time he or she issues the check or order; or
- (2) The issuer has insufficient funds upon deposit with the bank or other drawee to pay the check or order on presentation within 30 days after issue.

(Code 2002, § 9.24.110)

**9.24.110. Accessory to crime.**

(a) A person is an accessory to crime if, with the intent to hinder, delay, or prevent the discovery, detection, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, the person renders assistance to such person.

(b) The term "render assistance" means to:

- (1) Harbor or conceal the victim or a witness to the crime;
- (2) Warn such person of impending discovery or apprehension; except that this does not apply to a warning given in an effort to bring such person into compliance with the law;
- (3) Provide such person with money, transportation, weapon, disguise, or other thing to be used in avoiding discovery or apprehension;
- (4) By force, intimidation, or deception, obstruct anyone in the performance of any act which might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person; or
- (5) Conceal, destroy, or alter any physical evidence that might aid in the discovery, detection, apprehension, prosecution, conviction, or punishment of such person.

(c) Being an accessory to crime is a misdemeanor if the offender knows that the person being assisted has committed or has been convicted of or is charged by pending information, indictment or complaint with a crime, or is suspected of or wanted for a crime, and if that crime is designated as a violation of this Code.

(Code 2002, § 9.24.120)

**9.24.120. Reckless endangerment.**

A person who recklessly engages in conduct which creates a substantial risk of serious bodily injury to another person commits reckless endangerment, which is a violation of this Code.

(Code 2002, § 9.24.130)

**9.24.130. Fireworks.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

(1) "Fireworks."

- a. The term "fireworks" means any article, device or substance prepared for the primary purpose of producing a visual or auditory sensation by combustion, explosion, deflagration, or detonation, including, without limitation, the following articles and devices commonly known and used as fireworks: toy cannons or toy canes in which explosives are used, blank cartridges, the type of balloon which requires fire underneath it to propel it, firecrackers, torpedoes, skyrockets, rockets, Roman candles, dayglo bombs and torches, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance.
- b. The term "fireworks" does not include:
  1. Toy caps, party poppers, and items similar to toy caps and party poppers that do not contain more than 16 milligrams of pyrotechnic composition per item and snappers that do not contain more than one milligram of explosive composition per item;
  2. Highway flares, railway fuses, ship distress signals, smoke candles and other emergency signal devices;
  3. Educational rockets and toy propellant device type engines used in such rockets when such rockets are of nonmetallic construction and utilize replaceable engines or model cartridges containing less than two ounces of propellant and when such engines or model cartridges are designed to be ignited by electrical means;

4. Fireworks that are used in testing or research by a licensed explosives laboratory.

(b) *Restrictions.* It is unlawful for any person to offer for sale, expose for sale, sell, lend, give away, set fire to, discharge, use, explode or have in their possession with intent to offer for sale or use or to explode, any fireworks within the town, except as provided for in this Code.

(c) *Permits for display.*

- (1) The board of trustees may grant permits within the town for supervised public displays of fireworks by the town, fair associations, amusement parks, and other organizations and groups. Such organizations or groups desiring such a permit shall file with the town clerk a written application for a permit. The application shall state the name of the organization or group, the date of the proposed public display of the fireworks, the name of the person who will operate the display, the location of the display, and the nature and type of fireworks to be displayed. The application shall be signed by the president or other principal officer of the organization or group making the application. The application must be filed at least 15 days in advance of the meeting of the board of trustees at which it is to be considered. Every display shall be handled by a competent operator and shall be of such character and so located, discharged, and fired as not to be hazardous to property or endanger any person. Before a permit is granted, the location of the display shall be reviewed by the chief of the town fire district, who shall then provide a written recommendation to the board of trustees for their final decision to issue or not issue the permit. No permit shall be transferable or assignable.
- (2) No permit shall be required for such public display of fireworks by any county or district fair duly organized under the laws of the state.

(Code 2002, § 9.24.140; Ord. No. 260, § 1, 8-3-2006)

## CHAPTER 9.28. OFFENSES RELATING TO ALCOHOLIC BEVERAGES

### 9.28.010. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Alcoholic beverages" or "alcoholic liquors" means malt, vinous, or spirituous liquors.
- (2) "Fermented malt beverage" means malt liquors, when purchased by a fermented malt beverage retailer from a wholesaler licensed pursuant to C.R.S. § 44-3-101 et seq.; or when sold by a fermented malt beverage retailer to consumers or to persons licensed under C.R.S. § 44-3-411, 44-3-413, 44-3-414, 44-3-416 to 44-3-420, 44-3-422, 44-3-426, or 44-3-428.

- (3) "Malt liquor," which includes beer, means any beverage obtained by the alcoholic fermentation of any infusion or decoction of barley, malt, hops, or any other similar product, or any combination thereof, in water containing not less than one-half of one percent alcohol by volume.
- (4) "Sake" is deemed a vinous liquor.
- (5) "Spirituous liquor" means any alcoholic beverage obtained by distillation, mixed with water and other substances in solution, and includes, among other things, brandy, rum, whiskey, gin, powdered alcohol, and every liquid or solid, patented or not, containing at least one-half of one percent alcohol by volume and which is fit for use for beverage purposes. Any liquid or solid containing beer or wine in combination with any other liquor, except malt liquors and vinous liquors, shall be construed to be spirituous liquor.
- (6) "Vinous liquor" means wine and fortified wines that:
  - a. Contain not less than one-half of one percent and not more than 21 percent of alcohol by volume; and
  - b. Are produced by the fermentation of the natural sugar contents of fruits or other agricultural products containing sugar.

(Code 2002, § 9.28.010)

**9.28.020. Sales near schools.**

(a) It shall be unlawful for any person to sell, offer, or expose for sale or gift, beer or any vinous, spirituous, or malt liquors within a distance of 500 feet from any private, public, or parochial school, or the principal campus of any college, university, or seminary, said distance to be computed by direct measurement from the nearest property lines.

(b) However, this prohibition shall not affect the rights of any person holding a lawful permit or license to conduct such business within the restricted area hereby established, nor shall this prohibition prevent the renewal upon the expiration thereof of any license in effect at such time authorizing such business within the restricted area hereby established.

(c) This section does not:

- (1) Affect the renewal or reissuance of a license once granted;
- (2) Apply to licensed premises located or to be located on land owned by a municipality;
- (3) Apply to an existing licensed premises on land owned by the state;
- (4) Apply to a liquor license in effect and actively doing business before the principal campus was constructed;
- (5) Apply to any club located within the principal campus of any college, university, or seminary that limits its membership to the faculty or staff of the institution; or

(6) Apply to a campus liquor complex.  
(Code 2002, § 9.28.020)

**9.28.030. Regulations concerning fermented malt beverages.**

(a) It is unlawful to sell fermented malt beverage to any person under the age of 21 years or to any person between the hours of 12:00 midnight and 5:00 a.m. or for any person under 21 years to purchase or possess the same. It is unlawful to permit any fermented malt beverages to be sold or dispensed by a person under the age of 21 years or to permit any such person to participate in the sale or dispensing thereof.

(b) It is unlawful for any person under the age of 21 years to represent themselves to be of the age of 21 years or more for the purpose of purchasing within the town any fermented malt beverage.

(c) It is unlawful for any person over the age of 21 years to purchase or attempt to purchase fermented malt beverage for a person under the age of 21 years.

(d) It is unlawful for any minor under 21 years of age to have in their possession fermented malt beverages in public places, including, but not limited to, public streets, alleys, roads, or highways.  
(Code 2002, § 9.28.030)

**9.28.040. Regulations concerning malt, vinous, and spirituous liquors.**

(a) It is unlawful for any person to sell malt, vinous, or spirituous liquors as defined by state law to any person under the age of 21 years or to permit any malt, vinous, or spirituous liquors to be sold or dispensed by a person under 21 years of age or to permit any such person to participate in the sale or dispensing thereof.

(b) It is unlawful for any person under the age of 21 years to represent themselves to be of the age of 21 years or more for the purpose of purchasing within the town any malt, vinous, or spirituous liquors.

(c) It is unlawful for any person, whether for remuneration or not, to procure for any person under 21 years of age any article which the person under the age of 21 years is forbidden by law to purchase or possess.

(d) It is unlawful for any minor under 21 years of age to have in their possession malt, vinous, or spirituous liquors in public places, including, but not limited to, public streets, alleys, roads, or highways.  
(Code 2002, § 9.28.040)

**9.28.050. Illegal possession or consumption of alcoholic beverages by an underage person.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Establishment" means a business, firm, enterprise, service, or fraternal organization, club, institution, entity, group, or residence, and any real property, including buildings and improvements connected therewith, and shall also include any members, employees, and occupants associated therewith.
- (2) "Private property" means any dwelling and its curtilage which is being used by a natural person for habitation and which is not open to the public and privately owned real property which is not open to the public. The term "private property" does not include:
  - a. Any establishment which has, or is required to have, a license pursuant to C.R.S. title 12, art. 46, 47, or 48;
  - b. Any establishment which sells alcoholic beverages or upon which alcoholic beverages is sold; or
  - c. Any establishment which leases, rents, or provides accommodations to members of the public generally.

(b) Any person under 21 years of age who possesses or consumes alcoholic beverages anywhere in the town commits illegal possession or consumption of alcoholic beverages by an underage person. Illegal possession or consumption of alcoholic beverages by an underage person is a strict liability offense.

(c) The possession or consumption of alcoholic beverages shall not constitute a violation of this section if such possession or consumption takes place for religious purposes protected by the first amendment of the United States Constitution.

(d) Prima facie evidence of a violation of subsection (b) of this section shall consist of:

- (1) Evidence that the defendant was under the age of 21 years and possessed or consumed alcoholic beverages anywhere in this state; or
- (2) Evidence that the defendant was under the age of 21 years and manifested any of the characteristics commonly associated with alcoholic beverages intoxication or impairment while present anywhere in the state.

(e) During any trial for a violation of subsection (b) of this section, any bottle, can, or any other container with labeling indicating the contents of such bottle, can, or container shall be admissible into evidence, and the information contained on any label on such bottle, can, or other container shall not constitute hearsay. A jury or a judge, whichever is appropriate, may consider the information upon such label in determining whether the contents of the bottle, can, or other container were composed in whole or in part of alcoholic beverages. A label which



identifies the contents of any bottle, can, or other container as beer, ale, malt beverage, fermented malt beverage, malt liquor, wine, champagne, whiskey or whisky, gin, vodka, tequila, Schnapps, brandy, cognac, liqueur, cordial, alcohol, or liquor shall constitute prima facie evidence that the contents of the bottle, can, or other container were composed in whole, or in part, of alcoholic beverages.

(Code 2002, § 9.28.050)

**9.28.060. Open container, service, or consumption in public areas.**

This section shall not apply to the purchase or consumption of alcoholic beverages from a group or organization holding a special event permit issued by the town, which event may occur on or near any sidewalk, alley, parking lot, park, or public place within the town for which the special event permit has been lawfully obtained.

(Code 2002, § 9.28.060)

**CHAPTER 9.32. OFFENSES RELATING TO WEAPONS**

**9.32.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Blackjack" means and includes any billy, sand club, sandbag, or other hand operated striking weapon consisting, at the striking end, of an encased piece of lead or other heavy substance and, at the handle end, a strap or springy shaft which increases for force of impact.
- (2) "Deadly weapon" means any of the following which in the manner it is used or intended to be used is capable of producing death or serious bodily injury:
  - a. A firearm, whether loaded or unloaded;
  - b. A knife;
  - c. A bludgeon; or
  - d. Any other weapon, device, instrument, material, or substance, whether animate or inanimate that, in the manner it is used or intended to be used, is capable of producing death or serious injury.
- (3) "Deface" means to alter the appearance of something by removing, distorting, adding to, or covering all or part of the thing.
- (4) "Dwelling" means a building which is used, intended to be used, or usually used by a person for habitation.

- (5) "Firearm" means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.
  - (6) "Gas gun" means a device designed for projecting gas-filled projectiles which release their contents after having been projected from the device and includes projectiles designed for use in such a device.
  - (7) "Gravity knife" means any knife that has a blade released from the handle or sheath thereof by the force of gravity or the application of centrifugal force, that when released is locked in place by means of a button, spring, lever, or other device.
  - (8) "Knife" means any dagger, dirk, knife, or stiletto with a blade over 3½ inches in length, or any other dangerous instrument capable of inflicting, cutting, stabbing, or tearing wounds, but does not include a hunting or fishing knife carried for sports use. The issue that a knife is a hunting or fishing knife must be raised as an affirmative defense.
  - (9) "Switchblade knife" means any knife, the blade of which opens automatically by hand pressure applied to a button, spring, or other device in its handle.
- (Code 2002, § 9.32.010)

**9.32.020. Possessing an illegal weapon.**

- (a) As used in this section, the term "illegal weapon" means a blackjack, gas gun, metallic knuckles, gravity knife, or switchblade knife.
  - (b) A person commits a violation of this section if the person possesses an illegal weapon.
  - (c) It shall be an affirmative defense to charge of possessing an illegal weapon that the person so accused was a peace officer or member of the armed forces of the United States or Colorado National Guard in acting in the lawful discharge of their duties, or that said person has a valid permit and license for possession of such weapon.
- (Code 2002, § 9.32.020)

**9.32.030. Possessing a defaced firearm.**

A person commits a violation of this chapter if the person knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed except by normal wear and tear.

(Code 2002, § 9.32.030)

**9.32.040. Defacing a firearm.**

A person commits a violation of this chapter if the person knowingly and unlawfully possesses a firearm, the manufacturer's serial number of which, or other distinguishing number or identification mark, has been removed, defaced, altered, or destroyed except by normal wear and tear.

(Code 2002, § 9.32.040)

**9.32.050. Carrying a concealed weapon.**

(a) A person commits a violation of this section if the person knowingly:

- (1) Carries a knife concealed on or about their person;
- (2) Carries a firearm concealed on or about their person;

(b) It shall be an affirmative defense that the defendant was:

- (1) A person in their own dwelling or place of business or on property owned or under their control at the time of the act of carrying.
- (2) A person in a private automobile or another private means of conveyance who carries a weapon for lawful protection of such person's or another's person or property while traveling.
- (3) A person who, prior to the time of carrying a concealed weapon, has been issued written permit pursuant to C.R.S. § 18-12-105.1 or to carry the weapon by the chief of police or the county sheriff.
- (4) A peace officer, Level I or Level Ia, as defined in C.R.S. § 18-1-901(3)(1)(I) or (3)(1)(II).
- (5) A peace officer, Level II, as defined in C.R.S. § 18-1-901(3)(1)(III), while on duty.

(Code 2002, § 9.32.050)

**9.32.060. Prohibited use of weapons.**

A person commits a violation of this chapter if the person:

- (1) Knowingly and unlawfully aims a firearm at another person;
- (2) Recklessly or with criminal negligence discharges a firearm or shoots a bow and arrow;
- (3) Knowingly sets a loaded gun, trap, or device designated to cause an explosion upon being tripped or approached, and leaves it unattended by a competent person immediately present;
- (4) Has in their possession a firearm while the person is under the influence of intoxicating liquor or of a controlled substance, as defined in C.R.S. § 13-22-303(7). Possession of a permit issued under C.R.S. § 18-12-105.1 is no defense to a violation of this section; or

- (5) Knowingly aims, swings, or throws a throwing star or nunchaku, as defined in this subsection, at another person, or the person knowingly possesses a throwing star or nunchaku in a public place except for the purpose of presenting an authorized public demonstration or exhibition or pursuant to instruction in conjunction with an organized school or class. When transporting throwing stars or nunchaku for a public demonstration or exhibition or for a school or class, they shall be transported in a closed, non-accessible container. For purposes of this subsection, the term "nunchaku" means an instrument consisting of two sticks, clubs, bars, or rods to be used as handles, connected by a rope, cord, wire, or chain, which is in the design of a weapon used in connection with the practice of a system of self-defense, and the term "throwing star" means a disk having sharp radiating points or any disk-shaped bladed object which is hand-held and thrown and which is in the design of a weapon used in connection with the practice of self-defense.

(Code 2002, § 9.32.060)

**9.32.070. Unlawfully carrying a deadly weapon on school, college, or university grounds.**

(a) A person commits a violation of this section if such person knowingly and unlawfully and without legal authority carries, brings, or has in such person's possession a deadly weapon in or on the real estate and all improvements erected thereon of any public or private elementary or secondary school or any public or private college, university, or seminary, except for the purpose of presenting an authorized public demonstration or exhibition pursuant to instruction in conjunction with an organized school or class, for the purpose of carrying out the necessary duties and functions of an employee of an educational institution which require the use of a deadly weapon, or for the purpose of participation in an authorized extracurricular activity or athletic team.

(b) It shall not be an offense under this section if:

- (1) The weapon is unloaded and remains inside a motor vehicle while upon the real estate or any public or private college, university, or seminary;
- (2) The person is in the person's own dwelling or place of business or on property owned or under that person's control at the time of the act of carrying;
- (3) The person is in a private automobile or other private means of conveyance and is carrying a weapon for lawful protection of that person's or another's person or property while traveling;
- (4) The person, prior to the time of carrying a concealed weapon, has been issued a written permit pursuant to C.R.S. § 18-12-105.1 to carry the weapon by the chief of police or the county sheriff;
- (5) The person is a peace officer, Level I or Level Ia, as defined in C.R.S. § 18-1-901(3)(1)(I) or (3)(1)(II);

- (6) The person is a peace officer, Level II, as defined in C.R.S. § 18-1-901(3)(1)(III), while on duty;
  - (7) The person is a peace officer, Level IIIa, as defined in C.R.S. § 18-1-901(3)(1)(IV.5), while on duty and under supervision; or
  - (8) The person has possession of the weapon for use in an educational program approved by a school, which program includes, but shall not be limited to, any course designed for the repair or maintenance of weapons.
- (Code 2002, § 9.32.070)

**9.32.080. Discharging dangerous or deadly weapons prohibited; when.**

(a) It is unlawful for any person to discharge within the town limits any weapon, or any air gun, gas-operated gun or spring gun, or any instrument, toy or weapon commonly known as a peashooter, slingshot, or beany, or any bow made for the purpose of throwing or projecting missiles of any kind by any means whatsoever, whether such instrument is called by any name set forth above, or by any other name, provided that nothing contained in this section and section 9.32.090 shall prevent the use of any such instruments in shooting galleries.

(b) Nothing in this chapter shall be construed to forbid United States marshals, sheriffs, constables and their deputies, or any peace officers, as defined by state law, or members of the United States armed forces, Colorado National Guard, or Reserve Officer Training Corps from having in their possession, displaying, concealing, or discharging such weapons as are necessary in the authorized and proper performance of their official duties, or for training purposes.

(Code 2002, § 9.32.080)

**9.32.090. Displaying certain weapons for sale prohibited.**

It is unlawful for any secondhand dealer or pawnbroker, or any other individual, firm, or corporation engaged in the wholesale or retail sale, rental, or exchange of any of the weapons hereinafter named to display or place on exhibition, in any show window, or other window facing upon any street of the town, any pistol, revolver, or other firearm with barrel less than 12 inches in length.

(Code 2002, § 9.32.090)

**9.32.100. Selling weapons to certain persons prohibited.**

(a) It is unlawful for any person to purchase, sell, loan, or furnish any gun, pistol, or other firearm in which any explosive substance can be used, to a person under the influence of alcohol or any narcotic drug, stimulant or depressant, or to any person in a condition of agitation and excitability, or to a minor under the age of 18 years.

(b) Further, such unlawful purchase, sale, loan, or furnishing shall be grounds for revocation of any license issued by the town to such person.

(Code 2002, § 9.32.100)

**9.32.110. Concealing or displaying certain weapons prohibited; forfeiture.**

(a) It is unlawful for any person to wear under their clothes, or concealed about their person, or to display in a threatening manner, any dangerous or deadly weapon, including, but not by way of limitations, any pistol, revolver, slingshot, cross-knuckles, or knuckles of lead, brass, or other metal, or any bowie knife, dirk, dagger, or any knife resembling a bowie knife, or other illegal or deadly weapon.

(b) It is unlawful for any person to sell, offer to sell, display, use, possess or carry any knife having the appearance of a pocket knife, the blade of which can be opened by a flick of a button, pressure on the handle, or other mechanical contrivance. Any such knife is hereby declared to be a dangerous or deadly weapon, within the meaning of this section, and shall be subject to forfeiture to the town as provided in sections 9.32.120 and 9.32.130.

(Code 2002, § 9.32.110)

**9.32.120. Forfeiture of weapons required; when.**

(a) Every person convicted of any violation of section 9.32.020 through section 9.32.110 shall forfeit to the town police department the weapon which is the subject of the offense, unless good cause is shown. Appeals of decision of the chief of police shall be made to the judge of the municipal court within ten days of forfeiture.

(b) Nothing in this section shall be construed to forbid United States marshals, sheriffs, constables, and their deputies, and any regular, special or ex-officio police officers, or any other law enforcement officers, from carrying or wearing while on duty of such weapons as shall be necessary in the proper discharge of their duties.

(Code 2002, § 9.32.120)

**9.32.130. Disposition of forfeited weapons.**

It shall be the duty of every police officer, upon making any arrest and taking such a concealed, deadly, or illegal weapon from the person of the offender, to deliver the same to the police department or sheriff to be held until the final determination of the prosecution for such offense. Any weapons subject to seizure or forfeiture for which disposition is not provided by another ordinance may be disposed of as follows, at the discretion of the chief of police or sheriff unless otherwise ordered by the municipal court judge by the police department or sheriff if such weapon seized can be used by the department or sheriff's office.

(Code 2002, § 9.32.130)

**CHAPTER 9.36. OFFENSES RELATING TO MINORS****9.36.010. Encouraging delinquency.**

It shall be unlawful for any person, by any act of neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities, and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (Code 2002, § 9.36.010)

**9.36.020. False statement; false credentials.**

It shall be unlawful for any person under 21 years of age to make false statements, to furnish, present, or exhibit any fictitious or false registration card, identification card, note or other document for any unlawful purpose, or to furnish, present, or exhibit such document or documents issued to a person other than the one presenting the same for the purpose of gaining admission to prohibited places for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor, wine or fermented malt beverages. (Code 2002, § 9.36.020)

**9.36.030. Services of others.**

It shall be unlawful for any person under the age of 21 years to engage or utilize the services of any other person, whether for remuneration or not, to procure any article which the minor is forbidden by law to purchase. (Code 2002, § 9.36.030)

**9.36.040. Loitering and other acts in or about schools.**

It shall be unlawful for any person to loiter, idle, wander, stroll or play in, about or on any public, private, or parochial school, college, or seminary grounds or buildings, either on foot or in or on any vehicle, without having some lawful business therein or thereabout or in connection with such school or the employment thereof, of for any person to:

- (1) Annoy, disturb or otherwise prevent the orderly conduct of classes and activities of any such school;
- (2) Annoy, disturb, assault, or molest any student or employee of any such school, college, or seminary while in any such school building or on any school grounds;
- (3) Conduct themselves in a lewd, wanton, or lascivious manner in speech or behavior in or about any school building or school grounds; or

- (4) Park or move a vehicle in the immediate vicinity of or on the grounds of any such school, college, or seminary for the purpose of annoying or molesting the students or employees thereof or in an effort to induce, entice, or invite students into such vehicles for immoral purposes.

(Code 2002, § 9.36.040)

**9.36.050. Use and possession of tobacco products by minors prohibited.**

(a) *Intent.* It is the intent of this section to protect the public health, safety, and welfare by prohibiting the possession and use of tobacco products by minors and by prohibiting the dissemination and furnishing of tobacco products to minors.

(b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Minor" means any person younger than 18 years of age.
- (2) "Retailer" means any person who sells cigarettes or smokeless tobacco to individuals for personal consumption or who operates a facility where vending machines or self-service displays are permitted under this section.
- (3) "Smoking" means the holding or carrying of a lighted pipe, lighted cigar or lighted cigarette of any kind and includes the lighting of a pipe, cigar or cigarette of any kind.
- (4) "Tobacco product" means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco.

(c) *Unlawful possession or use of tobacco products by minors.*

- (1) It shall be unlawful for any minor to knowingly possess, consume or use, either by smoking, ingesting, absorbing or chewing, any tobacco product.
- (2) It shall be unlawful for any minor to knowingly obtain or attempt to obtain any tobacco product by misrepresentation of age or by any other method.
- (3) It shall be rebuttably presumed that the substance within a package or container is a tobacco product if the package or container has affixed to it a label which identified the package or container as containing a tobacco product.
- (4) The municipal court may, in its discretion and as part of the sentence to be imposed, require a person convicted of violating any portion of this section to complete court-approved public service in an amount up to 24 hours. Additionally, upon the first conviction of any person, the court shall emphasize education as a component of any sentence.



(d) *Unlawful furnishing of tobacco products to minors.*

- (1) It shall be unlawful for any person to knowingly furnish to any minor, by gift, sale, or any other means, any tobacco product.
- (2) Each retailer shall verify by means of photographic identification containing the bearer's date of birth that a person purchasing a tobacco product is 18 years of age or older. No such verification is required for any person over the age of 26 years. It shall be an affirmative defense to a prosecution under this section that the person furnishing the tobacco product was presented with a reasonably relied upon photographic identification containing the bearer's date of birth which identified the minor receiving the tobacco product as being 18 years of age or older.

(e) *Retail sale of tobacco products.*

- (1) It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to engage, employ, or permit any minor to sell tobacco products from such retail business.
- (2) It shall be unlawful for any business proprietor, manager, or other person in charge or control of a retail business of any kind to stock or display a tobacco product in any way which allows a customer to access such tobacco product without first securing the physical assistance of an adult business employee for each transaction. The provisions of this section shall not apply to stores possessing a valid retail liquor license as defined by the state liquor code. The provisions of this section shall not apply to vending machines meeting the requirements of subsection (f) of this section.

(f) *Vending machines.*

- (1) It shall be unlawful for any person to sell or offer to sell any tobacco product by use of a vending machine or other coin or currency operated machine, except that tobacco products may be sold at retail through vending machines only in places to which minors are not permitted access and such vending machine is under the direct supervision of the owner of the establishment or an adult employee of the owner.
- (2) It shall be unlawful for any person to possess or allow upon premises controlled by such person an operable vending machine containing any tobacco product unless such vending machine is located in a place where minors are not permitted access and such vending machine is under direct supervision of the owner of the establishment or an adult employee of the owner.
- (3) As used in this section, the term "under direct supervision" means the vending machine shall be in plain vision of the adult employee or owner during regular business hours.

(Code 2002, § 9.36.050)

**9.36.060. Curfew established.**

(a) It shall be unlawful for any person under the age of 18 years to loaf, play, loiter, or remain upon the streets, public parks, alleys, or any private unoccupied or vacant lot, block or building within the limits of the town between the hours of 11:00 p.m. and 6:00 a.m. This section shall not apply to persons meeting the following criteria:

- (1) A person engaged in lawful employment or in the process of going to or coming home from home or work.
- (2) Any person engaging in activities protected by the First Amendment of the United States Constitution.
- (3) Any person accompanied by a parent, guardian, or other person at least 21 years of age or having the permission of the parent or guardian to have custody of such person.
- (4) A person involved in an emergency.
- (5) A person going to, attending, or coming home from a supervised church, school, or recreational activity or in front of their residence.
- (6) A person engaged in interstate or intrastate travel, with the consent of the parent, guardian, or other adult person having the lawful care and custody of them.
- (7) A person engaged in an emergency errand directed by their parent, guardian, or other adult person having the lawful care and custody of them.

(b) The term "public place" includes any street, alley, highway, sidewalk, park, playground, public right-of-way or place to which the general public has access for business, entertainment or other lawful purpose. The term "public place" means and includes, but is not limited to, any store, shop, restaurant, tavern, cafe, or other business and shall also include the area immediately surrounding any of the above.

(Code 2002, § 9.36.060)

**CHAPTER 9.40. NOISE****9.40.010. Disturbing the peace.**

It shall be unlawful for any person to disturb the peace of another or the community as a whole by:

- (1) Permitting any domestic animal to make a loud, continuous, or bothersome noise, to the discomfiture of any person;
- (2) The sounding of a horn or audible signaling device for any unnecessary or unreasonable period of time;

- (3) Using, operating, or permitting the use or operation of any radio receiving set, musical instrument, television set, phonograph, or other machine or device for the production or reproduction of sound in such a manner as to be plainly audible at the property boundary of the source of plainly audible through party walls within a building or plainly audible at 50 feet from such device when operated within a vehicle parked on a public right-of-way.

(Code 2002, § 9.40.010)

**9.40.020. Unlawful use of sound amplifying equipment.**

(a) A person commits a violation of this chapter if the person uses or operates sound amplifying equipment:

- (1) Out-of-doors, except between 9:00 a.m. and 10:00 p.m.;
- (2) Indoors, but for projection of the sound so as to reach persons out-of-doors, except between 9:00 a.m. and 10:00 p.m.;
- (3) At a sound level higher than necessary to accomplish the purposes for which the permit from the board of trustees was granted; or
- (4) Within 500 feet of any place where the board of trustees or any legally constituted municipal court is in session.

(b) It shall be an affirmative defense that the defendant has been granted a permit from the board of trustees and that the use and operation of the sound amplifying equipment were consistent with the use authorized by the permit.

(c) The term "sound amplifying equipment," as used in this section, means any machine or device for the amplification of the human voice, music or any other sound, and shall not be construed as including such equipment when used in a normal and reasonable manner in or about a residence, business establishment or standard automobile when used and intended to be heard only by the occupants thereof, or as including warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

(Code 2002, § 9.40.020)

**9.40.030. Machine noise.**

It shall be unlawful for any person to cause or permit the operation of any machine or device or to otherwise cause noise that is clearly audible at a distance of 50 feet or more from the property line of the property owned by such person between the hours of 10:00 p.m. and 7:00 a.m.; if such noise disturbs the sleep of any person of ordinary sensibilities between the hours of 10:00 p.m. and 7:00 a.m. No person shall be convicted of a violation of this section without

the testimony of two persons who have heard the noise, one of whom may be a police officer, or testimony of one person and other competent evidence establishing the existence of the prohibited noise.

(Code 2002, § 9.40.030)

**9.40.040. Animal noise.**

(a) No person, owner, keeper, harbinger, or other person responsible for a dog, domestic animal, or pet shall permit such dog, other domestic animal or pet to bark, howl, whine, or make any continuous or intermittent noise so as to disturb or annoy any person or ordinary sensibilities during any time of the day or night.

(b) No person shall be convicted of a violation of this section without two witnesses who have heard the barking, howling, whining, or other noise, one of whom may be a peace officer or testimony of one person and other competent evidence establishing the existence of the prohibited barking, howling, whining, or other noise.

(Code 2002, § 9.40.040)

**CHAPTER 9.44. CONTROLLED SUBSTANCES**

**9.44.010. Marijuana.**

(a) The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Marijuana" has the same meaning as in Colo. Const. art. XVIII, § 16.
- (2) "Open" or "openly" means occurring or existing in a manner that is unconcealed, undisguised, or obvious.
- (3) "Public" or "publicly" means occurring or existing in a public place; or occurring or existing in any outdoor location on private nonresidential property where the consumption of marijuana is clearly observable from a public place; or occurring or existing in any outdoor location on private residential property where the consumption of marijuana is clearly observable from a city, state, or other government owned or maintained street or highway, or from any sidewalk.
- (4) "Public place" means any place to which the public or a substantial number of the public have access, and includes, but is not limited to, highways, transportation facilities, schools, places of amusement, parks, playgrounds, and the common areas of buildings and facilities including those that are privately owned and those that are owned or maintained by a city, state, or other government but not including the interior portion of private residences.

(b) The open and public consumption or use of marijuana in an amount of two ounces or less is prohibited and is a violation of this Code.

(c) The consumption or use of marijuana in a manner that endangers others is prohibited and is a violation of this Code.

(d) It shall be unlawful for any person to possess, display, consume, or use more than one ounce but not more than two ounces of marijuana. Such possession, display, consumption or use is a violation of this Code.

(Code 2002, § 9.44.010; Ord. No. 288, § 1(9.44.010), 2-15-2014)

#### **9.44.020. Drug paraphernalia.**

(a) The term "drug paraphernalia" means all equipment, products, or materials of any kind which are used, intended for use, or designed for use in preparing, producing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance. The term "drug paraphernalia" includes, but is not limited to, scales and balances, pipes, water pipes, carburetion tubes and devices, masks, bong, and other pipes of any kind. The term "drug paraphernalia" does not include "marijuana accessories" as such term is defined in Colo. Const. art. XVIII, § 16.

(b) It shall be unlawful for any person to possess drug paraphernalia where such person knows or reasonably should know that drug paraphernalia could be used in violation of this Code or related state law, and such possession shall be a violation of this Code.

(Code 2002, § 9.44.020; Ord. No. 288, § 1(9.44.020), 2-15-2014)

#### **9.44.030. Penalty.**

Violation of this chapter shall be punishable by a fine for the first offence of no more than \$100.00 and 15 days imprisonment in the county correctional facility. As to subsequent offences, such violations shall be subject to the general penalty provisions set forth in chapter 1.12. This penalty provision may be amended from time-to-time by the town board of trustees. (Ord. No. 288, § 1(9.44.030), 2-15-2014)

### **CHAPTER 9.48. SCAVENGING OF SOLID WASTE AND RECYCLABLE MATERIALS**

#### **9.48.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Recyclable materials" means any form of material that may be recycled for use in a form similar to the original form or in any other form. The following list is intended to be illustrative but is not exhaustive: aluminum cans, newspaper, cardboard, glass, and plastic.

- (2) "Scavenging" means any one of the following when done by anyone other than an owner of the recyclable materials or solid waste, the town, a contractor or agent of the town, an authorized refuse collection company or its agent, an authorized recycling collection company or its agent, or any law enforcement officer who has jurisdiction:
- a. Removing recyclable materials that have been segregated from other solid waste and placed at a designated collection location for the purpose of collection and recycling.
  - b. Searching through a container or other receptacle intended to temporarily store recyclable materials or solid waste located on any public street, alley, parkway, right-of-way or other public property.
  - c. Removing recyclable materials or solid waste from a container or other receptacle intended to temporarily store recyclable materials or solid waste located on any public street, alley, parkway, right-of-way or other public property.
- (3) "Solid waste" means any kind of organic or inorganic garbage, refuse, trash, household debris or dirt, or rubbish of any kind that may lawfully be deposited in an appropriate receptacle for removal for permanent disposal by the town, a contractor or agent of the town, an authorized refuse collection company or its agent, or an authorized recycling collection company or its agent.

(Ord. No. 293, § 1, 3-19-2016)

**9.48.020. Ownership of recyclable materials and solid waste.**

Recyclable materials and solid waste shall remain the property of the person that generated such materials until the materials are removed by the town, a contractor or agent of the town, an authorized refuse collection company or its agent, or an authorized recycling collection company or its agent.

(Ord. No. 293, § 2, 3-19-2016)

**9.48.030. Scavenging prohibited.**

Scavenging is a civil infraction prohibited in the town. Fines will be assessed according to the town municipal court fine schedule.

(Ord. No. 293, § 3, 3-19-2016)

**9.48.040. Donations and sales by owners permitted.**

Nothing in this chapter shall limit the right of any person to donate, sell or otherwise dispose of their own recyclable materials and solid waste.

(Ord. No. 293, § 4, 3-19-2016)

**9.48.050. No waiver of trespass.**

Nothing herein shall be deemed to preempt or waive any private right of action any person may have against an individual who is guilty or accused of scavenging such as a right of action for trespass or theft.

(Ord. No. 293, § 5, 3-19-2016)





Title 10

**VEHICLES AND TRAFFIC**

**Chapter 10.04. Model Traffic Code**

- 10.04.010. Adoption.
- 10.04.020. Additions or modifications.
- 10.04.030. Violations and penalties.
- 10.04.040. Application of provisions.
- 10.04.050. Interpretation of provisions.
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**Chapter 10.08. Additional Traffic Restrictions**

- 10.08.010. Definitions; purpose.
- 10.08.020. Truck and commercial vehicle weight restriction.
- 10.08.030. Installed muffler on engine compression or dynamic braking devices.
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**Chapter 10.12. Inoperable Motor Vehicles**

- 10.12.010. Findings of the town board.
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- 10.12.030. Parking inoperable vehicles prohibited; exceptions.
- 10.12.040. Conditions raising presumption that vehicle is inoperable.
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- 10.12.080. Notice of violation; prosecution when.
- 10.12.090. Request for hearing.
- 10.12.100. Procedure for hearing.
- 10.12.110. Removal of motor vehicle from property.
- 10.12.120. Notice of removal.
- 10.12.130. Disposition of vehicles.
- 10.12.140. Costs of abatement by town; collection.



**CHAPTER 10.04. MODEL TRAFFIC CODE****10.04.010. Adoption.**

(a) Pursuant to C.R.S. §§ 31-16-101 et seq. and 31-16-201 et seq., as amended, there is hereby adopted by reference the 2020 edition of the Model Traffic Code for Colorado (model traffic code), promulgated and published as such by the Colorado Department of Transportation, Traffic Engineering and Safety Branch, 2829 W Howard Place, Denver, Colorado 80204.

(b) The subject matter of the model traffic code relates primarily to comprehensive traffic control regulations for the town. The purpose of this chapter and the code adopted in this chapter is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation.

(c) Three copies of the model traffic code adopted in this section are now filed in the office of the town clerk and may be inspected during regular business hours.

(d) The 2020 edition of the model traffic code is adopted as if set out at length, with additions and modifications as set forth in section 10.04.020 and 10.04.030. (Code 2002, § 10.04.010; Ord. No. 280, § 1(10.04.010), 10-20-2011; Ord. No. 315, § 1(10.04.010), 3-21-2019; Ord. No. 321, § 1(10.04.010), 3-17-2022)

**10.04.020. Additions or modifications.**

The following modifications are made to the 2020 edition of the model traffic code:

(1) Part 11, section 1101(2)(c), speed limits, is hereby amended to read in its entirety:

"(c) Twenty-five miles per hour in any residence district, as defined in C.R.S. § 42-1-102(80)."

(2) Part 12, section 1214, is hereby added to read as follows:

"Section 1214. Parking or storing of restricted vehicles in residential zones.

(1) For the purposes of this chapter, "restricted vehicles" are boats; all-terrain vehicles and snowmobiles, whether on trailers or not; trailer coaches; mobile homes; trailers; detached pickup campers; semitrailers; trucks or truck-tractors; or parts of such vehicles.

(2) No restricted vehicle shall be parked or stored upon the street or alleys in any residentially zoned area, except:

(a) Temporary parking of vehicles used for loading or unloading of personal goods or property for a period not to exceed 24 hours;

(b) Temporary parking of passenger vehicles, such as automobiles and pickup trucks, with attached trailer, campers or boats for a period not to exceed 72 hours;

- (c) Temporary parking by nonresident visitors of boats, trailer coaches, or mobile homes pursuant to a permit issued by the code enforcement officer, or other designated town official. Such permits shall be issued only to the owner or regular driver of such vehicle and shall not be transferred or assigned to another owner, driver or location. Such permits shall not exceed 14 days and may be renewed for no more than 14 days;
- (d) During construction and repair of buildings or real property; or
- (e) During an emergency."

- (3) Part 14, section 1417, is hereby added to read as follows:

"Section 1417. Permitting unauthorized person to drive. No person shall authorize or knowingly permit a motor vehicle owned by such person or under such person's hire or control to be driven upon any street or highway within the town by any person who has not been issued a currently valid driver's or minor driver's license or an instruction permit or shall cause or knowingly permit such person to drive a motor vehicle upon any street or highway in violation of the conditions, limitations, or restrictions contained in a license or permit which has been issued to such other person."

- (4) Part 14, section 1418, is hereby added to read as follows:

"Section 1418. Expired license plates/improper use of title or registration.

- (1) Pursuant to state law (C.R.S. § 42-3-114), every vehicle registration issued by the State of Colorado shall expire on the last day of the month at the end of each 12-month registration period and shall be renewed, upon application by the owner, by the payment of the fees required by law not later than the last day of the month following the date of expiration. No license plates other than those of the registration period to which they pertain shall be displayed on a motor vehicle operating on any street or highway within the town.
- (2) No person shall lend to or knowingly permit the use by one not entitled thereto any certificate of title, registration card, or registration number plate issued to the person so lending or permitting the use thereof."

- (5) Part 14, section 1419, is hereby added to read as follows:

"Section 1419. Driving without a current driver's license.

- (1) No person shall drive any motor vehicle upon a street, road or highway within the town unless such person has been issued a currently valid driver's or minor driver's license or an instruction permit by a state department of motor vehicles.

- (2) No person shall drive any motor vehicle upon a street, road or highway within the town unless such person has in their immediate possession a current driver's or minor driver's license or an instruction permit issued by a state department of motor vehicles.
- (3) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall drive a type or general class of motor vehicle upon a street, road or highway within the town for which such person has not been issued the correct type or general class of license or permit.
- (4) No person who has been issued a currently valid driver's or minor driver's license or an instruction permit shall operate a motor vehicle upon a street, road or highway within the town without having such license or permit in such person's immediate possession.
- (5) A charge of a violation of subsection (4) of this section shall be dismissed by the court if the defendant elects not to pay the penalty assessment and, at or before the defendant's scheduled court appearance, exhibits to the court a currently valid driver's or minor driver's license issued to such person or an officially issued duplicate thereof if the original was lost, stolen or destroyed, provided that such currently valid driver's license or minor driver's license shall also have been valid on the date the defendant was issued the citation.
- (6) The conduct of a driver of a motor vehicle which would otherwise constitute a violation of this section is justifiable and not unlawful when:
  - (a) It is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no conduct of said driver and which is of sufficient gravity that, according to ordinary standards of intelligence and morality, the desirability and urgency of avoiding the injury clearly outweigh the desirability of avoiding the injury sought to be prevented by this section; or
  - (b) The applicable conditions for exemption, as set forth in C.R.S. § 42-2-102, exist.
- (7) The issue of justification or exemption is an affirmative defense. As used in this subsection, affirmative defense means that, unless the prosecutor's evidence raises the issue involving the particular defense, the defendant, to raise the issue, shall present some credible evidence on that issue. If the issue involved in an affirmative defense is raised, then the liability of the defendant must be established beyond a reasonable doubt as to that issue as well as all other elements of the charge."

(6) Part 14, Section 1420, is hereby added to read as follows:

"Section 1420. Open alcoholic beverage containers in motor vehicles prohibited.

- (1) Definitions. As used in this section, unless the context otherwise requires:
  - (a) Alcoholic beverage means a beverage as defined in C.R.S. § 44-3-103(2).
  - (b) Motor vehicle means a vehicle driven or drawn by mechanical power and manufactured primarily for use on public streets, roads or highways but does not include a vehicle operated exclusively on a rail or rails.
  - (c) Open alcoholic beverage container means a bottle, can, or other receptacle that contains any amount of alcoholic beverage and:
    - (I) That is open or has a broken seal; or
    - (II) The contents of which are partially removed.
  - (d) Passenger area means the area designed to seat the driver and passengers while a motor vehicle is in operation and any area that is readily accessible to the driver or a passenger while in their seating position, including, but not limited to, the glove compartment.
- (2) Except as otherwise permitted in subsection (3) below, a person while in the passenger area of a motor vehicle that is on a public street, road or highway within the town or the right-of-way of a public street, road or highway within the town may not knowingly:
  - (a) Drink an alcoholic beverage; or
  - (b) Have in said person's possession an open alcoholic beverage container.
- (3) The provisions of subsection (2) shall not apply to:
  - (a) Passengers, other than the driver or a front seat passenger, located in the passenger area of a motor vehicle designed, maintained, or used primarily for the transportation of persons for compensation;
  - (b) The possession by a passenger, other than the driver or a front seat passenger, of an open alcoholic beverage container in the living quarters of a house coach, house trailer, motor home, as defined in C.R.S. § 42-1-102(57), or trailer coach, as defined in C.R.S. § 42-1-102(106)(a);
  - (c) The possession of an open alcoholic beverage container in the area behind the last upright seat of a motor vehicle that is not equipped with a trunk; or
  - (d) The possession of an open alcoholic beverage container in an area not normally occupied by the driver or a passenger in a motor vehicle that is not equipped with a trunk."

(Code 2002, § 10.04.020; Ord. No. 280, § 1(10.04.020), 10-20-2011; Ord. No. 315, § 1(10.04.020), 3-21-2019; Ord. No. 321, § 1(10.04.020), 3-17-2022)

**10.04.030. Violations and penalties.**

It is unlawful for any person to violate any of the provisions adopted in this chapter. If any penalty provisions are contained in the model traffic code, such provisions are hereby expressly not adopted. Every person convicted of a violation of any provision stated or adopted in this chapter shall be subject to such penalties as are provided in chapter 1.12.

(Ord. No. 280, § 1(10.04.030), 10-20-2011; Ord. No. 315, § 1(10.04.030), 3-21-2019; Ord. No. 321, § 1(10.04.030), 3-17-2022)

**10.04.040. Application of provisions.**

This chapter shall apply to every street, alley, sidewalk area, driveway, and park and to every other public way or public place or public parking area, either within or outside the corporate limits of the town, the use of which the town has jurisdiction and authority to regulate. The provisions of sections 1401, 1402, 1413, and part 16 of the adopted model traffic code, respectively, concerning reckless driving, careless driving, eluding a police officer, and accidents and accident reports shall apply not only to public places and ways but also throughout the town.

(Ord. No. 280, § 1(10.04.040), 10-20-2011; Ord. No. 315, § 1(10.04.040), 3-21-2019; Ord. No. 321, § 1(10.04.040), 3-17-2022)

**10.04.050. Interpretation of provisions.**

This chapter shall be so interpreted and construed as to effectuate its general purpose to conform with the state's uniform system for the regulation of vehicles and traffic. Chapter, section, and part headings of this chapter and the adopted model traffic code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any chapter, section, or part thereof.

(Ord. No. 280, § 1(10.04.050), 10-20-2011; Ord. No. 315, § 1(10.04.050), 3-21-2019; Ord. No. 321, § 1(10.04.050), 3-17-2022)

**10.04.060. Validity.**

If any part of this chapter or the model traffic code adopted herein are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this chapter or the remaining portions of the model traffic code. The town board hereby declares that it would have passed this chapter and each part thereof and the model traffic code, irrespective of the fact that any one part is declared invalid.

(Ord. No. 315, § 1(10.04.060), 3-21-2019; Ord. No. 321, § 1(10.04.060), 3-17-2022)

**CHAPTER 10.08. ADDITIONAL TRAFFIC RESTRICTIONS****10.08.010. Definitions; purpose.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Bus" means every motor vehicle designed for carrying more than seven passengers and used for the transportation of persons for compensation.
- (2) "Gross Vehicle Weight Rating" or "GVWR" means the maximum allowable weight of a fully loaded vehicle, including passengers and cargo, as set by the vehicle manufacturer.
- (3) "Nonresidential town roadway" means any road or highway within the town that is not a street within a residentially zoned area.
- (4) "Overweight vehicle" means any vehicle that exceeds any of the limits described in section 507 and 508 of the model traffic code as adopted by the town.
- (5) "Permit officer" means the town clerk or the clerk's designee.
- (6) "Street within a residentially zoned area" means those highways and roadways designated by appropriate signage, providing that such areas are residentially zoned.

(b) Terms used in this chapter other than those set forth in subsection (a) of this section shall have the meanings assigned to them in the model traffic code as adopted by the town, or, if not found therein, then in C.R.S. § 42-1-102. The purpose of the provisions in this chapter is to supplement without overriding, preempting, or invalidating any similar provisions in the model traffic code. The provisions in this chapter may be independently enforced, and any authority granted or delegated in this chapter may be exercised, without regard to the provisions of the model traffic code or any constraints or requirements therein.

(Ord. No. 323, § 1(10.08.010), 4-20-2023)

**10.08.020. Truck and commercial vehicle weight restriction.**

(a) It shall be unlawful for any truck or commercial vehicle weighing over 26,001 pounds empty weight to travel on any street, alley, viaduct, bridge or other public way in the town except on designated truck routes. Designated truck routes shall be identified on a map maintained by the town clerk, which the board of trustees may establish and update from time to time by resolution.

(b) The prohibition set forth in subsection (a) of this section shall not apply to the following vehicles:

- (1) Any vehicle that is traveling within the town in where the driver was in the immediate process of:
  - a. Delivering or picking up materials or merchandise;



- b. Providing services; or
- c. Reaching the final business destination.

This exception will only apply if the driver left the truck route at the point nearest the destination and returned to the truck route by the shortest route.

- (2) School buses.
- (3) Emergency vehicles.
- (4) Public transportation vehicles operated by municipalities or other political subdivisions of the state.
- (5) Any vehicle that has an actual weight of no more than 26,001 pounds empty weight that is used by a resident of the town in the course of the resident's employment that is driven on a street within a residentially zoned area in the town only for the purpose of traveling to and from work.
- (6) Any vehicle exempted under the Colorado Right to Farm Act.
- (7) Any road maintenance and road construction equipment performing work in the immediate area.
- (8) Any trucks traveling on Highway 85 as a through route within town limits.

(c) Permits for overweight vehicles. The town clerk's office may issue a permit with such restrictions as the police department deems reasonably necessary in the clerk's judgment authorizing the operation or movement of one or more vehicles that exceed the weight restriction set forth in subsection (a) of this section where the applicant has shown that the operation or movement of such vehicles with such restrictions will not unreasonably affect the safety of the road or damage the roadway or road structures. The town clerk's office may require the posting of bond or other security necessary to compensate the town for any damage to the roadway or road structures and may assess a fee for the permit. The town clerk's office shall draft, implement, and maintain an appropriate permit application form. The town may assess an additional charge for each hour or any part thereof spent by any police officer supervising the movement of such vehicle. The board may establish and from time to time revise the fee set forth in this section by resolution.

(d) Nothing in this section shall be deemed to excuse any permit holder from obtaining any additional transport permits for overweight vehicles that are not under the jurisdiction of the town. This includes, but is not necessarily limited to, the county and the state.

(Ord. No. 323, § 1(10.08.020), 4-20-2023)

**10.08.030. Installed muffler on engine compression or dynamic braking devices.**

(a) It is unlawful for any person to operate a motor vehicle in the town with an engine compression or dynamic braking device engaged without an OEM muffler, including, without limitation, engine breaks. Such a device is a device which is normally used on a truck or other vehicle for slowing or stopping such vehicle by reducing the engine compression and is sometimes referred to as an engine brake.

(b) The board of trustees finds that devices of the kind described in subsection (a) of this section cause an unreasonable and unnecessary noise, and are hereby declared to be a public nuisance without OEM muffler.

(Ord. No. 323, § 1(10.08.030), 4-20-2023)

#### **10.08.040. Penalties.**

Every person convicted of a violation of any provision of this chapter shall be subject to such penalties as are provided in chapter 1.12.

(Ord. No. 323, § 1(10.08.040), 4-20-2023)

### **CHAPTER 10.12. INOPERABLE MOTOR VEHICLES**

#### **10.12.010. Findings of the town board.**

The town board finds that inoperable vehicles tend to interfere with the enjoyment of property, reduce the value of private property, invite plundering, create fire hazards, extend and aggravate urban blight, are a public nuisance, are an attractive nuisance to children, and result in a serious hazard to the public health, safety, comfort, convenience, welfare, and happiness of the residents of the town.

(Ord. No. 294, § 1, 3-19-2016)

#### **10.12.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Inoperable" means a condition of being junked, wrecked, wholly or partially dismantled or discarded.
- (2) "Screening fence" means a fence of a minimum of six feet in height constructed of standard fencing material that obscures the view of any inoperable vehicle or parts and that is not constructed of junk or scrap materials.
- (3) "Vehicle" means any automobile, truck, tractor, or motorcycle which originally contained an engine, regardless of whether it contains an engine at any other time.

(Ord. No. 294, § 3, 3-19-2016)

#### **10.12.030. Parking inoperable vehicles prohibited; exceptions.**

Except as provided in sections 10.12.050 through 10.12.070, it is unlawful for any person, partnership, corporation, or their agent, either as owner, lessee, tenant or occupant of any

property or land within the town to park, store, or deposit, or permit to be parked, stored or deposited thereon an inoperable vehicle or vehicle parts, unless it is enclosed in a garage or other building or screened with a screening fence.

(Ord. No. 294, § 4, 3-19-2016)

**10.12.040. Conditions raising presumption that vehicle is inoperable.**

Any of the following conditions shall raise the presumption that a vehicle is inoperable:

- (1) Absence of an effective registration or license plate upon such vehicle;
- (2) Placement of the vehicle or parts thereof upon jacks, blocks, chains, or other supports;
- (3) Absence of one or more parts of the vehicle necessary for the lawful operation of the vehicle upon the streets and highways.

(Ord. No. 294, § 5, 3-19-2016)

**10.12.050. Exemptions; business activities.**

The provisions of section 10.12.030 shall not apply to any person, firm or corporation, or their agent, who is conducting a business enterprise in compliance with existing town zoning regulations; provided, however, that nothing in this section shall authorize the maintenance of a public nuisance. In addition, any inoperable vehicle stored, parked or deposited on such business property and not within a garage or other building shall be screened with a screening fence.

(Ord. No. 294, § 6, 3-19-2016)

**10.12.060. Procedure to obtain permit.**

(a) Temporary storage of an inoperable vehicle may be permitted if the owner of such vehicle obtains a project vehicle permit.

(b) Any person may purchase from the town a project vehicle permit from the town clerk at the cost of \$10.00 for the first permit, \$25.00 for the second permit, and \$50.00 for the third permit, not to exceed three permits, for project vehicles located on any lot, or parcel of ground within the town. The fees set forth in this section may be revised by resolution by the town board.

(c) Such permit shall be valid for base year, and then one extension year may be purchased if proof of restoration efforts can be shown to the town board, such that the vehicle will be fully operable and in full use at the end of the second year.

(d) Nothing in this chapter shall authorize the maintenance of a public nuisance or hazard.

(Ord. No. 294, § 7, 3-19-2016)

**10.12.070. Exemptions; temporarily disabled vehicles.**

The provisions of section 10.12.030 shall not apply to any person, partnership, or corporation, or their agent, with one vehicle inoperable for a period of 30 consecutive days or less. (Ord. No. 294, § 8, 3-19-2016)

**10.12.080. Notice of violation; prosecution when.**

Whenever a complaint is made to the appropriate official of the town regarding an alleged violation of section 10.12.030 or whenever any code enforcement officer or any law enforcement officer observes an apparent violation of section 10.12.030, the code enforcement officer or law enforcement officer shall transmit by certified mail, certified mail requested, and first class mail, postage prepaid, or hand deliver to such owner, occupant, tenant, and any other person in charge of the lot, block, or parcel of land, and post in a conspicuous place on the premises a notice advising the person of the violation and directing that they take action within ten days after receipt of the notice to comply with section 10.12.030, or that the inoperable vehicle will be removed by the town, that the cost of removal will be charged to such owner, occupant, tenant and other person in charge of the property, that such cost may become a lien on the real property, and that prosecution proceedings will be commenced for violation of this chapter.

(Ord. No. 294, § 9, 3-19-2016)

**10.12.090. Request for hearing.**

The persons to whom notices are directed may file a written request for a hearing before the board of trustees within the ten-day period of compliance prescribed in section 10.12.080. (Ord. No. 294, § 10, 3-19-2016)

**10.12.100. Procedure for hearing.**

The hearing shall be held as soon as practicable after the filing of the request and the persons to whom the notices are directed shall be advised of the time and place of such hearing at least five days in advance thereof.

(Ord. No. 294, § 11, 3-19-2016)

**10.12.110. Removal of motor vehicle from property.**

If the violation described in the notice has not been remedied within the ten-day period of compliance or in the event that a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the board of trustees, the code enforcement officer or the officer's designee shall then have the right to take possession of the inoperable vehicle and

have it removed from the premises. It is unlawful for any person to interfere with, hinder, or refuse to allow such person to enter upon private property for the purpose of removing a vehicle under the provisions of this chapter.

(Ord. No. 294, § 12, 3-19-2016)

**10.12.120. Notice of removal.**

Within 48 hours of the removal of such inoperable vehicle, the code enforcement officer or designee shall give notice to the registered owner of the inoperable vehicle, if known, and also to the owner or occupant of the private property from which the inoperable vehicle was removed:

- (1) That the inoperable vehicle has been impounded and stored;
- (2) Of the location where the inoperable vehicle is stored;
- (3) Of the cost incurred by the town to the date of the notice for removal and storage;
- (4) That the inoperable vehicle may be sold, junked, salvaged, or otherwise disposed of if not redeemed with full payment of all amounts owed to the town and to any party who has possession of the inoperable vehicle.

(Ord. No. 294, § 13, 3-19-2016)

**10.12.130. Disposition of vehicles.**

Upon removing an inoperable vehicle under the provisions of section 10.12.110, the following shall apply:

- (1) Not less than 31 and not more than 60 days after removal of the inoperable vehicle, the inoperable vehicle shall be sold to the highest and best bidder at a public sale if the value of the inoperable vehicle is estimated in good faith by the code enforcement officer to be more than \$350.00. If the value of the inoperable vehicle is estimated in good faith by the code enforcement officer to be \$350.00 or less, then the inoperable vehicle may be disposed of in such manner as the code enforcement officer judges most suitable not less than 31 days after removal of the inoperable vehicle, including junking or salvaging the inoperable vehicle.
- (2) At least ten days in advance of the date of any public sale, the code enforcement officer or designee shall give written notice to the registered owner of the inoperable vehicle, if known, and also to the owner or occupant of the private property from which the inoperable vehicle was removed:
  - a. That the inoperable vehicle will be sold at a public sale;
  - b. Of the description of the inoperable vehicle, including make, model, license number, and any other information which will accurately identify the inoperable vehicle;

- c. Of the terms of the sale; and
  - d. Of the date, time, and place of the sale.
- (3) At the time of the payment of the purchase price upon any public sale, a certificate of sale shall be given to the purchaser and a copy thereof shall be filed with the town clerk.
  - (4) Should any public sale for any reason be invalid, the town's liability shall be limited to the return of the purchase price.
  - (5) The owner of any inoperable vehicle seized under the provisions of this chapter may redeem such inoperable vehicle at any time after its removal but prior to the sale or other disposition thereof upon proof of ownership and payment to the town clerk of such sum as maybe determined for the actual and reasonable expense of removal, and any preliminary sale advertising expenses, plus the cost to the town for storage of the inoperable vehicle.
  - (6) Nothing herein shall deprive an operator of a lien attached and perfected under C.R.S. title 42, art. 4, pt. 18.
- (Ord. No. 294, § 14, 3-19-2016)

**10.12.140. Costs of abatement by town; collection.**

(a) In the event an inoperable vehicle on any lot, block, or parcel of land is removed in accordance with the provisions of this chapter, the whole cost of removing the inoperable vehicle, together with a five percent fee for inspection and other incidentals, shall be paid to the town clerk within 30 days after mailing by the town clerk to the owner of the lot, block, or parcel of land from which the inoperable vehicle was removed, by first class mail, postage prepaid, notice of the assessment of such costs.

(b) Failure to pay such assessment within such period of 30 days shall cause such assessment to become a lien against such lot, block, or parcel of land, and such lien shall have priority over all liens, except general taxes and prior special assessments, and the same may be certified at any time, after such failure to so pay the same within 30 days, by the town clerk to the county treasurer to be placed upon the tax list for the current year, to be collected in the same manner as other taxes are collected, with a ten percent penalty to defray the cost of collection, as provided by the laws of the state.

(c) If, during one 365-day period, the administrative authority performs a second or further inspection (other than an inspection showing compliance) for the same property and finds a second or further violation of the same type, the owner or occupant of the subject property shall be assessed a re-inspection fee. Such fee is established by the town board by resolution. If such re-inspection fee is not paid within 30 days, it shall be collected pursuant to subsections (a) and (b) of this section.

(Ord. No. 294, § 15, 3-19-2016)

Title 11

**RESERVED**

CD11:1





## Title 12

### **STREETS, SIDEWALKS, AND PUBLIC PLACES**

#### **Chapter 12.04. Parks**

- 12.04.010. Hours of closure.
- 12.04.020. Unlawful to be in park after closing.
- 12.04.030. Vandalism.
- 12.04.040. Prohibited behavior within the parks.
- 12.04.050. Glass containers prohibited.
- 12.04.060. Open fires prohibited.
- 12.04.070. Community park facilities and equipment fee.
- 12.04.080. Penalty.

#### **Chapter 12.08. Mountain View Cemetery**

- 12.08.010. Cemetery ratification.
- 12.08.020. Designation and legal description of property.
- 12.08.030. Layout of cemetery.
- 12.08.040. Issuance of deed.
- 12.08.050. Adoption of rules.
- 12.08.060. Operation and maintenance.
- 12.08.070. Keeping of records.
- 12.08.080. Acquisition of additional space.
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- 12.08.100. Perpetual care.
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#### **Chapter 12.12. Excavations and Use of Rights-of-Way**

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- 12.12.030. Right-of-way construction permit.
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- 12.12.120. Clearance for vital structures.
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- 12.12.150. Protection of adjoining property.

## NUNN MUNICIPAL CODE

- 12.12.160. Certificate of insurance.
- 12.12.170. License or permit security required.
- 12.12.180. Required fees.
- 12.12.190. Preservation of monuments.
- 12.12.200. Inspections.
- 12.12.210. Liability of town.
- 12.12.220. Form for use by town.

**CHAPTER 12.04. PARKS****12.04.010. Hours of closure.**

All public parks within the town shall be closed to the public from the hour of 10:00 p.m. until the hour of 5:00 a.m. each and every day. Signs shall be posted at the entrances or at conspicuous places within the park specifying the hours of closure of the park in sufficient form to inform the public of the closing hour.

(Code 2002, § 12.04.010; Ord. No. 169, 1995)

**12.04.020. Unlawful to be in park after closing.**

It is unlawful for any person to be within any town park between the hours of 10:00 p.m. and 5:00 a.m. of each and every day unless such person has on their possession a permit, issued by the town clerk, granting them authority to be on the premises after hours.

(Code 2002, § 12.04.020; Ord. No. 169, 1995)

**12.04.030. Vandalism.**

It shall be unlawful for any person to injure, damage, remove, deface, or destroy any park facility, tree, shrub, vine, flower, or other property within any town park or to commit any act of vandalism therein, including, but not limited to, driving a vehicle on park property.

(Code 2002, § 12.04.030; Ord. No. 169, 1995; Ord. No. 222, 2001)

**12.04.040. Prohibited behavior within the parks.**

All persons making use of any public park in the town shall at all times conduct themselves in an orderly manner and shall not exhibit any loud, boisterous, unseemly behavior, or disturb or annoy any other legitimate users of the park or residents adjacent to the park property.

(Code 2002, § 12.04.040; Ord. No. 169, 1995)

**12.04.050. Glass containers prohibited.**

It shall be unlawful for any person to bring, use, or possess a glass container in any public park within the town.

(Code 2002, § 12.04.050; Ord. No. 169, 1995)

**12.04.060. Open fires prohibited.**

It shall be unlawful for any person to start or maintain an open fire within any public park except in designated receptacles provided in the park by the town.

(Code 2002, § 12.04.060; Ord. No. 169, 1995)

**12.04.070. Community park facilities and equipment fee.**

All residential development in the town shall be subject to the payment of a community park facilities and equipment fee which the board may by resolution establish and from time to time revise, as found on the town fee schedule, at the time of building permit issuance.

(Code 2002, § 12.04.070)

**12.04.080. Penalty.**

Any person who violates any of the provisions of this chapter shall be punished in accordance with chapter 1.12.

(Code 2002, § 12.04.080; Ord. No. 169, 1995; Ord. No. 222, 2001; Ord. No. 290, § 7, 5-16-2015)

**CHAPTER 12.08. MOUNTAIN VIEW CEMETERY****12.08.010. Cemetery ratification.**

The town does establish and ratify the creation of a cemetery, known as the Mountain View Cemetery, for the interment of human remains. The authority for the establishment and regulation of such cemetery is provided in C.R.S. § 31-25-701 et seq., as amended.

(Code 2002, § 12.08.010)

**12.08.020. Designation and legal description of property.**

(a) The following real property owned by the town is designated in perpetuity as Mountain View Cemetery, subject to such rules and regulations as have been, or may be, adopted by the town, situated in the county, to-wit:

Commencing at a point in the Northeast Quarter of the Northwest Quarter of Section 28, Township Nine North, Range 66 West of the 6th P.M., from whence the Quarter corner on the North side of Section 28 bears North 45° East a distance of 42.44 feet; thence East at right angles to the last described line, 340.76 feet; thence North with an angle 91°17' between the last above described line and this line, 260 feet to the point of beginning.

(b) The last above described line is parallel to and 30 feet distant from the North and South Quarter section line of section 28. Also, the angle between the North and East lines of the above described tract is 88 degrees 43 feet.

(Code 2002, § 12.08.020)

**12.08.030. Layout of cemetery.**

(a) Mountain View Cemetery is laid out and divided into three blocks numbered 1, 2, and 3, with a roadway around the three blocks and a roadway between each block. Each block is divided into lots of 600 square feet in each lot which measures 20 feet by 30 feet. Each block has

30 lots. All lots are numbered and marked with the block number and lot number by a cement marker at each northeast corner of the lot. The marker is set in the ground with the top level with the ground.

(b) The numbers start with the northeast corner of the block and are numbered as sections in a township are numbered, Lot Numbers. 1 through 15 going west and Lot Numbers. 16 through 30 going east. Lots are measured starting in the northeast corner of Block 1, 20 feet to west and 30 feet to south, making 30 lots, each of which measures 20 feet by 30 feet. Blocks are numbered from north to south 1-2-3 with roadway between each block. Blocks 2 and 3 numbered same as Block 1.

(c) Each lot is divided into 14 grave sites which are numbered on the plat of the cemetery.

(d) The plat of the cemetery shall be kept in the town clerk's office, and all burials that are made shall be marked on a copy of the plat, and a record shall be made of each burial.  
(Code 2002, § 12.08.030)

#### **12.08.040. Issuance of deed.**

The issuance of a deed or other certificate of ownership for a lot or grave site does not vest absolute title in the owner, but only grants a license to use the lot or grave site for the interment of human remains, subject to any rules and regulations as have been adopted, or may be adopted by the town from time to time.  
(Code 2002, § 12.08.040)

#### **12.08.050. Adoption of rules.**

The board of trustees may adopt, by resolution, rules and regulations for the cemetery and may, by resolution, amend such rules and regulations.  
(Code 2002, § 12.08.050)

#### **12.08.060. Operation and maintenance.**

The operations and maintenance of the Mountain View Cemetery shall be under the general supervision and control of the board of trustees. The board of trustees may appoint a citizens cemetery committee to advise and assist the board concerning the operation of the cemetery. The board of trustees may assign the specific operations and maintenance of the cemetery to the town clerk or some other town employee.  
(Code 2002, § 12.08.060)

**12.08.070. Keeping of records.**

The town clerk shall keep all records of the sale of the cemetery lots and grave sites, prepare deeds for signature of the mayor and, upon request of the town board, make reports of all lot and grave site sales, unsold grave sites available, and such other information as requested by the town board.

(Code 2002, § 12.08.070)

**12.08.080. Acquisition of additional space.**

The town may purchase or otherwise acquire additional cemetery space for the enlargement of the cemetery at the discretion of the town board.

(Code 2002, § 12.08.080)

**12.08.090. Funds.**

All funds received from cemetery lot and grave site sales, grave openings and closing, donations, and similar receipts shall be deposited in the town general fund.

(Code 2002, § 12.08.090)

**12.08.100. Perpetual care.**

The town shall undertake to give all lots and grave sites sold in Mountain View Cemetery perpetual care which shall include the maintenance of a lawn thereon, but the town does not undertake and agree to make any repairs on any monuments, headstones, vaults, or other improvements that are erected or placed on the lots or grave sites.

(Code 2002, § 12.08.100)

**12.08.110. Deterioration of graves.**

The town shall not be responsible for the deterioration or damage to any lots or grave sites.

(Code 2002, § 12.08.110)

**12.08.120. Prohibitions.**

Pursuant to the authority granted by C.R.S. § 31-25-702, as amended, the town prohibits the establishment of any other cemetery within one mile of the limits of the town.

(Code 2002, § 12.08.120)

**CHAPTER 12.12. EXCAVATIONS AND USE OF RIGHTS-OF-WAY****12.12.010. Title.**

This chapter shall be known and cited as the "Town of Nunn Right-of-Way Construction and Occupation Requirements."

(Ord. No. 263-B, § 1(12.12.010), 8-2-2007)

**12.12.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Excavation" means any opening in the surface of a public place made in any manner whatever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to such public places.
- (2) "Facility" means a pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other material, structure or object of any kind or character, whether enumerated in this subsection or not, which is or may be lawfully constructed, left, placed or maintained in, on, along, across, under or over any public place.
- (3) "Permit" means a right-of-way construction permit required by section 12.12.030.
- (4) "Permittee" means an applicant to whom a permit has been issued.
- (5) "Public place" means any public street, way, place, alley, sidewalk, park, square, plaza or any other similar public property owned or controlled by the town or any special district and dedicated to public use.
- (6) "Public street" means the entire space between right-of-way boundary lines.
- (7) "Substructure" means any pipe, conduit, duct, tunnel, manhole, vault, buried cable, wire or any other similar structure located below the surface of any public place.
- (8) "Town engineer" means the individual or engineering company hired by the town, whether as an employee or independent contractor, to provide engineering services or designee thereof.
- (9) "Utility" means a private company or corporation or governmental entity engaged in providing a particular service to the general public.

(Ord. No. 263-B, § 1(12.12.020), 8-2-2007)

**12.12.030. Right-of-way construction permit.**

(a) It is unlawful for any person or utility to perform any construction, make any excavation or fill any excavation in any public street, highway, right-of-way or other public place in the town without first obtaining a permit to do so from the town clerk in consultation with the town engineer, except as otherwise provided in this chapter.

(b) It is unlawful for any person to construct or install any street, street improvement, curb, gutter, sidewalk or driveway in or upon any public street, highway, right-of-way or public place in the town except as otherwise provided in this chapter.

(c) A separate permit shall be required for each site.

(d) The permit shall be retained at the site location to which the permit is issued at all times until completion of the work unless specifically exempted by the town engineer in writing pursuant to provisions of this chapter.

(Ord. No. 263-B, § 1(12.12.030), 8-2-2007)

**12.12.040. Application for and issuance of permit.**

(a) Application for a right-of-way construction permit shall be made to the town clerk on forms provided by the town. Such application shall require the following information:

- (1) The name, address and principal place of business of the applicant and of the person or utility which will own, operate and maintain any facility to be installed;
- (2) The location and description of the construction to be performed;
- (3) The approximate size of any excavation to be made and the purpose of such excavation;
- (4) The approximate time which will be required to complete all work, including backfilling of any excavation and removal of all materials, equipment and debris from the site and removal of all obstructions from the property;
- (5) Approximate cost of construction;
- (6) Two sets of drawings and specifications in a form satisfactory to the town engineer which shall, at a minimum, depict:
  - a. The applicable right-of-way and any intersecting streets, trails, or sidewalks within 300 feet thereof;
  - b. The existing utilities;
  - c. The width to the back of the curb;
  - d. The existing landscaping;
  - e. The existing irrigation and drainage facilities; and
  - f. Detail of the proposed trench;
- (7) Proposed construction traffic control;
- (8) A schedule of the proposed construction; and
- (9) Such further information as may be required by the town engineer to efficiently administer and enforce the provisions of this chapter, including, but not limited to, any bond, guarantee or letter of credit as may be requested by the town for performance and payment of the construction.

(b) The right-of-way construction permit together with such other information which may be attached thereto when approved and signed by the town engineer shall constitute the right-of-way construction permit.



(c) The town engineer shall require performance of such conditions stated in the permit as may be necessary to protect health and safety, and to ensure compliance with the ordinances and regulations of the town.

(d) The town clerk shall deny any application for a permit for the following reasons:

- (1) The application is incomplete and the deficiencies therein are not remedied after reasonable notice to the applicant;
- (2) The work, for which the application for the permit is to be issued, is unnecessary, improper or in violation of town ordinances, rules or regulations;
- (3) The applicant is in default of the provisions or conditions of any other outstanding permit of similar character, without good cause;
- (4) The applicant has failed to obtain required issuance or has failed to post required bonds or other guarantees of performance;
- (5) The applicant has failed to pay the required permit fees;
- (6) The applicant is, in the opinion of the town engineer, not qualified by experience, training or education to engage in the activity authorized by the permit;
- (7) The applicant has had any contractor license or permit revoked or suspended; or
- (8) The town engineer has determined that the location of the facility will conflict with existing proposed improvements within the public place to be affected.

(Ord. No. 263-B, § 1(12.12.040), 8-2-2007)

**12.12.050. Revocation of a permit.**

(a) The town clerk in consultation with the town engineer may revoke the permit granted by this chapter if the applicant is found to have violated any of the provisions listed in section 12.12.040, or in any of the following circumstances:

- (1) The permittee violates any of the provisions of the ordinances of the town governing the activities permitted by the permit;
- (2) The permittee obtains a permit by fraud or misrepresentation;
- (3) Revocation is necessary to maintain the public health, safety and welfare;
- (4) The permittee fails to maintain the required insurance, bond or other guarantee of the performance during the course of the construction and of the warranty period specified by the town; or
- (5) The permittee fails to maintain traffic control throughout the construction of the work within the permit.

(b) The town clerk shall advise the permittee in writing of the grounds for revocation of the permit, and the permittee may be allowed to appeal such revocation to the board of trustees within 30 days from the effective date of the revocation.

(Ord. No. 263-B, § 1(12.12.050), 8-2-2007)

**12.12.060. Term of permit.**

The term of permit issued under this chapter shall be the period set forth in the permit which shall be established to expire one month after the estimated date of completion as indicated by the applicant on the permit, but which shall not exceed 90 days. The town clerk in consultation with the town engineer may, for good cause shown, grant an extension of up to an additional 90 days. An additional permit and fees shall be required in the event the permit has expired and the work is not substantially completed as determined by the town engineer.

(Ord. No. 263-B, § 1(12.12.060), 8-2-2007)

**12.12.070. Permittee responsibility.**

The applicant for the permit provided herein shall be responsible for all work performed under the permit whether or not the applicant, the applicant's employees or subcontractors perform the work. All work performed pursuant to the permit shall be performed in accordance with the specifications adopted by the town for excavations and streets:

- (1) All utility lines in the appurtenant facilities shall be installed underground, including, but not limited to, manholes, unless approved in writing by the town engineer prior to installation. Any aboveground facilities installed without the prior written approval of the town engineer may be removed by the town at the cost of the installer, and the installer shall also be responsible for payment of all attorney's fees, engineering fees and other costs, expenses and damages caused to the town by the installation or removal of the nonconforming facilities.
- (2) All design standards, specifications and installation procedures shall comply with all federal, state and local requirements, including, but not limited to, safety standards adopted by the Occupational Safety and Health Administration (OSHA).
- (3) When possible, installation of facilities shall utilize a joint trench, and backfill shall be provided in the specifications adopted by the town, with verifiable tests performed by a registered soils engineer and received and approved by the town engineer.
- (4) The applicant is responsible for notification of all public utility companies and for determining the location of existing underground utilities prior to proceeding with construction. All work performed in the area of existing utilities shall be performed according to the requirements of the agencies responsible for such existing utilities. The applicant, at its own expense, shall protect all existing utilities and be responsible for their repair if they are damaged during construction.

- (5) The applicant shall be responsible, at its own expense, for determining the applicable codes, licensing, permitting, bonding requirements and standards and specifications to perform the proposed work of all applicable jurisdictions.
- (6) The applicant shall be responsible for notifying the appropriate entities, including, but not limited to, the town, the districts, and fire, police and school districts, of all street closings and service interruptions, including water service, at least 48 hours prior to the initiation of the interruption.
- (7) All construction debris or mud tracked onto existing roadways shall be removed immediately by the applicant. All disturbed areas, including landscaping, shall be restored to a condition substantially similar to its condition existing prior to the initiation of construction by the applicant.
- (8) Prior to the initiation of construction, the applicant shall provide proof to the town that the applicant is in possession of all necessary agreements and/or easements with adjacent property owners for the installation of the utilities. Access to any adjacent property shall be maintained throughout the construction and warranty period.
- (9) The town shall be notified in writing five working days prior to the initiation of any construction.
- (10) The town shall be notified in writing within 48 hours after the completion of construction.
- (11) Any required inspection shall be requested at least 24 hours in advance.
- (12) Upon completion of construction, the applicant will submit to the town a written request for final inspection and initiation of the one year warranty period and shall supply a Mylar original set of as-built drawings, a set of record prints sealed by the engineer of record of the completed facilities and electronic AutoCAD CD.
- (13) The town shall have, at any time, the right to access the construction site to inspect all materials and workmanship and to inspect the installation to determine compliance with the permit, the general conditions of this chapter, specifications adopted by the town and all other ordinances or resolutions adopted by the town. The town shall have the right to stop work if items or situations are found to be unacceptable or in the event that access to the site for inspection is denied.
- (14) Any discrepancy in standards or resolution of disputes shall be determined by the board of trustees.
- (15) The applicant shall require lien waivers as a part of the payment procedure to contractors on the project to reduce the possibility of the town being joined in any suit for payment against the applicant from suppliers of labor and materials to the project.

- (16) No person shall excavate an area larger or at a location different than that specified in the application or on the permit. But if, when excavation is commenced, it becomes necessary to excavate a larger area than originally requested, the permittee shall notify the town clerk immediately and within 24 hours shall file a supplementary application for the additional excavation.

(Ord. No. 263-B, § 1(12.12.070), 8-2-2007)

**12.12.080. Specifications for excavation or construction within the public right-of-way.**

The following are the specifications adopted by the town for excavation or construction within public rights-of-way within the town:

- (1) Asphalt pavement and concrete base pavement may be cut only in a manner and to the extent provided herein or shown on the contractor's plans, if such plans have been approved and accepted by the town. The width of the cuts shall be kept to a minimum and shall not exceed 36 inches, unless otherwise stated in written agreement with the town engineer.
  - a. The outer edges of trench cuts through asphalt pavement shall be cut or scored so as to leave, when excavated, a smooth, regular cut surface.
  - b. The outer edges of all trench cuts through concrete surfaces shall be sawed to a depth of not less than 20 percent of the total slab thickness by means of a power driven concrete saw. All cuts shall be made as straight and accurately as possible.
- (2) All trench excavations shall be made by open cut and shall be of sufficient width to provide ample room for workers engaged in handling pipe and making joints. The bottoms of all trenches shall be accurately graded to provide uniform continuous pipe bearing and support. Supporting any pipe on blocks, either temporary or otherwise, will not be permitted and stones and jutting rock in the trench bottom or sides that, in the opinion of the town engineer, could damage the pipe shall be removed. For all trench excavations, the contractor shall provide suitable equipment with which to remove water promptly from the excavation, and the contractor shall keep the trench dry during the progress of the pipe installation. Where underground water is encountered, the trench shall not be over-excavated and refilled with gravel material in lieu of proper and necessary drainage of the trench. No pipe shall be laid in water.
  - a. The trench shall not be backfilled until the line has been inspected and approved by the town engineer.
  - b. The contractor shall provide all necessary shoring, bracing and support of the sidewalls of the trenches. Sheeting shall be of sufficient dimension and proper design to prevent caving, sliding or collapse of the trench sidewalls. All shoring

shall be removed from the trench after use. The length of the trench that will be permitted to be open at any one time will be decided by the town engineer on the basis of public safety.

- c. The depth of the trench may be increased in order to pass obstructions and to make connections to existing lines, and may be increased at utility and ditch crossings to secure smooth profiles, but such variations will be prescribed in all cases by the town engineer in the field.
- (3) When the trench is ready to be backfilled, clean, imported sand or gravel shall be placed six inches under, over and along the sides of the pipe. No rocks of a size that will damage the pipe, stocks, trash, frozen material or any perishable material, shall be used for backfilling. Any lumber or shoring material used to support the sides of the trench shall be carefully removed as the backfilling progresses.
    - a. Back in improved areas: All excavations in existing asphalt, concrete or gravel surfaced streets shall be backfilled with acceptable native or acceptable select granular material or approved by the town engineer, which is to be consolidated by rolling or tamping in layers not to exceed eight inches in depth or as may be otherwise allowed or required by the inspector.
    - b. Backfill in unimproved areas: Excavations in all other streets or rights-of-way may be backfilled with acceptable native material or with acceptable select granular materials.
  - (4) Immediately upon completion of the backfill according to the specifications set forth herein, the contractor or other person responsible for the excavation shall replace and restore the paved surface of the street with pavement and base course of the same type, quality, thickness and other characteristics of this which was removed in order to make the excavation, but not less than six inches of base material and five inches of asphaltic concrete or six inches of poured concrete. A tack coat must be applied to all surfaces receiving asphaltic pavement. Such paving shall be installed subject to the direction of the town engineer and shall be done in such a manner as to leave the surface of the street uniform and level with neither a depression nor elevation of the pavement at the excavation site. The contractor shall be responsible for the maintenance and replacement if necessary of the paved surface above the excavation for a period of one year after its installation.
  - (5) For a period of one year after completion of the backfill and surfacing, the contractor shall be required to maintain all backfill and surfacing in a safe condition. When notified by the town engineer that any backfill or surfacing is hazardous, the contractor shall correct such hazardous conditions at once.

- (6) Any other specifications determined by the town engineer to be necessary to maintain the structural integrity of the rights-of-way being excavated and those public facilities adjacent thereto or affected by such construction.

(Ord. No. 263-B, § 1(12.12.080), 8-2-2007)

**12.12.090. Corrective measures.**

(a) The town engineer, upon discovery of any defect in the work for which a right-of-way construction permit is issued, may:

- (1) In the event of an emergency, order a private contractor to do everything necessary to complete such work to acceptable standards particularly where hazards exist due to the failure of the permittee to restore or maintain the public street, highway or right-of-way pursuant to the provisions and conditions of their permit.
- (2) In the event of a non-emergency, give notice to the permittee and their sureties in writing of the nature and the location of such defects, including notice of a reasonable time, not less than 21 calendar days, within which such defects are to be repaired.
  - a. Such period of time may be extended by the town engineer upon application, for cause shown.
  - b. In the event of failure of the permittee to perform the required repairs within the period provided by such notice, a private contractor on order of the town shall make such repairs as may be necessary.

(b) The town shall recover any and all costs of work performed by its personnel or by a private contractor, including the cost of labor, equipment, materials and administrative costs at the expense of the permittee by applying any deposit, bond or other security in its possession to payment thereof, and shall recover any remaining unpaid balance of such costs from the permittee.

(Ord. No. 263-B, § 1(12.12.090), 8-2-2007)

**12.12.100. Protective measures and routing of traffic.**

(a) The safety provisions of applicable ordinances relating to building and construction codes shall be obeyed.

(b) It shall be the duty of every person excavating or engaging in any other construction in or on any public place or right-of-way to place or maintain barricades and warning devices to warn the general public of such construction or excavation.

(c) Such barriers, warning signs and lights shall conform to the requirements of the town engineer and the manual on uniform traffic control devices. Warning lights shall be electrical markers or flashers.

(d) The permittee shall take appropriate measures to ensure that, during the performance of the construction work, traffic conditions as nearly normal as possible shall be maintained at all times.

(e) When traffic conditions permit, the town engineer may in writing permit the closing of streets and alleys to all traffic for a period of time to be prescribed by the town engineer. The town engineer may require that the permittee give notification to various public agencies and to the general public as provided in this chapter. In such cases, such written approval shall not be valid until such notice is given.

(f) Warning signs shall be placed far enough in advance of a construction operation to alert traffic of such construction in a timely manner, and cones or other approved devices shall be placed to channel traffic, in accordance with the instructions of the town engineer and approved traffic control plans.

(Ord. No. 263-B, § 1(12.12.100), 8-2-2007)

**12.12.110. Traffic signs; protection of traffic.**

(a) No traffic regulating, warning, directional or street name signs shall be removed from the area of the work or relocated therein unless so indicated on the plans or unless so ordered by the town engineer. The cost for removing, moving or replacing such signs shall be borne by the permittee.

(b) The permittee shall maintain safe crossings for two lanes of vehicle traffic at all street intersections where possible and safe crossings for pedestrians at intervals of not more than 300 feet.

(Ord. No. 263-B, § 1(12.12.110), 8-2-2007)

**12.12.120. Clearance for vital structures.**

The construction work shall be performed and conducted so as not to interfere with access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, value housing structures and any other vital equipment as may be designated by the town engineer.

(Ord. No. 263-B, § 1(12.12.120), 8-2-2007)

**12.12.130. Relocation and protection of utilities.**

(a) If it becomes necessary to relocate an existing facility, this shall be done by its owner.

(b) No facility owned by the town shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee.

(c) The cost of moving privately owned facilities shall be borne by the permittee unless the permittee makes other arrangements with the person owning such facility.

(d) The permittee shall contract with the facility owners for proper support and protection of all facilities or apparatus which may be in any way affected by any work of the permittee.

(e) The permittee shall secure approval in writing of the method of support and protection from the owner of the facility.

(f) In case any pipes, conduits, poles, wires or other apparatus is damaged, the permittee shall promptly notify the owner of such damage.

(g) For the purpose of determining damage, pipe coatings or other encasements or devices are to be considered as part of such facilities.

(h) All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be paid by the permittee.

(i) The permittee shall be liable for all resulting damage to facilities and for any resulting damage or injury to anyone because of such facility damage.

(j) The permittee shall inform itself about the existence and location of all underground facilities and protect such facilities against damage.

(Ord. No. 263-B, § 1(12.12.130), 8-2-2007)

**12.12.140. Abandonment of substructures.**

If a substructure is no longer in use and abandoned by the permittee, it shall be removed unless otherwise approved by the town engineer. If abandonment of a utility is approved, a detailed location shall be presented to the town engineer for the purpose of providing a detailed location.

(Ord. No. 263-B, § 1(12.12.140), 8-2-2007)

**12.12.150. Protection of adjoining property.**

(a) The permittee shall at all times at their own expense preserve and protect from injury any adjoining property by providing proper foundations and by taking other measures suitable for the purpose of preventing damage to any adjoining property.

(b) When, for the protection of property, it is necessary to enter upon such property for the purpose of taking appropriate protective measures, the permittee shall obtain written permission from the owner of such property to enter thereupon.

(c) The permittee shall, at their own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of their excavation work, and the permittee shall be responsible for all damage to public or private property or highways resulting from their failure to properly protect and carry out said work.



(d) Whenever it may be necessary for the permittee to trench through any lawn area, such area shall be reseeded or the sod shall be carefully cut and rolled and replaced after the excavations have been backfilled as required in this chapter.

(e) All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began.

(f) The permittee shall not remove, even temporarily, any trees or shrubs which exist in public right-of-way without first obtaining the approval of the town engineer.  
(Ord. No. 263-B, § 1(12.12.150), 8-2-2007)

**12.12.160. Certificate of insurance.**

(a) Proof of insurance shall be made with the town clerk or application for a permit to cover liability for injuries, death or property damage occurring as a result of work at the site for which the permit is issued.

(b) Ten days' written notice shall be given to the town prior to any policy changes or cancellations.

(c) The limits of insurance coverage shall be no less than the following:

(1) For projects less than an estimated cost of \$5,000.00:

- a. Bodily injury or death: \$600,000.00 for each occurrence;
- b. Property damage:
  1. \$25,000.00 for each accident;
  2. \$25,000.00 for all accidents.

(2) For projects in excess of an estimated cost of \$5,000.00:

- a. Bodily injury or death: \$600,000.00 for each occurrence;
- b. Property damage:
  1. \$50,000.00 for each accident;
  2. \$100,000.00 for all accidents.

(d) Public utilities operating under the supervision of the public utilities commission, public utilities holding a franchise from the town, town departments and other governmental agencies are exempted from the requirements of this section.

(Ord. No. 263-B, § 1(12.12.160), 8-2-2007)

**12.12.170. License or permit security required.**

(a) Any deposit, bond or other security required by the provisions of this section shall be conditioned to guarantee performance of completion to acceptable standards with inspection of all work for which a right-of-way construction permit is issued, such standards being those required by the applicable ordinances and regulations of the town which set forth the restoration and maintenance of public property, and the performance of any conditions stated in the permit.

(b) An application for a right-of-way construction permit to construct or install any street, street improvements, curb, gutter or sidewalk shall be accompanied by an irrevocable letter of credit in a form acceptable to the town attorney in an amount equal to 115 percent of the estimated cost of improvements to be constructed under the permit. During the one-year warranty period, the security may be reduced to 15 percent of the estimated cost of the improvements constructed.

(Ord. No. 263-B, § 1(12.12.170), 8-2-2007)

**12.12.180. Required fees.**

(a) An applicant for a right-of-way construction permit for any paved way within the limits of the town shall pay fees which shall be established by the board from time to time by resolution and set forth in the town fee schedule, based on the total cost of construction, including labor and materials.

(b) An applicant for a right-of-way construction permit in any public gravel or dirt right-of-way within the limits of the town shall pay fees, which shall be established by the board from time to time by resolution and set forth on the town fee schedule, based on the size of excavation.

(c) The re-inspection fee will have a two-hour minimum.

(d) The after-hours inspection fee will have a two-hour minimum.

(e) The fees herein prescribed shall not be prorated.

(f) An applicant for a right-of-way construction permit for excavation in any public right-of-way within the town will be invoiced by the town for the actual costs to the town for administration of the permit, which may include, but not be limited to, all legal, engineering, review, inspection and all other fees on a time and material basis as reasonably incurred by the town in processing the application, inspecting the construction and installation, and pursuing any remedies against the applicant for proceeding in violation of any of the ordinances or resolutions of the town.

(g) Every application must be accompanied by a deposit, as found in the town fee schedule, for such costs. In the event that the full deposit has not been utilized by the town for such costs within 30 days after the approval of final construction, the balance shall be returned by the town to the applicant. The applicant shall make another deposit as requested by the town if such costs exceed the deposit prior to completion of construction.

(Ord. No. 263-B, § 1(12.12.180), 8-2-2007)

**12.12.190. Preservation of monuments.**

(a) Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey benchmark within the town shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the town engineer to do so.

(b) Permission to remove or disturb such monuments, reference points or benchmarks shall only be granted on conditions that the person applying for such permission shall pay all expenses incident to the proper replacement of such monument by the town engineer.

(Ord. No. 263-B, § 1(12.12.190), 8-2-2007)

**12.12.200. Inspections.**

(a) The town engineer shall make such inspections as are necessary for the enforcement of this chapter.

(b) The town engineer shall have the authority to enforce such regulations as may be reasonably necessary to enforce and carry out the intent of this chapter.

(Ord. No. 263-B, § 1(12.12.200), 8-2-2007)

**12.12.210. Liability of town.**

This chapter shall not be construed as imposing upon the town or any official or employee any liability or responsibility for damages to any person injured by the performance of any excavation work for which a permit is issued, nor shall the town or any town official, consultant or employee be deemed to have assumed any such liability or responsibility by reasons of inspections, the issuance of any permit, or the approval of any excavation or construction work.

(Ord. No. 263-B, § 1(12.12.210), 8-2-2007)

**12.12.220. Form for use by town.**

The town clerk shall draft, implement, maintain, and make available to the public a form for use as the "Right-of-way (ROW) Permit for the Town of Nunn," and the same may be administratively amended from time to time.

(Ord. No. 263-B, § 2, exh. A, 8-2-2007)



## Title 13

### UTILITIES

#### Chapter 13.04. Water Activity Enterprise

- 13.04.010. Establishment of water activity enterprise.
- 13.04.020. Authorization to issue revenue bonds.

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- 13.08.010. Creation of water department.
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#### Chapter 13.12. Water Rates and Restrictions

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- 13.12.040. Notice to abate.
- 13.12.050. Penalties.



**CHAPTER 13.04. WATER ACTIVITY ENTERPRISE****13.04.010. Establishment of water activity enterprise.**

(a) In order to continue to maintain water activity enterprises for the purpose of pursuing or continuing water activities, including water acquisition or water projects or facility activities, including the construction, operation, repair, and replacement of water facilities, a water activity enterprise is hereby established, pursuant to the provisions of C.R.S. § 37-45-101 et seq. Such shall be known as the "Town of Nunn, Colorado, Water Activity Enterprise" and shall have all powers and authority granted to water activity enterprises by state law.

(b) Such water activity enterprise shall be wholly owned by the town and shall not be combined with any water activity enterprise owned by any other state or local governmental entity. This section shall not limit the authority of the water activity enterprise to contract with any other person or entity, including other districts or water activity enterprises.

(c) The governing body of the water activity enterprise shall be the board of trustees of the town.

(d) The governing body of the water activity enterprise may exercise the town's legal authority relating to all water activities, but such enterprise may not levy any tax which is subject to Colo. Const. art. X, § 20(4).

(Code 2002, § 13.04.010; Ord. No. 182, 1996)

**13.04.020. Authorization to issue revenue bonds.**

(a) The water activity enterprise, through its governing body, may issue revenue bonds in accordance with the provisions of state law.

(b) The water activity enterprise is authorized to issue bonds payable from the revenues derived or to be derived from the functions, services, benefits, or facilities of the enterprise or from any other available funds of the enterprise. The terms, conditions, and details of said bonds, notes, and other obligations, the procedures related thereto, and the refunding thereof shall be set forth in the resolution authorizing said bonds, notes, or other obligations.

(c) The water activity enterprise may contract with the state water conservation board of any other governmental source of funding for loans and grants related to water activity enterprise functions, and the water activity enterprise may contract with the state water resources and power development authority for loans or other available financial assistance related to water activity enterprise functions.

(Code 2002, § 13.04.020; Ord. No. 182, 1996)

**CHAPTER 13.08. WATER SYSTEM****13.08.010. Creation of water department.**

There is hereby created and established a water department of the town, for the purpose of the management, maintenance, care, and operation of the water works of the town.

(Code 2002, § 13.08.010; Ord. No. 124, 1974)

**13.08.020. Administrator; powers.**

The town clerk shall have the immediate control and management of all things pertaining to the town water works system, and the town clerk shall perform all acts that may be necessary for the prudent, efficient, and economical management and protection of said water works, subject to the approval and confirmation of the board of trustees. The board shall have the power to prescribe such other and further rates, rules and regulations as it may deem necessary.

(Code 2002, § 13.08.020; Ord. No. 124, 1974)

**13.08.030. Appropriation of water.**

(a) The water of the Foxhills Sandstone formation underlying the town is thereby appropriated for the exclusive use and benefit of the water department of the town to provide a supply of domestic water for the inhabitants of the town. The drilling of wells for the production of water from the Foxhills Sandstone, found at approximately 485 feet, by private individuals or corporations in the town is prohibited due to the danger of pollution of the Foxhills formations, which would be injurious to the health of the inhabitants of the town, and for the further reason such drilling of water wells would deplete the supply of water to the town.

(b) The prohibition against drilling and use of wells contained in subsection (a) of this section may be waived by the town board by resolution upon a demonstration of reasonable necessity for such waiver satisfactory to the board in its discretion. As part of the demonstration of reasonable necessity, the party seeking waiver shall identify all known potential negative impacts resulting from such waiver and shall propose means of mitigating such negative impacts to the extent mitigation options are available.

(Code 2002, § 13.08.030; Ord. No. 124, 1974; Ord. No. 322, § 1, 11-17-2022)

**13.08.040. Receipts and deposits.**

The town clerk shall keep a correct account of all receipts, make out all bills for water rents and materials furnished to consumers, collect the same and deposit the proceeds so collected with the town treasurer to the credit of the water works fund of the town and in accordance with the direction of the board.

(Code 2002, § 13.08.040; Ord. No. 124, 1974)



**13.08.050. Inspections.**

Whenever the town clerk deems it necessary, the town clerk may require a qualified person to inspect the premises or buildings of any water consumer for the purpose of examining the conditions of all pipes, motors, meters and water fixtures, or the manner in which the water is used. Said qualified person shall be vigilant to protect and remedy all abuses, whether from waste or other improper use of water.

(Code 2002, § 13.08.050; Ord. No. 124, 1974)

**13.08.060. Application for water.**

Application for the use of water shall be made to the town clerk by the owner or agent of the property and stating the purpose for which the water may be required.

(Code 2002, § 13.08.060; Ord. No. 124, 1974)

**13.08.070. Tapping charge.**

Upon the application for a new tap and service connection by any consumer within the corporate limits of the town, the applicant shall pay to the town clerk an amount established from time to time by the board by resolution and set forth in the town fee schedule, plus a one acre-foot allocation of Northern Colorado Water Conservatory District municipal water, as tap fee. The cost of the corporation caulk, fittings, installation of the tap, the necessary pipe from the main to the curb box and necessary trenching and backfilling shall be at the expense of the applicant. The tap shall be installed by the town and under the supervision of the town superintendent. The town shall own and maintain the water line from the main to the curb box and the property owner shall own and maintain the service line from the curb box to the premises serviced. All work upon the service line shall be performed by a licensed plumber. In the event the water main or water line has to be extended, applicant shall pay the cost of extending the line.

(Code 2002, § 13.08.070; Ord. No. 124, 1974; Ord. No. 214, 1999; Ord. No. 226, 2002)

**13.08.080. Size of service tap.**

No service tap shall be more than three-fourths inch in diameter, provided that the board may grant special permission for larger taps where the water supply and service facilities are sufficient to permit such taps. Where a larger tap is permitted, the board shall fix the tapping charge therefor.

(Code 2002, § 13.08.080; Ord. No. 124, 1974)

**13.08.090. Metering of water.**

All water sold by the town shall be metered by meters which may be installed either in a curb box or meter pit at the option of the property owner. All water meters shall be owned by the town.

(Code 2002, § 13.08.090; Ord. No. 124, 1974)

**13.08.100. Service line regulations.**

No more than one building shall be permitted to use a water service line. Only approved pipe shall be used for the installation of a service line and all service lines shall be installed at a depth of at least 60 inches below the surface of the ground. Each service line shall contain a stop and waste cock where the water may be turned off.

(Code 2002, § 13.08.100; Ord. No. 124, 1974)

**13.08.110. Waste of water prohibited.**

Consumers shall prevent unnecessary waste of water and keep all water outlets closed when not in actual use. Hydrants, urinals, water closets, bathtubs and other fixtures must not be left running for any purpose other than the use for which they were intended. In addition to the penalty provided herein for Code violations, the water supply may be turned off where any such waste occurs.

**13.08.120. No use during fire alarms.**

During all alarms of fire, the use of hose and all outlets where a constant flow of water is maintained is positively forbidden.

(Code 2002, § 13.08.120; Ord. No. 124, 1974)

**13.08.130. Water rates.**

All water sold by the town shall be sold at rates to be determined by the board of trustees and the mayor of the town.

(Code 2002, § 13.08.130; Ord. No. 124, 1974)

**13.08.140. Water bills, payment, penalty, shut-off, and abatement.**

(a) Water meters shall be read on the 27th day of each month, as nearly as possible, and bills shall be mailed on the first day of each succeeding month. All water bills shall be due on or before the 15th day of the month following the reading of the meter and, if not paid by the 15th, a delinquency fee shall be added thereto and charged to the property pursuant to chapter 1.12. Such delinquency fee amount may be set and amended from time to time by board by resolution.

(b) If a bill is not paid within 40 days of such mailing date, a shut-off notice will be mailed and a \$5.00 delinquency fee will be added. Such delinquency fee amount may be set and amended from time to time by the board resolution. If such bill and delinquency charge is not paid within an additional five days, the water service to the property may be shut off by the town. The person residing on the property or the property owner may request abatement of any money or shut-off penalty upon petition to the board of trustees which may be granted for

good cause shown for a period not to exceed the next regularly scheduled meeting date of the board of trustees, at which meeting the petition for abatement shall be reviewed and decided upon by the board of trustees.

(Code 2002, §§ 13.08.140, 13.08.170; Ord. No. 124, 1974; Ord. No. 214, 1999; Ord. No. 221, 2001)

**13.08.150. Delinquent rent must be paid.**

In case there shall be any water rent delinquent and the supply has been turned off, the water shall not be turned on again until all such delinquent water rents have been paid.

(Code 2002, § 13.08.150; Ord. No. 124, 1974)

**13.08.160. Property charged with rent.**

All water rents shall be charged against the property served and against the owner thereof and, if for any cause any sums owing therefor become delinquent, the water shall be cut off and in no case shall it be turned on to the same property until such delinquencies shall have been paid in full. Change of ownership or occupation shall not affect the application of this section.

(Code 2002, § 13.08.160; Ord. No. 124, 1974; Ord. No. 214, 1999)

**13.08.170. Charge for turning water on.**

(a) If the water supply to any premises is turned off for any reason, a charge shall be made for turning the water back on. The amount of such charge shall be established by the board of trustees from time to time by resolution and made available for public examination in the office of the town clerk.

(b) If the water supply to any premises is turned off for any reason relating to owner repairs and maintenance, a charge shall be made for turning the water back on. The amount of such charge shall be established by the board of trustees from time to time by resolution and made available for public examination in the office of the town clerk.

(Code 2002, § 13.08.180; Ord. No. 124, 1974)

**13.08.180. Unlawful acts.**

It shall be unlawful for any person to use or take water from the town water works without a permit therefor or to make any fraudulent representation for the purpose of obtaining water or for any person to take or use water from the water works for a different purpose than provided in the customer's permit or for any person to willfully or unreasonably waste water or for any person to violate any of the regulations set forth in this chapter. Each and every such unlawful act shall constitute a violation of this Code and shall be punishable as herein provided.

(Code 2002, § 13.08.190; Ord. No. 124, 1974)

**13.08.190. Regulations part of contract.**

All regulations contained in this section shall be considered a part of the contract of every person taking water from the water works of the town, and every person taking water shall be considered as having expressly consented to be bound thereby.

(Code 2002, § 13.08.200; Ord. No. 124, 1974)

**13.08.200. Change in fees/costs by resolution.**

Any future modification of charges, fees, or costs as experienced in this chapter may be modified by the town board by resolution.

(Code 2002, § 13.08.210; Ord. No. 214, 1999)

**13.08.210. Policies in regard to the activation and/or re-activation of water taps.**

(a) *Written documentation of ownership.* Any person providing the town with written documentation showing proof of ownership of a water tap shall be authorized to activate such tap in accordance with the subject documentation without additional fees being imposed by the town, subject to the following conditions:

- (1) The town has the authority to charge reasonable fees to the actual tapping of town mains and the extensions of services to properties such as, but not limited to, excavation, street repairs, traffic control, etc.
- (2) Upon a request to activate or re-activate a tap, the town has the authority to require additional water rights and/or charge additional fees related to water rights based upon the then-current formula for calculating such water rights due.

(b) *Establishment of ownership without written documentation.* Any person who is able to substantially establish ownership of a water tap to the satisfaction of the town but has no written documentation from the town as to such ownership may be entitled to a 50 percent reduction on the then-current water development and water rights fees as determined by the board of trustees.

(c) *Pre-payment of fee.* Persons wishing to pre-pay any water development or water rights will have a maximum of six months from the time of pre-payment in which to acquire all necessary building permits and being construction of the facility to which the tap or rights is related. In addition, the actual activation of the subject tap for its intended use must be commenced within one year of the time of pre-payment. Failure to comply with these deadlines will result in a credit being established in the amount of the pre-paid fees toward the future purchase of any water development or water rights fees. No fees will be refunded. The town board is hereby authorized to enter into contracts related to prepayment of fees when, in their opinion, the intent of this chapter is maintained (i.e., transferal of rights and/or payment of fees related to large developments which may require a longer period in which to develop). For those property owners who currently have pre-paid water taps, those taps shall be valued at the

date of passage of the ordinance from which this chapter is derived at the amount of the then-current water tap fee schedule, as established by the town board. Those owners shall then have a six-month period of time to activate their water tap and, if not activated at that time, shall then be required to pay the increase in future tap fees, as established by the town board at the time they request activation.

(d) *De-activation of a tap.* Following the deactivation of a water tap, the owner shall have a time period not to exceed three years in which to re-activate a tap. The failure of any owner to re-activate a tap for its intended use, in accordance with town regulations, shall constitute a waiver of all rights of ownership in such tap including all associated water rights. Should the owner then desire water service, the owner shall apply for the same as if none had previously existed and shall also be required to make an appropriate raw water dedication.

(e) *Variations.* The town board is authorized in specific cases, in accordance with procedures provided herein, to grant variances to the strict application of subsections (c) and (d) of this section, provided that due to a practical difficulty or unnecessary hardship, which has not been self-imposed, would deprive the owner of the property of the reasonable use of the land or the water tap.

- (1) *Application for hearing.* Any owner affected by a requirement or regulation of subsection (c) or (d) of this section may make an application for a variance with the town clerk by a written petition specifying the grounds for the request.
- (2) *Town board hearing.* Upon receipt of the written notice requesting a variance, the town board shall hold a hearing at a regularly scheduled meeting or a special meeting to receive input from all affected parties. Upon receiving input from the affected parties and reviewing such request, the board shall make a final determination.
- (3) *Expiration of variance.* Unless otherwise stated in the board minutes, all variances not exercised within six months from the date of final action by the town board shall become null and void.

(Code 2002, § 13.08.220; Ord. No. 218, 2000)

### **13.08.220. Penalties.**

Whenever in any section of this chapter or regulation promulgated hereunder, the doing of any act is required, prohibited, or declared to be unlawful and no definite fine or penalty is provided for a violation thereof, any person, firm, or corporation who shall be convicted of a violation of any such section shall, for each offense, be punished in accordance with chapter 1.12.

(Code 2002, § 13.08.230; Ord. No. 124, 1974; Ord. No. 290, § 8, 5-16-2015)

**CHAPTER 13.12. WATER RATES AND RESTRICTIONS****13.12.010. Water rates.**

The town board may, in its discretion, from time to time establish by resolution all rates for use of water and for obtaining water taps and other charges in connection with the town water system.

(Code 2002, § 13.12.010; Ord. No. 193, 1997)

**13.12.020. Watering restrictions.**

(a) To conserve the use of water, the town board, by resolution, may establish a schedule for the watering of lawns and gardens during months of historic high water usage.

(b) Any person violating such watering schedule shall be assessed a penalty to be established by the board from time to time by resolution and set forth in the town fee schedule.

(c) Any penalty assessed under this section shall be billed together with the water bill for the property where such violation occurred, and shall be due together with all other water charges for such property.

(d) An administrative appeal of the assessment of any penalty assessed under this section may be had by submitting a written appeal to the town clerk within ten days of the date of the billing on which such penalty appears. Appeals shall be heard by the town board at the next regularly scheduled board meeting.

(Code 2002, § 13.12.020; Ord. No. 193, 1997)

**13.12.030. Prohibition of water tanks or cisterns.**

(a) Water services in the town shall be through the Nunn Water Activity Enterprise or other water utility which has been approved by the town board.

(b) It shall be unlawful for any person to install or use a water tank, cistern, or similar private water system as a water supply on any property in the town. Nothing herein shall be construed to prohibit the use of private wells which have been issued proper permits and are approved for such use by the county department of health. Nothing herein shall be construed to prohibit the keeping of water cooler or other such container for distilled, filtered, or otherwise purified drinking water, not to exceed ten-gallon capacity, provided that such drinking water shall be provided by a commercial dealer which has obtained a business license through the town clerk and which complies with all county department of health and other applicable regulations and requirements.

(Code 2002, § 13.12.030; Ord. No. 193, 1997; Ord. No. 322, § 2, 11-17-2022)

**13.12.040. Notice to abate.**

(a) The town clerk shall notify the owner of record of the property on which any violation of section 3.12.030 has occurred, by certified mail, return receipt requested, and may also give notice by personal service or by posting on the property that if the violation is not corrected within ten days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in municipal court to answer charges for the violation of this chapter or that other appropriate enforcement will be taken.

(b) At the expiration of the ten-day notice period, in addition to any other remedy, the town may abate any violation of section 13.12.030 as a "nuisance" and obtain appropriate injunctive relief in any court having jurisdiction.

(c) The prohibition against water tanks, cisterns, and similar private water systems contained in section 13.12.030(b) may be waived by the town board by resolution upon a demonstration of reasonable necessity for such waiver satisfactory to the board in its discretion. As part of the demonstration of reasonable necessity, the party seeking waiver shall identify all known potential negative impacts resulting from such waiver and shall propose means of mitigating such negative impacts to the extent mitigation options are available (Code 2002, § 13.12.040; Ord. No. 193, 1997)

**13.12.050. Penalties.**

Any person, firm, or corporation violating this chapter or any provision is guilty of a civil violation and, upon conviction thereof, shall be punished in accordance with chapter 1.12. Each day during which such violation continues shall be deemed a separate offense. (Code 2002, § 13.12.050; Ord. No. 193, 1997; Ord. No. 290, § 9, 5-16-2015)





Title 14

**RESERVED**



## Title 15

### **BUILDINGS**

#### **Chapter 15.04. Building Code**

- 15.04.010. Administrative code adopted by reference.
- 15.04.020. International Building Code adopted by reference.
- 15.04.030. International Mechanical Code adopted by reference.
- 15.04.040. National Electrical Code adopted by reference.
- 15.04.050. International Plumbing Code.
- 15.04.060. (Reserved for fire code adoption.)
- 15.04.070. Uniform Housing Code adopted by reference.
- 15.04.080. Uniform Code for Building Conservation adopted by reference.
- 15.04.090. International Fuel Gas Code.
- 15.04.100. Fees and charges.
- 15.04.110. Violation; penalty.
- 15.04.120. International Residential Code adopted by reference.
- 15.04.130. International Existing Building Code adopted by reference.
- 15.04.140. International Energy Conservation Code.
- 15.04.150. International Property Maintenance Code.
- 15.04.160. International Swimming Pool and Spa Code.

#### **Chapter 15.08. Building Permits**

- 15.08.010. General provisions.
- 15.08.020. Building permits required.
- 15.08.030. Procedure for obtaining building permits.
- 15.08.040. Requirements for structures for which in-town building permits required.
- 15.08.050. Requirements for structures for which no building permit required.
- 15.08.060. Fees.
- 15.08.070. Removal.
- 15.08.080. Notice.
- 15.08.090. Abatement.
- 15.08.100. Interpretation; conflict with other laws.
- 15.08.110. Effect on prior ordinance.
- 15.08.120. Penalties.

#### **Chapter 15.12. Conveyance as Buildings**

- 15.12.010. Use of a conveyance as a building.
- 15.12.020. Removal.
- 15.12.030. Notice.
- 15.12.040. Abatement.
- 15.12.050. Penalties.

## NUNN MUNICIPAL CODE

### **Chapter 15.16. Energy Efficiency Construction**

- 15.16.010. Adoption.
- 15.16.020. Amendments.
- 15.16.030. Penalties.

**CHAPTER 15.04. BUILDING CODE****15.04.010. Administrative code adopted by reference.**

Pursuant to C.R.S. § 31-16-201 et seq., as amended, there is adopted as the administrative code of the town, by reference thereto, the Uniform Administrative Code, 1997 edition, published by the International Conference of Building Officials, 5630 South Workman Mill Road, Whittier, California, 90601.

- (1) *Title for citation.* The ordinance from which this section is derived may be known and cited as the "Uniform Administrative Code of the town of Nunn, Colorado."
- (2) *Purpose.* The purpose of the uniform administrative code is to provide for the administration and enforcement of the technical codes adopted by the town.
- (3) *Scope of regulations.* The provisions of this administrative code shall serve as the administration, organizational and enforcement rules and regulations for the technical codes which regulate the site preparation and construction, alteration, moving, demolition, repair, use, and occupancy of buildings, structures and building service equipment within this jurisdiction.
- (4) *Interpretation of provisions.* This section shall be so interpreted and construed as to effectuate its general purpose to make uniform administration and enforcement of the town's technical codes.
- (5) *Applicability.* This section shall apply to every building or structure as defined in said ordinance which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired.
- (6) *Administrative fee.* In addition to all other fees required under this section, there shall be an administrative fee for each permit issued, such fee to be in the amount as adopted by the town board of trustees by resolution.
- (7) *Amendments to fee schedules.* The board of trustees may amend the tables and schedules providing for fees by the adoption of a resolution.

(Code 2002, § 15.04.010)

**15.04.020. International Building Code adopted by reference.**

The International Building Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 33 inclusive and appendix chapter 1, is hereby adopted by reference as the town building code as if fully set out in this section with the additions deletions insertions and changes as follows:

- (1) IBC section 101.1. IBC section 101.1 (title) is amended by the addition of "Town of Nunn" where indicated.

- (2) IBC section 101.4.3. IBC section 101.4.3 (plumbing) is amended by the deletion of the last sentence.
- (3) IBC section 101.4.5. IBC section 101.4.5 (fire prevention) is amended by replacing "International Fire Code" with "adopted fire code."
- (4) IBC section 101.4.6. IBC section 101.4.6 (energy) is amended by replacing "International Energy Conservation Code" with "2012 International Energy Conservation Code."
- (5) IBC section 105.1. IBC section 105.1 (required) is amended by replacing "building official" with "town."
- (6) IBC section 105.2. IBC section 105.2 (work exempt from permit) is amended by:
  - (7) Building exception #1 is deleted in its entirety and replaced with "One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed ten feet above grade measured from a point directly outside the exterior walls of the structure."
  - (8) Building exception #2 is deleted in its entirety and replaced with "Fences not over six feet high."
  - (9) Building exception #14 is added to read "Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building."
- (10) IBC section 105.5. IBC section 105.5 (expiration) is amended by the deletion of this section in its entirety and replaced with the following:

"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount of the original permit fee, exclusive of any taxes or other fees already accessed, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."
- (11) IBC section 109.4. IBC section 109.4 (work commencing before permit issuance) is amended by the deletion of this section in its entirety and replaced with the following:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to

an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be accessed for the specific type of construction activity, with any such investigation fee being in addition to all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued."

- (12) IBC section 109.6. IBC section 109.6 (refunds) is amended by the deletion of this section in its entirety and replaced with the following:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

- (13) IBC section 111.3. IBC section 111.3 (temporary occupancy) is amended by deleting the words "building official" in the first and second sentence and replacing it with "town."

- (14) IBC section 113.1. IBC section 113.1 (general) is amended by the deletion of the last two sentences and replaced with the following:

"The members of the board of appeals shall be comprised of the members of the town board."

- (15) IBC section 113.3. IBC section 113.3 (qualifications) is amended by the deletion of this section in its entirety.

- (16) IBC section 114.2. IBC section 114.2 (notice of violation) is amended by the addition of "Notice of violations shall be delivered in accordance with section 107 of the IPMC" after the last paragraph.

- (17) IBC section 202. IBC section 202 (definitions) is amended by addition of the following:

"'Sleeping room' (bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IBC section 1208 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."

- (18) IBC section 915.2.1. IBC section 915.2.1 (dwelling units) is amended by the deletion of the first sentence and replaced with the following:

"Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area."

- (19) IBC section 1015.2. IBC section 1015.2 (where required) is amended by the addition of a second paragraph inserted before the exceptions as follows:

"All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914.4 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier."

- (20) IBC section 1020.1. IBC section 1020.1 (table 1020.1 corridor fire-resistance rating) is amended to replace the corridor rating for R occupancies with a sprinkler system from 0.5 to one-hour fire rating.

- (21) IBC section 1030.2. IBC section 1030.2. (minimum size) is amended by the deletion of the exception.

- (22) IBC section 1301.1.1. IBC section 1301.1.1 (criteria) is amended by replacing "International Energy Conservation Code" with the "2012 International Energy Conservation Code."

- (23) IBC section 1612.3. IBC section 1612.3 (establishment of flood hazard areas) is amended by the insertion of "Town of Nunn" where indicated in [name of jurisdiction] and the date of the latest flood insurance study for the town, where indicated in January 20, 2016.

(Code 2002, § 15.04.020; Ord. No. 237, § 1, 12-18-2003; Ord. No. 263, § 1, 5-3-2007; Ord. No. 317, § 2, 6-20-2019)

**15.04.030. International Mechanical Code adopted by reference.**

The International Mechanical Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 15 inclusive, is hereby adopted by reference as the town mechanical code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) IMC section 101.1. IMC section 101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.



- (2) IMC section 504.8.4.2. IMC section 504.6.4.2 (manufactures instructions) is amended by the deletion of this section in its entirety.  
(Code 2002, § 15.04.030; Ord. No. 237, § 2, 12-18-2003; Ord. No. 263, § 3, 5-3-2007; Ord. No. 317, 6-20-2019)

**15.04.040. National Electrical Code adopted by reference.**

Pursuant to C.R.S. § 31-16-201 et seq., as amended, by reference thereto, the National Electrical Code, 2002 edition, published by the National Fire Protection Association, Inc., Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted for the town.

- (1) *Title for citation.* The ordinance from which this section is derived may be known and cited as the "National Electrical Code of the Town of Nunn, Colorado."
- (2) *Purpose.* The purpose of this code is to provide minimum standards to safeguard life and limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems.
- (3) *Scope of provisions.* The subject matter of the electrical code establishes comprehensive provisions, standards and regulations for materials, installation methods, inspection, and other matters relating to electrical systems in connection with the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.
- (4) *Interpretation of provisions.* This section shall be so interpreted and construed as to effectuate its general purpose to make uniform electrical regulations.
- (5) *Applicability of regulations.* This section shall apply to every building or structure, as defined in said ordinance, which is now in existence or which may hereafter be erected, constructed, altered, moved, demolished, or repaired. Electrical systems lawfully in existence at the time of adoption of the ordinance from which this code is derived may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such electrical systems.  
(Code 2002, § 15.04.040)

**15.04.050. International Plumbing Code.**

The International Plumbing Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 13 inclusive, is hereby adopted by reference as the town plumbing code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) IPC section 101.1. IPC section 101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.

- (2) IPC section 305.4.1. IPC section 305.4.1 (sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."
  - (3) IPC section 312.3. IPC section 312.3 (drainage and vent air test) is amended by the deletion of the first sentence.
  - (4) IPC section 903.1. IPC section 903.1 (roof extension) is amended by inserting the number "12" (152.4 mm) where indicated in the second sentence.
  - (5) IPC section 1304. IPC section 1304 (reclaimed water systems) is amended by the deletion of this section in its entirety.
- (Code 2002, § 15.04.060; Ord. No. 237, § 3, 12-18-2003)

**15.04.060. (Reserved for fire code adoption.)**

(Code 2002, § 15.04.070)

**15.04.070. Uniform Housing Code adopted by reference.**

Pursuant to C.R.S. § 31-16-201 et seq., there is hereby adopted as the housing code of the town, by reference thereto, the Uniform Housing Code, 1997 edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

- (1) *Title for citation.* The ordinance from which this section is derived may be known and cited as the "Uniform Housing Code of the Town of Nunn, Colorado."
- (2) *Purpose.* The purpose of the Uniform Housing Code, 1997 edition, promulgated by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601, is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within the jurisdiction of the town.
- (3) *Scope of provisions.* The subject matter of the housing code establishes comprehensive provisions, standards, and regulations for materials, installation methods, inspection and other matters relating to housing in connection with the erection, construction, enlargement, alteration, repair, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures.
- (4) *Applicability of regulations.* The provisions of this section shall apply to all buildings or portions thereof used or designed or intended to be used for human habitation.
- (5) *Interpretation of provisions.* This section shall be so interpreted and construed as to effectuate its general purpose to make uniform housing regulations.

(Code 2002, § 15.04.080)

**15.04.080. Uniform Code for Building Conservation adopted by reference.**

Pursuant to C.R.S. § 31-16-201 et seq., there is hereby adopted as the building conservation code of the town, by reference thereto, the Uniform Code for Building Conservation, 1997 edition, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, California 90601.

- (1) *Title for citation.* The ordinance from which this section is derived may be known and cited as the "Uniform Code for Building Conservation of the town of Nunn, Colorado."
- (2) *Purpose.* The purpose of the Uniform Code for Building Conservation, 1997 edition, is to protect the health and welfare of the residents of the town. The subject matter of this code includes rules and regulations, provides for inspections and establishes standards for building conservation.
- (3) *Scope of provisions.* The subject matter of the code includes comprehensive provisions, standards and regulations for materials, installation methods, inspection and other matters relating to building conservation.
- (4) *Applicability of regulations.* This section shall apply to all buildings, as defined in the ordinance from which this section is derived, which are now in existence or which may hereafter be built within the town.
- (5) *Interpretation of provisions.* This section shall be so interpreted and construed as to effectuate its general purpose to make uniform regulations regarding building conservation.

(Code 2002, § 15.04.090)

**15.04.090. International Fuel Gas Code.**

The International Fuel Gas Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 8 inclusive, is hereby adopted by reference as the town fuel gas code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) IFGC section 101.1. IFGC section 101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.
- (2) IFGC section 404.12. IFGC section 404.12 (minimum burial depth) is amended by the addition of the following: All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade.
- (3) IFGC section 404.12.1. IFGC section 404.12.1 (individual outside appliances) is amended by the deletion of this section in its entirety.

- (4) IFGC section 406.4.1. IFGC section 406.4.1 (test pressure) is amended by replacing three psig with ten psig.
- (5) IFGC section 406.4.2. IFGC section 406.4.2 (test duration) is amended by changing the second paragraph to read: "When testing a system having a volume less than ten cubic feet or a system in a single-family dwelling, the test duration shall be not less than 15 minutes."
- (6) IFGC section 614.8.4.2. IFGC section 614.8.4.2 (manufactures instructions) is amended by the deletion of this section in its entirety.

(Code 2002, § 15.04.100; Ord. No. 237, § 4, 12-18-2003; Ord. No. 263, § 5, 5-3-2007; Ord. No. 317, 6-20-2019)

#### **15.04.100. Fees and charges.**

Any fees and charges provided for in this chapter may be established and from time to time amended by resolution adopted by the board of trustees.

(Code 2002, § 15.04.110; Ord. No. 237, § 6, 12-18-2003)

#### **15.04.110. Violation; penalty.**

(a) It is unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the town, or cause the same to be done, contrary to or in violation of any of the provisions of the codes adopted in this chapter.

(b) Any person, firm, or corporation violating any of the provisions of the codes adopted in this chapter shall be deemed guilty of a misdemeanor, and each such person 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 these codes are committed, continued, or permitted, and upon conviction of any such violation, such person shall be punishable in accordance with chapter 1.12.

(Code 2002, § 15.04.120; Ord. No. 237, § 7, 12-18-2003; Ord. No. 290, § 10, 5-16-2015)

#### **15.04.120. International Residential Code adopted by reference.**

The International Residential Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 43 inclusive and appendix chapters H and M is hereby adopted by reference as the town residential building code as if fully set out in this section with the additions deletions insertions and changes as follows:

- (1) IRC section R101.1. IRC section R101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.

- (2) IRC section R105.1. IRC section R105.1 (required) is amended by replacing the words "building official" with "town."
- (3) IRC section R105.2. IRC section R105.2 (work exempt from permit) is amended by:
- a. Building exception #1 is deleted in its entirety and replaced with "One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the roof height does not exceed ten feet above grade measured from a point directly outside the exterior walls of the structure."
  - b. Building exception #2 is deleted in its entirety and replaced with: "Fences not over six feet high."
  - c. Building exception #10 is deleted in its entirety and replaced with: "Shingle repair or replacement work not exceeding one square (100 square feet in area) of covering per building."

- (4) IRC section 105.5. IRC section 105.5 (expiration) is amended by the deletion of this section in its entirety and replaced with the following:

"Every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefor shall be one half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work and provided, further, that such suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee."

- (5) IRC section R108.5. IRC section R108.5 (refunds) is amended by the deletion of this section in its entirety and replaced with the following:

"The town may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The town may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The town may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done. The town shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of fee payment."

- (6) IRC section R108.6. Section R108.6 (work commencing before permit issuance) is amended by the deletion of this section in its entirety and replaced with the following:

"Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits may be subject to an investigation fee established by the town. The amount of the investigation fee may be in the amount up to the amount of the permit fee that would normally be accessed for the specific type of construction activity, with any such investigation fee being in addition to all other required permit fees. The investigation fee shall be collected whether or not a permit is then subsequently issued.
- (7) IRC section R109.1.5. IRC section R109.1.5 (other inspections) is amended by the addition of a new subsection as follows:

"R109.1.5.2 (insulation inspection) Inspection of the structure shall be made following installation of the wall, ceiling and floor insulation and exterior windows and before wall coverings are installed."
- (8) IRC section R110.4. IRC section R110.4 (temporary occupancy) is amended by the deletion of the words "building official" in the first and second sentence and replaced with "town."
- (9) IRC section R112.1. IRC section R112.1 (general) is amended by the deletion of the last three sentences and replaced with the following:

"The members of the board of appeals shall be comprised of the members of the town board."
- (10) IRC section R112.3. IRC section R112.3 (qualifications) is amended by the deletion of this section in its entirety.
- (11) IRC section R113.2. IRC section R113.2 (notice of violation) is amended by the addition of "Notice of Violations shall be delivered in accordance with section 107 of the IPMC" after the last paragraph.
- (12) IRC section R202. IRC section R202 (definitions) is amended by addition of the following:

"Sleeping room" (Bedroom) is any enclosed habitable space within a dwelling unit, which complies with the minimum room dimension requirements of IRC sections R304 and R305 and contains a closet, an area that is useable as a closet, or an area that is readily convertible for use as a closet. Living rooms, family rooms and other similar habitable areas that are so situated and designed so as to clearly indicate these intended uses, shall not be interpreted as sleeping rooms."
- (13) IRC table R301.2 (1). IRC table R301.2 (1) is filled to provide the following:

Table R301.2(1). Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazard	Air Freezing Index	Mean Annual Temp
	Speed (V)	Topographic Effects		Weathering	Frost Line Depth	Termite					
30 psf	115	No	B	Severe	30 in.	Slight to moderate	1	Yes	[1/20/2016]	1,000	45 degrees F

- (14) IRC section R302.1. IRC section R302.1 (exterior walls) is amended by the deletion of the wording: "or dwellings equipped throughout with an automatic sprinkler system installed in accordance with section P2904 shall comply with table R302.1(2)."
- (15) IRC table R302.1 (2). IRC table R302.1 (2) is amended by deleting the section in its entirety.
- (16) IRC section R302.3. IRC section R302.3 (two-family dwelling) is amended by replacing "one-hour fire-resistance rating" with "two-hour fire-resistance rating" and by deleting exception 1.
- (17) IRC section R302.13. IRC section R302.13 (fire protection of floors) is amended by the addition of exceptions 5, 6, and 7 as follows:
  - "Exception #5- For floor assemblies located over a basement or crawlspace, mechanical equipment rooms not larger than 80 square feet constructed per sections R302.13 with minimum one-half gypsum wallboard on the enclosing walls and a self-closing, weather-stripped solid door.
  - "Exception #6- Floor assemblies located over a basement or crawlspace, with mechanical equipment rooms not larger than 80 square feet may be constructed per Exception #4, using fire treated I joists only above furnace closet area with minimum five-eighths inch Type X gypsum wallboard on the enclosing walls and a self-closing weather-stripped solid core 20 minute rated door and frame.
  - "Exception #7- For floor assemblies located over a basement or crawl space with a mechanical equipment room not larger than 80 square feet may be unprotected if a fire sprinkler head is installed in accordance with section P2904 or the International Building Code section 903.3.1.2 or 903.3.1.3, installed within the equipment room on a domestic water loop."
- (18) IRC section R303.4. IRC section R303.4 (mechanical ventilation) is amended by replacing "five air changes per hour" with "seven air changes per hour" and replacing the words "in accordance with section N1102.4.1.2" with "in accordance with section 402.4.1.2 of the International Energy Conservation Code, 2012 edition.
- (19) IRC section R309.5. IRC section R309.5 (fire sprinklers) is amended by the deletion of this section in its entirety.

- (20) IRC section R310.1.
- a. IRC section R310.1 (emergency escape and rescue opening required) is amended by adding the following after the first paragraph:  
"All windows located in basements, habitable attics and sleeping rooms shall meet all the requirements of section R310.1 through R310.2.5."
  - b. Exception No. 2 is amended by the deletion of the exception and its conditions.
- (21) IRC section R310.2.1. IRC section R310.2.1 (minimum opening area) is amended by the deletion of the exception.
- (22) IRC section R310.2.3. IRC section R310.2.3 (window wells) is amended by the addition of the following:
- "For all building permits issued after the effective date of Ordinance No. 317, 5-1-2019, all escape and rescue windows requiring a window well pursuant to the International Residential Code shall comply with the dimension requirements set forth in this section, whether or not said escape or rescue window is located in a sleeping room.
- "With regard to building permits issued prior to the effective date of Ordinance No. 317, 5-1-2019, for additions to or alterations of existing buildings or structures, any window well with a finished sill height below adjacent ground level shall be deemed in compliance with the towns regulations if said window well meets the dimensions set forth in the 1991 edition of the Uniform Building Code, previously in effect in the town."
- (23) IRC section R310.2.3.1. IRC section R310.2.3.1 (ladder and steps) is amended by the addition of the following exception to read as follows:
- "Exception: Only one window well ladder shall be required in an unfinished basement."
- (24) IRC section R312.1. IRC section R312.1 (guards required) is amended by the addition of a third paragraph as follows:
- "All area wells, stair wells, window wells and light wells attached to any building that are located less than 36 inches (914 mm) from the nearest intended walking surface and deeper than 30 inches (762 mm) below the surrounding ground level, creating an opening greater than 24 inches (610 mm) measured perpendicular from the building, shall be protected with guardrails conforming to this section around the entire opening, or be provided with an equivalent barrier.
- Exceptions:
1. The access side of stairways need not be protected.
  2. Area and window wells provided for emergency escape and rescue windows may be protected with approved grates or covers that comply with section R310.4 of this code.



3. Covers and grates may be used over stairways and other openings used exclusively for service access or for admitting light or ventilation."
- (25) IRC section R313.2. IRC section R313.2 (one- and two-family dwellings automatic fire sprinkler systems) is amended by the deletion of the first sentence and replacing it with "An automatic residential fire sprinkler system shall be installed in two-family dwellings." The above amendment will allow section R313.1 to remain which requires fire sprinklers in townhomes, and will require fire sprinklers in two-family dwellings, but not in single-family dwellings.
- (26) IRC section 315.3. IRC section 315.3 (location) is amended by deleting the first sentence and replacing it with the following:

"Carbon monoxide detection shall be installed in dwelling units within 15 feet of each separate sleeping area."
- (27) IRC section R401.2. IRC section R401.2 (requirements) is amended by the addition of the following after the first paragraph:

"Foundations shall be designed and the construction drawings stamped by a Colorado-registered design professional. The foundation design must be based on an engineer's soils report. The drawings must be noted with the engineering firm name, specific location for design and soils report number. A site certification prepared by State of Colorado registered design professional is required for setback verification on all new Group R Division 3 occupancies."
- (28) IRC section R405.1. IRC section R405.1 (concrete or masonry foundations) is amended with the addition of the following after the first sentence: "All foundation drains shall be designed and inspected by a State of Colorado registered design professional."
- (29) IRC chapter 11. IRC chapter 11 (energy efficiency) is amended by the deletion of this chapter in its entirety and replaced with the 2012 International Energy Conservation Code.
- (30) IRC section M1502.4.5.2. IRC section M1502.4.5.2 (manufactures instructions) is amended by the deletion of this section in its entirety.
- (31) IRC section G2415.12. IRC section G2415.12 (minimum burial depth) is amended by the addition of the following: "All plastic fuel gas piping shall be installed a minimum of 18 inches (457 mm) below grade."
- (32) IRC section G2415.12.1. IRC section G2415.12.1 (individual outdoor appliances) is amended by the deletion of this section in its entirety.
- (33) IRC section G2417.4.1. IRC section G2417.4.1 (test pressure) is amended by replacing "three psig" with "ten psig."

- (34) IRC section G2417.4.2. IRC section G2417.4.2 (test duration) is amended by replacing "ten minutes" with "15 minutes."
- (35) IRC section P2503.5.1. IRC section P2503.5.1 (rough plumbing) is amended by the deletion of the first sentence and replaced with "DWV systems shall be tested on completion of the rough piping installation by water or air without evidence of leakage."
- (36) IRC section P2603.5.1. IRC section P2603.5.1 (sewer depth) is amended by filling in both areas where indicated to read "12 inches (305 mm)."
- (37) IRC section P2913. IRC section P2913 (reclaimed water systems) is amended by the deletion of this section in its entirety.
- (38) IRC section P3103.1.1. IRC section P3103.1.1 (roof extension) is amended by replacing "six inches" with "12 inches."
- (39) IRC section AM102. IRC section AM102 (definition) is amended by the addition of "home care facilities."
- "Home care facilities. A home wherein care is given to up to eight care recipients with a maximum number of nine occupants located in the primary residence of the caregiver. A home care facility is considered a home occupation."
- (40) IRC section AM103.1. IRC section AM103.1 (exits required) is deleted in its entirety and replaced with the following: "During the time of operation of the day care, two exits are required from the ground-level story. Two exits are required from a home day care operated in a manufactured home regardless of the occupant load. Exits shall comply with section R311."
- (41) IRC section AM103.1.3. IRC section AM103.1.2 (basements) is amended by the addition of the following paragraph: "An emergency and escape window used as the second means of egress from a basement shall comply with sections R310 and AM 103.1.1 and be located in the area or room used for home care purposes."
- (42) IRC section AM103.1.3. IRC section AM103.1.3.1 (type of fence and hardware) is deleted in its entirety and replaced with the following: "The fence shall be of durable materials and be not less than four feet (1,219 mm) tall, completely enclosing the area used for the day care operations. Each opening shall be a gate or door equipped with a self-closing and self-latching device to be installed at not less than 42 inches (1,067 mm) above the ground."
- (43) IRC section AM103.1.3.2. IRC section AM103.1.3.2 (construction of fence) is amended by the deletion of exception #3 in its entirety.
- (Ord. No. 237, § 5, 12-18-2003; Ord. No. 263, § 2(15.04.130), 5-3-2007; Ord. No. 317, § 3, 6-20-2019)

**15.04.130. International Existing Building Code adopted by reference.**

The International Existing Building Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 16 inclusive, is hereby adopted by reference as the town existing building code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) International existing building code is amended by replacing all references to "International Fire Code" with "Adopted Fire Code."
- (2) IEBC section 101.1. IEBC section 101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.
- (3) IEBC section 1401.2. IEBC section 1401.2 (conformance) is amended by the deletion of this section in its entirety and replaced with the following: "Structures moved into or within the jurisdiction shall comply with the provision of this code for new structures."  
(Ord. No. 263, § 7, 5-3-2007; Ord. No. 317, 6-20-2019)

**15.04.140. International Energy Conservation Code.**

The International Energy Conservation Code, 2012 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 5 inclusive, is hereby adopted by reference as the town energy conservation code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) IECC section C101.1. IECC section C101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.
- (2) IECC section 101.5.2. IECC section 101.5.1 (low energy buildings) is amended by adding exception #3 that reads as follows: Commercial structures that lack one or more of the basic amenities or utilities required for year-round occupancy or use such as a permanent heating system, insulation, and/or year-round usable plumbing.
- (3) IECC section C109.1. IECC section 109.1 (general) is amended by the deletion of the last three sentences and replaced with the following:  
"The members of the board of appeals shall be comprised of the members of the town board."
- (4) IECC section C109.3. IECC section 109.3 (qualifications) is amended by the deletion of this section in its entirety.
- (5) IECC section R402.4.1.2. IECC section R402.4.1.2 (testing) is amended by the deletion of this section in its entirety.
- (6) IECC section C408. IECC section C408 (system commissioning) is amended by the deletion of this section in its entirety.  
(Ord. No. 317, 6-20-2019)

**15.04.150. International Property Maintenance Code.**

The International Property Maintenance Code, 2018 edition, as published by the international Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 8 inclusive, is hereby adopted by reference as the town property maintenance code as if fully set out in this section with the additions, deletions, insertions and changes as follows:

- (1) IPMC section 101.1. IPMC section 101.1 (title) is amended by the addition of the term "Town of Nunn" where indicated.
- (2) IPMC section 102.3. IPMC section 102.3 (application of other codes) is amended by the deletion of the last paragraph.
- (3) IPMC section 103.5. IPMC section 103.5 (fees) is amended by the deletion of this section in its entirety.
- (4) IPMC section 111.2. IPMC section 111.2 (membership of board) is amended by the deletion this section in its entirety and replaced with the following:  
"The members of the board of appeals shall be comprised of the members of the town board."
- (5) IPMC section 111.2.1. IPMC section 111.2.1 (alternate members) is amended by the deletion of this section in its entirety.
- (6) IPMC section 111.2.2. IPMC section 111.2.2 (chairman) is amended by the deletion of this section in its entirety.
- (7) IPMC section 111.2.3. IPMC section 111.2.3 (disqualification of member) is amended by the deletion of this section in its entirety.
- (8) IPMC section 111.2.4. IPMC section 111.2.4 (secretary) is amended by the deletion of this section in its entirety.
- (9) IPMC section 111.2.5. IPMC section 111.2.5 (compensation of members) is amended by the deletion of this section in its entirety.
- (10) IPMC section 111.3. IPMC section 111.3 (notice of meeting) is amended by the deletion of this section in its entirety.
- (11) IPMC section 111.4. IPMC section 111.4 (open hearing) is amended by the deletion of this section in its entirety.
- (12) IPMC section 302.3. IPMC section 302.3 (sidewalks and driveways) is amended by the deletion of this section in its entirety.
- (13) IPMC section 302.4. IPMC section 302.4 (weeds) is amended by the deletion of this section in its entirety.
- (14) IPMC section 302.8. IPMC section 302.8 (motor vehicles) is amended by the deletion of this section in its entirety.

- (15) IPMC section 304.14. IPMC section 304.14 (insect screens) is amended by the deletion of this section in its entirety.
  - (16) IPMC section 308. IPMC section 308 (rubbish and garbage) is amended by the deletion of this section in its entirety.
  - (17) IPMC section 309. IPMC section 309 (pest elimination) is amended by the deletion of this section in its entirety.
  - (18) IPMC section 604.2. IPMC section 604.2 (service) is amended by replacing "NFPA 70" with "electrical code adopted by the State of Colorado."
- (Ord. No. 317, 6-20-2019)

**15.04.160. International Swimming Pool and Spa Code.**

The International Swimming Pool and Spa Code, 2018 edition, as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, chapters 1 through 11 inclusive, is hereby adopted by reference as the town swimming pool and spa code as if fully set out in this section.

(Ord. No. 317, 6-20-2019)

**CHAPTER 15.08. BUILDING PERMITS**

**15.08.010. General provisions.**

It shall be unlawful to erect, construct, reconstruct, alter, move, locate, use, or change the use of any building or other structure within the town limits without obtaining a building permit as required by this chapter or otherwise complying with this chapter.

(Code 2002, § 15.08.010; Ord. No. 186, 1996)

**15.08.020. Building permits required.**

(a) Any building or structure, as defined by the building code for the town, for which a building permit is required under the provisions of such building code, shall not be constructed, located, or otherwise placed in use without a building permit being first obtained, pursuant to the building code, for such structure. Such building or structure shall comply with all applicable requirements of the building code.

(b) Any building or structure, as defined by the building code for the town, for which a building permit is not required under such building code because it is less than 120 square feet in roof area shall not be constructed, located, or otherwise placed in use, without an in-town building permit being first obtained unless such structure is not to be placed on a permanent foundation, or otherwise permanently installed on the land on which it is located.

(Code 2002, § 15.08.020; Ord. No. 186, 1996)

**15.08.030. Procedure for obtaining building permits.**

(a) An application for building permit, together with plans for the proposed structure shall be submitted to the planning commission for review.

(b) Upon approval of the issuance of a building permit for any structure subject to regulation and issuance of a building permit under the building code, the town clerk shall cause a building permit to be issued and appropriate inspection for compliance with the requirements of the building code to be undertaken by the county department of building inspection or other agency or person with which the town may contract for building inspection services.

(c) Upon approval of the issuance of the in-town building permit, the town clerk shall issue an in-town building permit and arrange for inspection by an appropriate official or agent of the town.

(d) Upon approval of the issuance of either a building permit under subsection (b) of this section or an in-town building permit under subsection (c) of this section, no permit shall be issued or further action shall be taken until the appropriate building permit inspection fee has been paid.

(Code 2002, § 15.08.030; Ord. No. 186, 1996)

**15.08.040. Requirements for structures for which in-town building permits required.**

(a) Any structure for which an in-town building permit is required under this chapter need not comply with all the requirements of the building code of the town.

(b) Any structure for which an in-town building permit is required shall comply with the following requirements:

- (1) Such structure may not be placed within any required setback or on any easement or right-of-way.
- (2) Such structure, when combined with all other structures on the lot or parcel of land on which such structure is located, shall not exceed the minimum open space requirements of title 17.
- (3) Such structure shall be made of quality materials and shall be constructed in a skillful manner.
- (4) Such structure shall not be connected to electricity, water, or any other utility service without a building permit being obtained for such utility connection.
- (5) Such structure shall not be a fire hazard, environmental hazard, or otherwise jeopardize the public health or safety.
- (6) Such structure and its use shall fully conform to the zoning requirements.

(Code 2002, § 15.08.040; Ord. No. 186, 1996)

**15.08.050. Requirements for structures for which no building permit required.**

(a) Structures for which no building permit is required shall comply with the following requirements:

- (1) Such structure may not be placed within the required setback, or on any easement or right-of-way.
- (2) Such structure, when combined with all other structures on the lot or parcel of land on which such structure is located, whether or not building permits would be required for all structures on the lot or parcel of land, shall not exceed the minimum open space requirements of title 17.
- (3) Such structure shall not be connected to electricity, water, or any other utility service without a building permit being obtained for such utility connection.
- (4) Such structure shall not be a fire hazard, environmental hazard, or otherwise jeopardize the public health or safety.
- (5) Such structure and its use shall fully conform to the zoning requirements.

(b) Nothing herein shall be construed to allow a structure, for which no building permit is required, to violate any other applicable ordinance or regulation.

(Code 2002, § 15.08.050; Ord. No. 186, 1996)

**15.08.060. Fees.**

For all building permits required, a fee established by schedule shall be charged by the town.  
(Code 2002, § 15.08.060; Ord. No. 186, 1996)

**15.08.070. Removal.**

It shall be the duty of any person owning, or having control of, any lot or parcel of land on which a structure has been unlawfully located to cause said structure to be removed within ten days upon notice of said violation being given by the town.

(Code 2002, § 15.08.070; Ord. No. 186, 1996)

**15.08.080. Notice.**

The town clerk shall notify the owner of record of the property on which any structure is located in violation of this chapter by first class mail and may also give notice by personal service or by posting on the structure, that if the structure is not removed from the property within ten days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in municipal court to answer charges for the violation of this chapter.

(Code 2002, § 15.08.080; Ord. No. 186, 1996)

**15.08.090. Abatement.**

At the expiration of the ten-day notice period, in addition to any other remedy, the town may abate any violation of this chapter as a nuisance.

(Code 2002, § 15.08.090)

**15.08.100. Interpretation; conflict with other laws.**

The provisions of this chapter shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the more restrictive, or that imposing the higher standard, shall govern.

**15.08.110. Effect on prior ordinance.**

To the extent such is inconsistent herewith, this chapter shall supersede the zoning code, title 17, as of the effective date of the ordinance from which this chapter is derived.

(Code 2002, § 15.08.110; Ord. No. 186, 1996)

**15.08.120. Penalties.**

Any person, firm, or corporation violating this chapter is guilty of a civil violation and, upon conviction thereof, shall be punished in accordance with chapter 1.12. Each day during which such violation continues shall be deemed a separate offense.

(Code 2002, § 15.08.120; Ord. No. 290, § 11, 5-16-2015)

**CHAPTER 15.12. CONVEYANCE AS BUILDINGS****15.12.010. Use of a conveyance as a building.**

(a) General provisions.

- (1) For the purpose of this chapter, the term "conveyance" means a railway coach or car, streetcar, bus, airplane, trailer, semi-trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.
- (2) For the purposes of this chapter, the term "building" means a structure for the support or shelter of any use or occupancy.
- (3) A person shall not place or use a conveyance as a building for the operation of a use, except as specifically permitted by this chapter.
- (4) A person may use a conveyance as a temporary office but not as a residence in connection with any permitted temporary use. A permit for such temporary use may be



granted for a limited term, upon review by the board of trustees. The temporary use permit shall specifically permit the use of a conveyance as an office, subject to the following measures to ensure sanitary conditions being taken.

- a. If septic system facilities are available, temporary plumbing connections shall be made as prescribed by the town's building code. No permanent plumbing connection is permitted.
- b. If septic system facilities are not available, sanitation facilities shall be provided as requested following review by the board of trustees.
- c. Electrical service connections with the use described in this subsection shall be limited to temporary pole service.

(b) Governmental agencies and civic organizations may conduct a use in a conveyance in accordance with this subsection.

- (1) The use shall be sponsored by and under the direct control of a governmental agency or civic organization.
- (2) The use shall be a function relating to the public health, safety, and welfare such as drivers training, consumer and homemaking education, dental hygiene, mobile library, mobile X-ray unit, concession stand, or other similar public service use that due to the equipment involved, logistics of scheduling locations and the times needed in a specific community, the use is not appropriate for a permanent location.
- (3) The conveyance shall be self-contained requiring only electrical service. Only one electrical hook-up station served by a separate electrical service accommodating not more than two conveyances is permitted on any premises. The hook-up station shall be installed under permit.
- (4) The conveyance may be located in any zoning district; however, in residential districts the location is restricted to properties owned and operated by sponsoring agencies. A sponsoring agency may by agreement reciprocate with other sponsoring agencies to use their premises.
- (5) The conveyance shall comply with all applicable requirements of the town zoning code.

(c) A person shall not place or use a conveyance as a dwelling unit, except as follows:

- (1) A person may use a railroad work car, caboose, or converted freight car as a dwelling unit when it is confined to rails and located on the right-of-way of a railroad doing business as a common carrier, or when said railroad work car, caboose, or converted freight car is being used as a dwelling unit or is incorporated into a dwelling unit on the effective date of the ordinance from which this chapter is derived.

- (2) A person may use a self-propelled recreational vehicle or recreational camper as a dwelling unit when specifically approved in the issuance of a temporary use permit for a use allowed by the town zoning code.
- (d) Shipping containers.
  - (1) For the purpose of this chapter and title 17, the term "shipping container" means a detachable, pre-fabricated, standardized, reusable, container designed and intended for and customarily associated with transporting cargo on ocean-going ships, trains or tractor trailers, also commonly called a cargo container, transport container or marine cargo container, having the following approximate dimensions:
    - a. Length: not to exceed 40 feet.
    - b. Width: 8½ feet.
    - c. Height: eight to 9½ feet.
  - (2) A "shipping container," as defined in subsection (d)(1) of this section, is a conveyance within the meaning of this chapter.
  - (3) Within the industrial, commercial, and agriculture zoning districts:
    - a. Use of shipping containers is permitted as a revocable privilege; and
    - b. Shipping containers shall be placed on the ground.
  - (4) Within the industrial zoning district, shipping containers may be stacked vertically no higher than two units high.
  - (5) Within the commercial and agriculture zoning districts, shipping containers may not be stacked.
  - (6) All shipping containers within the residential districts shall be subject to the following requirements and restrictions:
    - a. A permit shall be required for the placement of a shipping container on a residential lot. The permit fee shall be \$250.00, which amount may be revised by the board of trustees by resolution.
    - b. The permit application shall be submitted to the town clerk's office and shall include the following:
      1. A site plan indicating the location of the container on the lot;
      2. A description of the container, including size and color;
      3. A description of the method of anchoring the container to the ground utilizing hurricane anchors.
    - c. Inspections will be completed by the town's designated inspection agency upon completion.

- d. The permittee shall be permitted to have up to two 20-foot containers or a single 40 foot container, subject to the requirements set forth in this subsection (d).
- e. Every such shipping container must be painted in a neutral solid color that matches the primary color or trim color of a house that is located on the same parcel.
- f. Every such shipping container must be maintained in good condition with no visible rust and not allowed to deteriorate or become unsightly.
- g. Any shipping container that does not comply with the requirements of this section within six months of the effective date of the ordinance from which this subsection (d) is derived will be subject to prosecution for violation of this chapter and shall be subject to all the remedies available to the town, including removal and abatement.
- h. No person shall have any entitlement or vested right as a result of any permit issued under this section. Such permits provide a revocable privilege and are subject to this subsection (d) and any related ordinance amending, replacing, or repealing this section in whole or in part, including any ordinance that may change, restrict, or forever revoke the privilege to locate a shipping container in a residential district.

(Code 2002, § 15.12.010; Ord. No. 187, 1996; Ord. No. 324, § 1, 4-20-2023)

#### **15.12.020. Removal.**

It shall be the duty of any person having control of any lot or parcel of land on which a conveyance described in section 15.12.010 has been unlawfully located to cause said conveyance to be removed within ten days' notice of said violation being given by the town.

(Code 2002, § 15.12.020; Ord. No. 187, 1996)

#### **15.12.030. Notice.**

The town clerk shall notify the owner of record of the property on which any conveyance is located in violation of this chapter by certified mail, return receipt requested, and may also give notice by personal service or by posting on the conveyance, that if the conveyance is not removed from the property within ten days of the date of the notice, the owner will be issued a summons requiring the owner's appearance in municipal court to answer charges for the violation of this section.

(Code 2002, § 15.12.030; Ord. No. 187, 1996)

#### **15.12.040. Abatement.**

At the expiration of the ten-day notice period, in addition to any other remedy, the town may abate said conveyance as a nuisance.

(Code 2002, § 15.12.040; Ord. No. 187, 1996)

**15.12.050. Penalties.**

Any person, firm, or corporation violating this chapter or any provision of applicable state law is guilty of a civil violation and, upon conviction thereof, shall be punished in accordance with chapter 1.12. Each day during which such violation continues shall be deemed a separate offense.

(Code 2002, § 15.12.050; Ord. No. 187, 1996; Ord. No. 290, § 12, 5-16-2015)

**CHAPTER 15.16. ENERGY EFFICIENCY CONSTRUCTION****15.16.010. Adoption.**

Pursuant to C.R.S. title 31, art. 16, pt. 2, as amended, there is hereby adopted as the energy efficiency construction, and renovation standards for nonresidential buildings of the town, by reference thereto, the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, adopted November 1977, and published March, 1978, by the state, and as the energy efficiency construction and renovation standards for residential buildings for the town, by reference thereto, the Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings, adopted November, 1977, and published March, 1978, by the state, both to have the same force and effect as if set forth therein in every particular. The subject matter of the adopted standards include comprehensive provisions and standards regulating energy efficiency in design, construction, renovation, erection, enlargement, alteration, repair, conversion, occupancy, equipment and maintenance of certain nonresidential and residential buildings and structures for the purpose of protecting the public health, safety, and general welfare.

(Code 2002, § 15.16.010)

**15.16.020. Amendments.**

(a) The Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings is hereby amended as follows:

- (1) Section 101.1 is deleted in its entirety.
- (2) Section 107.0 is deleted in its entirety.
- (3) The following new section 108.0 is added, to read:

"108.0 Administrative and appeal procedures. Administrative and appeal procedures set forth in sections 201, 202, and 204, and chapter 3 of the Uniform Building Code, 1976 edition, shall be applicable and followed in the administration of this Code."

- (4) Section 302.1 is amended by the inclusion of the following temperatures:

Winter design dry-bulb

-5 degrees Fahrenheit

Summer design dry-bulb	88 degrees Fahrenheit
Summer design wet-bulb	63 degrees Fahrenheit
Degree days heating	6,639
Degrees north latitude	40 degrees Fahrenheit

- (5) Section 402.2(a), table 5-1, is amended by the addition of the following specific values:

Walls, three stories or less, Heating Do not exceeding 0.26.

Walls, three stories or less, Cooling, OTTV not exceeding 33.5.

Walls, over three stories, Heating Do not exceeding 0.32.

Walls, over three stories, Cooling OTTV not exceeding 33.5.

Roof/Ceiling, Heating or Cooling, Do not exceeding 0.07.

Floors over unheated spaces, Heating Do not exceeding 0.08.

Slab on Grade, Heating, minimum R value Solar Factor.

Cooling 127.

- (6) Section 701.0 is amended by the addition of the following:

"SMACNA refers to Sheet Metal and Air Conditioning Contractors National Association.

"NESCA refers to National Environmental System Contractors Association.

"NYMA refers to National Woodwork Manufacturers Association, Inc."

- (b) The Colorado Recommended Energy Conservation "Performance" Code for New Construction and Renovation of Residential Buildings is hereby amended as follows:

- (1) Appendix B, Section 101.1 is deleted, and replaced by the following new section 101.1 to read:

"101.1 Application. The provisions of Sections 1 through 7 of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings, as amended, shall apply to residential buildings except where residential buildings are exempted from such provisions and except where the provisions of this code differ from the provisions of the Colorado Model Energy Efficiency Construction and Renovation Standards for Nonresidential Buildings."

(Code 2002, § 15.16.020)

### **15.16.030. Penalties.**

- (a) It shall be unlawful for any person, firm, or corporation to erect, construct, renovate, enlarge, alter, repair, improve, cover, equip, use, occupy, or maintain any building or structure in the town, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the (aforementioned codes).

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(b) Any person, firm, or corporation violating any of the provisions of the (aforementioned codes) or of this chapter shall be punishable in accordance with chapter 1.12. Each and every day or portion thereof during which any such violation is committed, continued, or permitted shall be considered a separate offense.

(Code 2002, § 15.16.030; Ord. No. 290, § 13, 5-16-2015)

## Title 16

### SUBDIVISIONS

#### **Chapter 16.04. General Provisions**

- 16.04.010. Title for citation.
- 16.04.020. Enactment; charter authority.
- 16.04.030. Purpose of provisions.
- 16.04.040. Interpretations of regulations.
- 16.04.050. General laws and criteria for subdivisions.
- 16.04.060. Territory of jurisdiction.
- 16.04.070. Compliance with provisions required.
- 16.04.080. Acceptance of dedicated lands.
- 16.04.090. Approval of plats prior to filing and recordation.
- 16.04.100. Use of unapproved plat prohibited when.
- 16.04.110. Amendments to subdivision regulations.

#### **Chapter 16.08. Definitions**

- 16.08.010. Terms defined.

#### **Chapter 16.12. Procedures for Submitting Plan**

- 16.12.010. Sketch plan and water rights requirements.
- 16.12.020. Preliminary plan; submittal; review; duration of approval.
- 16.12.030. Final plat.
- 16.12.040. Conformity of submitted documents.
- 16.12.050. Town board action.
- 16.12.060. Dedicated streets and other public land.
- 16.12.070. Industrial and commercial subdivisions.
- 16.12.080. PUD subdivisions.
- 16.12.090. Mobile home communities.

#### **Chapter 16.16. Sketch Plan**

- 16.16.010. Submittal procedures; contents.
- 16.16.020. Location map.
- 16.16.030. Drawing and layout for sketch plan.
- 16.16.040. Existing site conditions and descriptions of proposed development.
- 16.16.050. Review procedures.

#### **Chapter 16.20. Preliminary Plan**

- 16.20.010. Submittal requirements.
- 16.20.020. Receipt.
- 16.20.030. Drawing requirements; date to be submitted.

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- 16.20.040. Supporting documents required.
- 16.20.050. Review by planning commission.
- 16.20.060. Approval or denial conditions.
- 16.20.070. Approval; health, safety, and welfare criteria.
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**CHAPTER 16.04. GENERAL PROVISIONS****16.04.010. Title for citation.**

The regulations set out in this title shall be known and cited as "The Subdivision Regulations of Nunn, Colorado."

(Code 2002, § 16.04.010; Ord. No. 179, 1996)

**16.04.020. Enactment; charter authority.**

The regulations set out in this title have been prepared and enacted in accordance with C.R.S. § 31-23-214 and town Ordinance No. 179.

(Code 2002, § 16.04.020; Ord. No. 179, 1996)

**16.04.030. Purpose of provisions.**

The purpose of the regulations set out in this title include:

- (1) To assist orderly, efficient, and integrated development;
- (2) To promote the health, safety, and general welfare of the residents;
- (3) To ensure conformance of land subdivision plans with the public improvement plans of the town, county, state and other public agencies;
- (4) To ensure coordination of municipal public improvement plans and programs;
- (5) To encourage well-planned subdivisions by establishing adequate standards for design and improvements;
- (6) To improve land survey monuments and records by establishing standards for surveys and plats;
- (7) To safeguard the interests of the public, the property owner, and the subdivider;
- (8) To secure equitable handling of all subdivision plans by providing uniform procedures and standards;
- (9) To prevent population congestion;
- (10) To prevent and control erosion, sedimentation, and other pollution of surface and subsurface water;
- (11) To prevent flood damage to persons and properties, and minimize expenditures for flood relief and flood control projects;
- (12) To restrict building on flood lands or in areas poorly suited for building or construction;
- (13) To prevent loss and injury from mudflows and other geologic hazards;

(14) To implement the comprehensive plan of the town.  
(Code 2002, § 16.04.030; Ord. No. 179, 1996)

**16.04.040. Interpretations of regulations.**

On the interpretation and application of the provisions of these regulations, the following shall govern:

- (1) The provisions contained in these regulations shall be regarded as minimum requirements for the protection of the public health, safety, and welfare.
  - (2) Whenever a provision of these regulations and any provision in any other law of the town cover the same subject matter, whichever is the most restrictive or imposes the higher standard or requirements shall govern.
- (Code 2002, § 16.04.040; Ord. No. 179, 1996)

**16.04.050. General laws and criteria for subdivisions.**

Land shall be subdivided in conformance with the master plan, the zoning code, and other ordinances and regulations in effect. In all cases, the planning commission shall consider the criteria in these regulations, including subdividers utilizing the planned unit development portion of these regulations.  
(Code 2002, § 16.04.050; Ord. No. 179, 1996)

**16.04.060. Territory of jurisdiction.**

The territory within which the regulations of this title are applicable shall include all land located within the legal boundaries of the town.  
(Code 2002, § 16.04.060; Ord. No. 179, 1996)

**16.04.070. Compliance with provisions required.**

Whoever divides or participates in the division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other division of land or for the purpose, whether immediate or future, of sale or of building development, whether residential, industrial, commercial, business or other use, shall make the transaction subject to the provisions of these regulations, and a plat therefor must be submitted to and accepted by the town according to the terms as set forth in these regulations. The terms hereof shall also include and refer to any division of land previously subdivided or platted.  
(Code 2002, § 16.04.070; Ord. No. 179, 1996)

**16.04.080. Acceptance of dedicated lands.**

Approval of a subdivision by the town shall not constitute an acceptance by the town of the roads, streets, alleys, or other public lands for maintenance, as indicated for dedication on the plat. The dedication of any of these lands for public use of any nature within the town shall be accepted by the town only by specific action of the town board.

(Code 2002, § 16.04.080; Ord. No. 179, 1996)

**16.04.090. Approval of plats prior to filing and recordation.**

It is unlawful to file or record a plat of a subdivision of land with the town clerk and the county clerk and recorder until the plat is approved by the planning commission of the town, hereinafter referred to as the "planning commission," and the town board of the town, hereinafter referred to as the "town board," and signed by duly authorized representatives of such bodies.

(Code 2002, § 16.04.090; Ord. No. 179, 1996)

**16.04.100. Use of unapproved plat prohibited when.**

It is unlawful to use any plat of a subdivision of land for purposes of sale or building development until such plat is approved by the planning commission and town and signed by duly authorized representatives of such bodies.

(Code 2002, § 16.04.100; Ord. No. 179, 1996)

**16.04.110. Amendments to subdivision regulations.**

The regulations set out in this title may be amended by the town board from time to time in accordance with the provisions of law.

(Code 2002, § 16.04.010; Ord. No. 176, 1996)

**CHAPTER 16.08. DEFINITIONS****16.08.010. Terms defined.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Alley" means a minor way which is used primarily for vehicular service access to the rear or side of properties otherwise abutting on a street.
- (2) "Aquifer" means a water-bearing layer of sand, gravel, or porous rock.
- (3) "Block" means a parcel of land bounded on all sides by sides of a street.

- (4) "Comprehensive plan" means a plan for guiding and controlling the physical development of land use and circulation facilities in the town and any amendment or extension of such a plan.
- (5) "Conservation standards" means guidelines and specifications for soil and water conservation practices and management, enumerated in the technical guide prepared by the USDA Soil Conservation Service, adopted by the county soil and water conservation commission, district supervisors, and containing suitable alternatives for the use and treatment of land based upon its capabilities, from which the owner selects that alternative which best meets their needs in developing their soil and water conservation plan.
- (6) "Consumer" means any person contacted as a potential purchaser, lessee, or renter, as well as one who actually purchases, leases, or rents property in the subdivision.
- (7) "Crosswalk" or "walkway" means a right-of-way dedicated to public use, or facilities pedestrians access through a subdivision block.
- (8) "Dedication" means a grant by the owner of a right to use land to the public, in general, involving a transfer of property rights and an acceptance of the dedicated property by the appropriate public agency.
- (9) "Dwelling unit" means any structure or part thereof designed to be occupied as the living quarters of a single-family or housekeeping unit.
- (10) "Easement" means a right to land generally established in a real estate deed or on a recorded plat to permit the use of land by the public, a corporation, or particular persons for specified reasons.
- (11) "Evidence" means any map, table, chart contract, or any other document or testimony prepared or certified by a qualified person to attest to a specific claim or condition, which evidence must be relevant and competent and must support the position maintained by the subdivider.
- (12) "Floodplain" means an area that is anticipated to receive floodwaters in years, or certain storm intensity, such as a 50-year storm or a 100-year storm.
- (13) "Improvements" means street grading, street surfacing and paving, curbs and gutters, street lights, street signs, sidewalks, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations as designated by the town board or its specified approving authority.
- (14) "Lateral sewer" means a sewer which discharges into another sewer and has only building sewers tributary to it.

- (15) "Lot" means the unit into which land is divided on a subdivision plat or deed with the intention of offering such unit for sale, lease, or separate use, either as an undeveloped or developed site, regardless of how it is conveyed. The term "lot" also means parcel, plat, site, or any similar term.
- (16) "Lot, depth of," means the mean horizontal distance between the front and rear lot lines.
- (17) "Lot, double frontage," means a lot having a frontage on two non-intersecting streets.
- (18) "Lot or property pin" means a marker established by certified land survey and set by a registered land surveyor registered in the state to establish accurate location of property lines.
- (19) "Lot, reverse frontage," means a lot which extends continuously between two parallel (or approximately parallel) streets bounding a block and which is abutted along one street frontage by an easement for screen planting. A block containing reverse frontage lots is composed of one tier of lots rather than the standard two tiers.
- (20) "Lot, width of," means the average distance between side lot lines. Side lot lines are those which are neither front nor rear lot lines.
- (21) "Multifamily dwelling" means a building providing separate dwelling units for two or more families.
- (22) "National Cooperative Soil Survey" means the soil survey conducted by the U.S. Department of Agriculture in cooperation with the state agricultural experiment stations and other federal and state agencies.
- (23) "Off-street parking space" means the space required to park one passenger vehicle on private land.
- (24) "Permanent monument" means any structure permanently placed on or in the ground, including those expressly placed for surveying reference.
- (25) "Plan, preliminary," means the map of a proposed subdivision, and specified supporting materials, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.
- (26) "Plan, sketch," means a map of a proposed subdivision, drawn and submitted in accordance with the requirements of adopted regulations, to permit the evaluation of the proposal prior to detailed engineering and design.
- (27) "Planned unit development (PUD)."
  - a. The term "planned unit development (PUD)" means an area of land, not less than two acres in size, improved as a residential development, or a combination of uses such as residential, educational, recreational, commercial and industrial, in which

normal restrictions of lot sizes, setbacks, densities, land uses, and other criteria may be relaxed in return for development conformance to an approved plan for the total parcel. Approval may be given upon evidence of the provisions of open spaces, public facilities, access, planning aesthetics, and other considerations deemed important by the local approving agency.

- b. A planned unit development is a commitment on the part of the developer to construct the project according to the plan approved by the town board. The developer shall adhere to densities, open spaces, street location and design, floodplain regulations, and all other such design criteria as are set forth in this title, and other ordinances that may be required by the town board.
  - c. In a planned unit development, the uses, density, and yard requirements shall be determined upon submission and approval of the plan.
- (28) "Planning commission" means the planning commission of the town. The term "planning commission" also means the town board, sitting as planning commission, when there is in effect an ordinance designating the town board as the planning commission for the town.
- (29) "Plat, final," means a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording of real estate interests with the county clerk and recorder.
- (30) "Reservation" means a legal obligation to keep property free from development for a stated period of time, not involving any transfer of property rights.
- (31) "Resubdivision" means the changing of any existing lot of any subdivision plat previously recorded with the county clerk and recorder.
- (32) "Right-of-way" and "control of access."
- a. "Right-of-way" means that portion of land dedicated to public use for street and/or utility purposes.
  - b. "Control of access" means the condition where the right of owners or occupants of abutting land (or other persons) to access, light, air, or view in connection with a highway is fully or partially controlled by public authority.
- (33) "Roadway" means that portion of the street right-of-way designed for vehicular traffic.
- (34) "Street" means any street, avenue, boulevard, road, land, parkway, viaduct, alley, or other way for the movement of vehicular traffic, which is an existing state, county, or municipal roadway, or a street or way shown upon a plat, heretofore approved,



pursuant to law, or approved by official action, and includes the land between street lines, whether improved or unimproved, and may comprise pavement, shoulders, gutters, sidewalks, parking areas and other areas within the right-of-way.

- a. "Cul-de-sac" means a short, dead-end street no longer than 400 feet, terminating in a vehicular turnaround area.
- b. "Half-street" means a street parallel and continuous to a property line and of lesser right-of-way width than is required for streets.
- c. "Service road" means a street or road parallel and abutting major streets to provide access to adjacent property so that each adjacent lot will not have direct access to the major street.
- d. "Stub street" means a street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turnaround. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with an adjacent connecting street system.

(35) "Subdivider" or "developer" means any person, firm, partnership, joint venture, association, or corporation who shall participate as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision.

(36) "Town board" or "board" means the board of trustees of the town.  
(Code 2002, §§ 16.08.010—16.08.400; Ord. No. 179, 1996)

## CHAPTER 16.12. PROCEDURES FOR SUBMITTING PLAN

### 16.12.010. Sketch plan and water rights requirements.

(a) Subdividers shall submit five copies of a sketch plan to the planning commission prior to the submission of a preliminary plan. The sketch plan materials shall be submitted to the town clerk not less than one week prior to planning commission meeting or work session. The sketch plan will enable the subdivider and the planning commission to render an informal preliminary review of the proposed subdivision for general scope and conditions which might affect the plan. Such sketch plans should include the elements listed in chapter 16.16.

(b) The assignment of water rights or payment of cash in lieu of water rights is required as specified by the schedule established by resolution of the town board.  
(Code 2002, § 16.12.010)

### 16.12.020. Preliminary plan; submittal; review; duration of approval.

(a) Following the review of the sketch plan by the planning commission, subdividers shall submit required preliminary plan materials and supporting documents of a proposed subdivision to the planning commission for approval prior to the submission of a final plat. The

preliminary plan materials and documents shall be submitted to the town clerk not less than one week prior to planning commission meeting. Submission requirements and time required for review and notification are included in these regulations.

(b) The planning commission shall have the authority to require changes in the preliminary plan which more fully meet the purposes of these subdivision regulations.

(c) In reviewing preliminary plans that have been submitted to it, the planning commission shall not only ensure that the intent and requirements of these regulations are followed but shall also determine the extent to which the goals and policies embodied in the comprehensive plan are met.

(d) Approval of the preliminary plan shall be effective for 12 months after the approval date. Thereafter, approval of the preliminary plan will have expired unless a final plat has been submitted to the planning commission within that 12 months, or a mutually agreed upon extension has been granted by the planning commission. Whenever a final plat is approved for less than the entire area covered by the preliminary plan, approval of the preliminary plan for the remaining unplatted area shall be extended for an additional 12 months.

(Code 2002, § 16.12.020)

**16.12.030. Final plat.**

The final plat submission shall conform to the approved preliminary plan and the requirements contained in these regulations.

(Code 2002, § 16.12.030)

**16.12.040. Conformity of submitted documents.**

Sketch plans, preliminary plans, and final plats shall conform to the requirements and specifications of these regulations and shall be submitted in the manner prescribed.

(Code 2002, § 16.12.010)

**16.12.050. Town board action.**

Before approval or conditional approval of the final plat by the planning commission or, at the same time as such approval, if the town board is acting as planning commission, the town board shall hold a hearing as provided in chapter 16.24.

(Code 2002, § 16.12.050)

**16.12.060. Dedicated streets and other public land.**

Acceptance of dedication of proposed public lands or streets or street rights-of-way, in an approved plat, can be made only by specific action of acceptance by the town board. Plat approval cannot be deemed as acceptance of dedication.

(Code 2002, § 16.12.060)

**16.12.070. Industrial and commercial subdivisions.**

These regulations shall also apply to the subdivision of land for commercial purposes.  
(Code 2002, § 16.12.070)

**16.12.080. PUD subdivisions.**

Approval of a planned unit development may be given upon evidence of the provision of open spaces, public facilities, access, planning aesthetics, and other considerations deemed important by the planning commission and the town board and shall comply with chapter 16.28.

(Code 2002, § 16.12.080)

**16.12.090. Mobile home communities.**

Each mobile home community application shall be submitted as a planned unit development and shall comply with chapter 16.28.

(Code 2002, § 16.12.090)

**CHAPTER 16.16. SKETCH PLAN****16.16.010. Submittal procedures; contents.**

(a) Subdividers shall submit five copies of a sketch plan for review and discussion. The sketch plan materials shall be submitted to the town clerk not less than one week prior to planning commission meeting.

(b) The sketch plan filing fee shall accompany the submittal in accordance with the fee schedule.

(Code 2002, § 16.16.010)

**16.16.020. Location map.**

(a) The location map may be prepared on a town zoning map and shall indicate clearly the relationship of the proposed subdivision to the surrounding area within one-quarter mile of the subdivision's boundaries. The map shall show the following:

- (1) Existing development, including major streets, existing public sewers, public water supply, and storm drainage systems;
- (2) Community facilities, such as schools and parks;
- (3) Zoning in and adjacent to the tract.

(b) The location map shall include a title, scale (not less than one inch to 600 feet), total acreage of the tract, north arrow, and date.

(Code 2002, § 16.16.020)

**16.16.030. Drawing and layout for sketch plan.**

(a) The sketch plan may be free hand drawing at suitable scale (not less than one inch to 200 feet) in a legible medium and shall clearly show the following:

- (1) Major topographic contours (from U.S.G.S. maps);
- (2) The proposed layout of streets and lots in relation to topographic conditions and natural landscape features on the site;
- (3) The proposed location and extent of major open space and public sites;
- (4) General locations of present and proposed utility easements and installations;
- (5) Proposed land uses; and
- (6) Indication of building types, with approximate location of major buildings exclusive of single-family residential dwellings.

(b) Variations from the scale requirement of the sketch plan (one inch equals 200 feet) will be acceptable in the case of large subdivisions, provided the plans and design are clearly legible. The plan generally shall include north point, name of the subdivision, U.S.G.S. township, range, section, and quarter section.

(Code 2002, § 16.16.030)

**16.16.040. Existing site conditions and descriptions of proposed development.**

This information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings and shall include information on existing covenants and land characteristics such as, but not limited to, floodplains, hazard areas, economically recoverable minerals, soils and existing vegetation, and information describing the development proposal, such as number of residential lots or dwelling units, typical lot width and depth, and proposed utilities and street improvements.

(Code 2002, § 16.16.040)

**16.16.050. Review procedures.**

(a) Sketch plans shall be reviewed by the planning commission in informal conference with the subdivider. Such may be at a scheduled meeting or at a work session. The conference is intended to be for the mutual exchange of information and development concepts. A primary concern shall be the degree to which the proposed subdivision meets the governing body's land use policies and its comprehensive plan.

(b) Upon review of the sketch plan, the planning commission may allow exemptions and deviation from required sale, format, and content of plans and maps, which it determines are inapplicable and unnecessary.

(c) The planning commission may take up to 30 days to review the sketch plan.  
(Code 2002, § 16.16.050)

## CHAPTER 16.20. PRELIMINARY PLAN

### 16.20.010. Submittal requirements.

Copies of all required material shall be officially submitted to the planning commission by the subdivider or the subdivider's authorized representative. The preliminary plan materials and documents shall be submitted to the town clerk not less than one week prior to planning commission meeting. A preliminary plan filing fee shall accompany the submittal in accordance with the fee schedule established by resolution of the town board.  
(Code 2002, § 16.20.010)

### 16.20.020. Receipt.

A receipt shall be issued to the subdivider for the preliminary plan submission when it has been determined that the submission includes all the required documents set forth in these regulations. The date of the planning commission meeting to review the plans shall be specified on the receipt.  
(Code 2002, § 16.20.020)

### 16.20.030. Drawing requirements; date to be submitted.

(a) The preliminary plan may consist of one or more sheets, depending on the size of the subdivision. It shall meet the minimum design standards set forth in these regulations.

(b) A skillful execution of the plan shall be made in every detail. A poorly drawn or illegible plan is sufficient cause for its rejection.

(c) The following data shall be submitted as part of the preliminary plan submission. Note: Any deviation from required scale and format of plans and maps shall be allowed only upon permission of the planning commission in the sketch plan review.

- (1) *Vicinity map.* Ten copies of a vicinity map for the proposed subdivision, and for a one-half mile perimeter area of the proposed subdivision at one inch equals 600 scale, showing:
  - a. Location of the subdivision as a part of some larger subdivision or tract of land, and by reference to permanent survey monuments, with a tie to a section corner or a quarter-section corner;
  - b. Existing streets, highways, roads, and railroads;
  - c. Existing land uses, subdivisions, utilities (lines, buildings, easements), buildings and structures, etc.;

- d. Existing zoning;
- e. School district;
- f. Water district, if applicable;
- g. Fire district;
- h. Sanitation district, if applicable;
- i. Additional information as may be specified by the planning commission in the sketch plan review;
- j. Date of preparation, map scale, and north sign.

(2) *Development plan maps.*

- a. *Existing features map.* Ten copies of an existing features map, (24-inch by 36-inch, black on white or blue on white prints at a scale of one inch equals 100 feet):
  1. Outer boundary;
  2. Location, by survey, of streams, washes, canals, irrigation laterals, private ditches, culverts, lakes, or other water features, including direction of flow, water level elevations, and typical depths, location, and extent of areas subject to flooding by a 100-year storm;
  3. A traverse map of the monumented perimeter of the proposed subdivision, along with all survey notes of subdivision perimeter, and copies of all monument records. The traverse shall have an error of closure of not greater than one part in 10,000. A survey tie to the state coordinate system or other permanent marker is required;
  4. Wooded areas;
  5. Existing buildings, easements, telephone lines, gas lines, power lines, and other features located on the subdivision and within 100 feet of the boundaries;
  6. Other, as specified by the planning commission in the sketch plan review;
  7. North arrow, date;
  8. Names and addresses of the subdivider, the designer of the subdivision, and the engineer and surveyor, both of whom shall be licensed by the state board of registration for professional engineers and land surveyors;
- b. *Proposed development map.* Ten copies of a proposed development map, 24 by 36 inches at one inch equals 100 feet scale.
  1. *General requirements.*
    - (i) Name of subdivision;
    - (ii) North arrow, date, and scale;

- (iii) Name and address of subdivider and owner;
  - (iv) Name and address of engineer or designer responsible;
  - (v) Legal description and basis of bearings;
  - (vi) Total acreage.
2. *Lot and street layout.* Lot and street layout, including proposed future street layout, in dashed lines, for any portion or parcel of adjacent land within 200 feet not being subdivided now:
    - (i) Expected impact on local streets;
    - (ii) Existing street names and names of proposed streets;
    - (iii) Dimensions of all lots to nearest foot, which may be scaled values;
    - (iv) Lots and blocks numbered consecutively.
  3. *Public facilities location.* Location of sites to be reserved or dedicated for public facilities or parks except streets and utility easements. The planning commission, upon consideration of town circulation and facilities and the future requirements of the subdivision, may recommend the dedication of areas or sites of a character, extent and location suitable for public use for parks.
  4. *Proposed use sites.* Proposed sites and acreage, if any, for multifamily dwellings, shopping centers, community facilities, industry, or other uses, exclusive of single-family dwellings.
  5. *Common open space.* Location, function, ownership, and manner of maintenance of common open space not otherwise reserved or dedicated for public use.
  6. *Utility system.* Ten copies of a proposed utility system.
    - (i) Location, size and use of all existing and proposed public and private easements. All utilities must be constructed with approved easements;
    - (ii) Existing and proposed water mains, fire hydrants, sewers, utility mains (electric, gas, telephone), or other underground structures within the subdivision and at least 100 feet immediately adjacent to boundary streets.
  7. *Drainage system.* Ten copies of a proposed drainage system. Location of culverts and other proposed drainage structures to show the method of moving storm runoff water through the subdivision; also show runoff concentrations in acres of drainage areas on each street entering each intersection. For storm drainage facilities not on or adjacent to the tract, indicate the direction and distance to, size and invert elevation or nearest extensions of such utilities.

8. *Preliminary street profiles.* Preliminary profiles based upon the contours and the sketched alignments should be provided showing graphic trades, proposed lengths of vertical curves, limits of horizontal curves, and locations of bridges and major culverts. Where streets are to be temporarily stubbed at side or plat boundaries, the profiles should extend sufficiently beyond the boundary to assure the feasibility of a future extension that can conform to standards.

(Code 2002, § 16.20.030)

**16.20.040. Supporting documents required.**

Ten copies of each of the following documents shall accompany the preliminary plan and be considered a part of the submission:

- (1) A letter from each special district or utility company involved, addressed to the planning commission, stating that specific services and/or utilities are available, and they have reviewed the plan and are setting forth their comments concerning the extent of services and the design of utility easements;
- (2) An affidavit that the applicant is the owner, equitable owner, or authorized by the owner, in writing, to make application for the land proposed to be subdivided;
- (3) A list prepared by a licensed title or abstract company of all owners of record of property adjacent to the area of the proposed subdivision, including their addresses. This information will be utilized for notification of meeting time and date;
- (4) Location, function, ownership and manner of maintenance of common open space not otherwise reserved or dedicated for public use;
- (5) The substance of all other covenants, grants of easements, or restrictions to be imposed upon the use of land, buildings, and structures;
- (6) Geologic maps and investigation report regarding area suitability for the proposed development;
- (7) Such additional information as may be required by the planning commission in order to determine that the subdivision can be constructed without an adverse effect on the surrounding area and, by reason of its location or design, will not cause an undue burden on public utilities and community facilities;
- (8) Application for rezoning, if required, for the development of the subdivision;
- (9) Any possible adverse environmental impact of the development;
- (10) Summary statement of application including the following:
  - a. Total development area;
  - b. Total number of proposed dwelling units;



- c. Total number of square feet of nonresidential floor space;
- d. Total number of off-street parking spaces, excluding those associated with a single-family residential development;
- e. Estimated total number of gallons per day of water system requirements;
- f. Estimated total number of gallons per day of sewage to be treated, and the proposed sewage treatment facility;
- g. A list of all special districts involved.

(Code 2002, § 16.20.040)

**16.20.050. Review by planning commission.**

(a) *Acceptance; agenda.* When a preliminary plan has been officially accepted by the town clerk, it shall be placed on the agenda of the planning commission meeting for subdivision review within 45 days.

(b) *Review.* Notice shall be published once in a local newspaper of general circulation in the town at least five days and not more than 30 days prior to planning commission review. Adjoining property owners shall be given not less than ten days' notice by certified and regular mail. The copy of the preliminary plan filed with the town clerk shall be available for public viewing. Anyone may submit written statements recommending approval or denial of the preliminary plan, stating the reasons therefor, to the planning commission on or before the date for planning commission review.

(Code 2002, § 16.20.050)

**16.20.060. Approval or denial conditions.**

A preliminary plan shall be approved by the planning commission unless it finds that the preliminary plan fails to meet the requirements specified herein, or that the proposed subdivision is detrimental to the public health, safety, or general welfare.

(Code 2002, § 16.20.060)

**16.20.070. Approval; health, safety, and welfare criteria.**

Before approving the preliminary plan, the commission shall determine that the subdivision:

- (1) Will be served by a public water system and will not create an unreasonable burden on the existing water supply;
- (2) Will be served by an adequate sanitation system that will not result in water pollution;
- (3) Will not cause soil erosion or a reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;

- (4) Will not cause air pollution. In making this determination, they shall consider land topography, prevailing winds or the absence thereof, increase in sources or quantity of emission as well as quality of such, and such other items as are deemed pertinent;
- (5) Will not:
  - a. Cause unreasonable street or highway congestion or unsafe conditions with respect to use of the streets or highways, existing or proposed;
  - b. Cause unreasonable burden on the ability of a school district to provide educational services;
  - c. Place an unreasonable burden on the ability of the town or special districts to provide water, fire, police, and other services;
  - d. Have an undue adverse effect on the scenic or natural beauty of the area. aesthetics, historic sites or rare and irreplaceable natural areas;
  - e. Have an undue adverse effect on open space.

(Code 2002, § 16.20.070)

**16.20.080. Burden of proof for subdivider.**

The burden of proof shall be on the subdivider to show the reasonableness of their plan, the lack of adverse effect, and compliance with the elements of the public health, safety, and general welfare.

(Code 2002, § 16.20.080)

**16.20.090. Entry on land for investigations and tests.**

The planning commission, town employees, and any agency or person retained by the town for subdivision review assistance, may conduct such investigations, examinations, tests, and site evaluations as they deem necessary to verify information contained in the application. An applicant shall grant the town, or its agents, permission to enter upon their land for these purposes.

(Code 2002, § 16.20.090)

**16.20.100. Planning commission decision.**

The planning commission shall issue its findings and decision as to preliminary plan approval or denial no later than the next regularly scheduled meeting after the review meeting.

(Code 2002, § 16.20.100)

**16.20.110. Denial of plan; notification, review and reapplication.**

A denial of a preliminary plan shall contain in writing the specific reasons for denial. A subdivider may, within six months, resubmit the plan application, which shall include an affidavit to the planning commission that the deficiencies in the previous application have been

corrected, without paying a new application fee. The town may, however, charge for the expenses of notice and any new investigation which may be necessary to review the reapplication. A review shall be held within 40 days of acceptance of the reapplication, and upon at least 25 days' notice to the adjoining property owners. Any reapplication after six months will require a new application fee.

(Code 2002, § 16.20.110)

**16.20.120. Appeals procedure.**

Upon denial by the planning commission, the subdivider may appeal, in writing, to the town board within 30 days. The appeal shall be submitted to the town clerk stating the reasons and facts supporting the appeal. The town board shall conduct a review within 30 days of filing of the appeal to determine whether the decision of the planning commission shall be upheld.

(Code 2002, § 16.20.120)

**CHAPTER 16.24. FINAL PLAT**

**16.24.010. Submittal restrictions.**

Copies of all required material shall be submitted to the town clerk by the subdivider or the subdivider's authorized representative a minimum of one week prior to the planning commission meeting. No final plat shall be approved by the planning commission until the subdivider has complied with the requirements and submitted the supporting documents, as provided herein. Final plats shall be submitted for approval within 12 months of the date a preliminary plan has been approved by the planning commission. No final plat submission shall be accepted which has exceeded this time lapse period unless an extension of time has been granted. An extension of time may be granted by the planning commission upon written request of the subdivider. Any plat submitted for which preliminary plan approval has been given in excess of 12 months previous and for which no time extension has been granted shall be considered as a new preliminary plan. The final plat shall conform to the approved preliminary plan, and shall also contain the requirements of these regulations.

(Code 2002, § 16.24.010)

**16.24.020. Documents and information required.**

(a) The final plat submission shall conform in all major respects to the preliminary plan as previously reviewed and approved by the planning commission and shall incorporate all modifications required in its review. The planning commission, however, may approve a final plat which has been modified to reflect improvements in design or changes which have occurred since the time of the preliminary plan review and approval.

(b) A final plat may be submitted in sections covering representative and reasonable portions, as defined by the planning commission, of the subdivision tract. In such cases, submission shall include a map indicating the sections designated for the entire tract, and each sheet numbered accordingly, and include title, legend, match lines, and other appropriate information.

(c) The following shall be included:

- (1) All required supporting documents required for a preliminary plan;
- (2) Ten black and white or blue and white prints of the final plat;
- (3) The original reproducible drawing of the final plat prepared in accordance with the requirements of these regulations;
- (4) A check payable to the town for review and filing fees for a final plat as established by fee schedule established by resolution of the town board.

(d) No subdivision shall be approved until such data, surveys, analyses, studies, plans, and designs have been submitted and reviewed by the planning commission and found to meet all sound planning and engineering requirements of the town and the conditions contained in these subdivision regulations, and all other applicable ordinances of the town. The minimum data required for final plat review are as follows:

- (1) Street construction plans and profiles;
- (2) Final drainage plans and reports;
- (3) Final utility plans and profiles.

(e) A receipt shall be issued to the subdivider, or the subdivider's authorized representative, for the final plat submission when it has been determined that the submission included all the requirements set forth in these regulations.

(Code 2002, § 16.24.020)

**16.24.030. Drawing requirements.**

The final plat drawing shall comply with the following standards:

- (1) The plat shall be prepared and certification made as to its accuracy by a registered land surveyor licensed to do such work according to the state. A skillful execution of the plat shall be made in every detail. A poorly drawn or illegible plat is sufficient cause for its rejection.
- (2) The plat shall be delineated in drawing ink on waterproof tracing cloth or Mylar at a scale of one inch equals 100 feet in the following size: 24 inches high by 36 inches wide.
- (3) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line, not inside, with the lot dimensions. When the plat

is bounded by an irregular shoreline or a body of water, the bearings and distances of a closing meander traverse should be given, and a notation made that the plat included all land to the water's edge or otherwise.

- (4) If plat is revised, a copy of the old plat shall be provided for comparison purposes.
- (5) All blocks, and all lots within each block, shall be consecutively numbered.
- (6) On curved boundaries and all curves on the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. This curve data shall include the following for circular curves:
  - a. Radius of curve;
  - b. Central angle;
  - c. Tangent;
  - d. Arc length;
  - e. Notation of non-tangent curves.
- (7) Excepted parcels shall be marked "Not included in this subdivision," and the boundary completely indicated by bearings and distances.
- (8) All streets, walkways, and alleys shall be designated as such, and streets shall be named; bearings and dimensions must be given.
- (9) All easements shall be designated as such and bearings and dimensions given.
- (10) All lands within the boundaries of the plat shall be accounted for either as lots, walkways, streets, alleys, public areas (such as school sites, parks, or common areas), or excepted parcels.
- (11) All dimensions of irregularly shaped lots shall be indicated in each lot.
- (12) Bearings and lengths shall be given for all lot lines; except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.
- (13) Parcels not contiguous shall not be included in one plat nor shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgment.
- (14) Lengths shall be shown to hundredths of a foot and angles and bearings shall be shown to second of arc.
- (15) The information on the plat shall include the following:
  - a. Name of subdivision, astronomic north arrow and basis thereof, and date;
  - b. Name and address of owner of record;

- c. Total acreage of the subdivision and total number of lots;
- d. Township, range, section (and quarter section if portion of a section), principal meridian, block and lot numbers;
- e. The area of each lot shall be shown in square feet.

(Code 2002, § 16.24.030)

**16.24.040. Monuments and benchmarks.**

(a) Permanent reference monuments shall be set on the external boundary of the subdivision.

(b) Block and lot monuments shall be set.

(c) At least one second order benchmark (geodetic survey datum) shall be set, where practical to tie in, within every subdivision or subsequent filing prior to submission of the final plat for approval.

(Code 2002, § 16.24.040)

**16.24.050. Survey certification.**

The surveyor making a plat shall certify on the plat that it conforms to these regulations and to all applicable state laws, and that the monuments described in it have been placed as described. The surveyor shall affix their name and seal.

(Code 2002, § 16.24.050)

**16.24.060. Supporting documents designated.**

Submitted with the final plat drawing and considered a part of the final plat submission shall be the documents as set out in this chapter.

(Code 2002, § 16.24.060)

**16.24.070. Drawings for utilities, grading, erosion control, and other work.**

(a) Drawings showing layout, profile, computations, and detail design of the following, prepared in compliance with the design standards specified in these regulations, shall be submitted:

- (1) All utilities and necessary easements, such as water, sewer, gas, electric, telephone, etc., as applicable;
- (2) Plan, profile, and typical cross-section drawings of streets, bridges, culverts, and other drainage structures;

- (3) Grading and drainage plan, indicated by solid line contours superimposed on dashed-line contours of existing topography for the area of the final plat. Such contours shall be at five-foot contours for predominant ground slopes within the tract over five percent grade;
- (4) Erosion control plan, both during construction and after structures have been built, to be submitted as a result of preliminary plan review. The erosion control plan may be incorporated into the landscape plan or drainage plan.

(b) These drawings shall be prepared by either a registered professional engineer or registered land surveyor, as required by the laws of the state, and shall be in conformance with the engineering criteria as provided by these regulations and other applicable ordinances.

(Code 2002, § 16.24.070)

**16.24.080. Certificate of title.**

A copy of a certificate of title issued by a title insurance company or an attorney's opinion of the title shall be submitted which shall set forth the names of all owners of property included in the final plat and shall include a list of all mortgages, judgments, liens, easements, contracts and agreements of record which affect the property covered by such plats. If the opinion of title discloses any of the above, then, at the option of the planning commission, the holders or owners of such mortgages, judgments, liens, easements, contracts or agreements shall be required to join in and approve the application before the plat shall be acted upon by the town board.

(Code 2002, § 16.24.080)

**16.24.090. Dedications; existing easements.**

Where a portion of an existing easement is contiguous to a proposed easement or right-of-way of a new subdivision, proof of the dedication of the existing easement or right-of-way acceptable to the planning commission must be submitted.

(Code 2002, § 16.24.090)

**16.24.100. State highway permit.**

When a new street will intersect with a state highway, a copy of the state highway permit shall be submitted.

(Code 2002, § 16.24.100)

**16.24.110. Utility service statements.**

Statements from gas, electric, telephone, and other necessary utilities that service will be provided to the subdivision shall be submitted.

(Code 2002, § 16.24.110)

**16.24.120. Summary statement on total development.**

A summary statement of the proposal with the following information shall be submitted:

- (1) Total development area;
- (2) Total number of proposed dwelling units;
- (3) Total number of square feet of nonresidential floor space;
- (4) Total number of off-street parking spaces, excluding those associated with single-family residential development;
- (5) Estimated total number of gallons per day of water system requirements, and other relative characteristics of water usage such as irrigated land area, daily and weekly peak flows, etc.;
- (6) Estimated total of number of gallons per day and estimated pounds per day of BOD content of sewage to be treated. Peak flows or unusual characteristics such as industrial waste requiring pre-treatment shall be reported when applicable.

(Code 2002, § 16.24.120)

**16.24.130. Deed restrictions.**

Copies of deed restrictions to govern the future use of each lot and any common land shall be submitted.

(Code 2002, § 16.24.130)

**16.24.140. Record of monuments.**

A monument record for required benchmarks and closure sheets for the entire tract included in the plat and for each block in the tract shall be submitted.

(Code 2002, § 16.24.140)

**16.24.150. Certification forms.**

The final plat shall contain the following certificates:

- (1) *Certification of dedication and ownership.*

Know all men by these presents that \_\_\_\_\_ being the owner(s), mortgagee, or lienholder of certain land in Nunn, Colorado, described as follows:

Beginning \_\_\_\_\_ Containing \_\_\_\_\_ acres more or less, have by these presents laid out, platted, and subdivided the same into lots and blocks, as shown on this plat, under the name and style of, and do hereby dedicate to the public all ways and other public rights-of-way and easements for purposes shown hereon.

Executed this \_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_\_.



\_\_\_\_\_  
Owner(s), Mortgagees or Lienholder

The foregoing dedication was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_  
A.D., 20\_\_\_\_.

Witness my hand and seal.

\_\_\_\_\_  
Notary Public

My commission expires:

(2) *Surveying certificate.*

I, \_\_\_\_\_, a Registered Professional Land Surveyor in the State  
of Colorado, do hereby certify that the survey represented by this plat was made under  
my supervision and the monuments shown thereon actually exist and this plat accu-  
rately represents said survey.

By: \_\_\_\_\_  
Registered Land Surveyor

(3) *Planning commission certificate.*

This plat was approved by the Nunn Planning Commission this \_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_.

(4) *Certificate of approval by the town board.*

Approved by the Board of Trustees of Nunn, Colorado, this \_\_\_\_ day of \_\_\_\_\_,  
A.D., 20\_\_\_\_.

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
Town Clerk

(5) *Recorder's certificate.*

This plat was filed for recording in the office of the County Clerk and Recorder of  
Weld County at \_\_\_\_\_ M., on \_\_\_\_\_, the \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_, in Book \_\_\_\_\_, Page \_\_\_\_\_, Map \_\_\_\_\_,  
Reception No. \_\_\_\_\_.

\_\_\_\_\_  
County Clerk and Recorder

By: \_\_\_\_\_  
Deputy

(Code 2002, § 16.24.150)

**16.24.160. Review procedures—Date.**

When a final plat has been received, it shall be acted upon by the planning commission at a regularly scheduled meeting within 30 days or another mutually agreed upon period of time.  
(Code 2002, § 16.24.160)

**16.24.170. Review procedures—Planning commission determination.**

(a) The planning commission shall review the final plat at a regularly scheduled public meeting. The planning commission may require or recommend changes or modifications to the final plat in the public interest. If the final plat and all supplementary data and any requested changes and modifications comply with the applicable requirements of these regulations, the planning commission shall endorse on the plat in the space provided.

(b) The only basis for rejection of a final plat shall be its nonconformance to adopted rules, regulations and ordinances currently in force and affecting the land and its development in the town, its lack of conformance with the approved preliminary plan, and changes required in the public interest.  
(Code 2002, § 16.24.170)

**16.24.180. Review by town board.**

The town board shall review the final plat within 30 days of receipt of review by the planning commission, at a regularly scheduled public meeting. If the town board determines that the final plat submission and any recommended modifications comply with the applicable requirements of these regulations, it shall endorse its approval on the plat in the space provided.  
(Code 2002, § 16.24.180)

**16.24.190. Recordation requirements.**

(a) The town clerk shall record the final plat with the county clerk and recorder within five working days of approval of the final plat by the town board.

(b) The town clerk shall furnish the subdivider with a receipt for the final plat upon filing of the final plat.  
(Code 2002, § 16.24.190)

**16.24.200. Certified plat; copies for referral.**

The town clerk shall provide an adequate number of copies of the certified plat, together with the official notification of the action, to be distributed as follows:

- (1) One copy to town files;
  - (2) One copy to subdivider.
- (Code 2002, § 16.24.200)

**16.24.210. Resubdivision procedures.**

(a) Resubdivision of land or changes to a recorded plat shall be considered a subdivision, and it shall comply with these regulations, with the following exceptions. Lot lines may be revised from those shown on the recorded plat, provided that in making such changes:

- (1) No lot or parcel of land shall be created or sold that is less than the minimum requirements for area or dimension as established by these regulations, title 17, or other applicable regulations or ordinances;
- (2) Drainage easements or rights-of-way reserved for drainage shall not be changed unless supported by complete engineering data;
- (3) Street locations and street rights-of-way shall not be changed; and
- (4) The plat shall not be altered in any way which will adversely affect the character of the plat filed.

(b) A copy of all final plat revisions shall be resubmitted to the planning commission and the town board for their review.

(c) Where the resubdivision complies with the appropriate requirements of these regulations, a plat indicating the resubdivision shall be submitted to the planning commission and the town board for their endorsements prior to the filing of such plat with the county clerk and recorder. Such plats shall specifically indicate the revisions being made compared to the previously recorded plat.

(Code 2002, § 16.24.210)

**CHAPTER 16.28. PLANNED UNIT DEVELOPMENT****16.28.010. Purpose of planned unit development districts; building codes not affected.**

This chapter is intended to allow for the development of land in a way which might not be permitted under traditional zoning regulations. It is anticipated that this chapter will permit developments which will preserve the natural and scenic features of large open areas by

arranging buildings and homes in innovative ways, thereby promoting the public interest while at the same time providing an efficient use of land. It is not the purpose of this chapter to modify or in any way vary or reduce the requirements of any building or fire code.

(Code 2002, § 16.28.010)

**16.28.020. State provisions superseded; exception.**

This chapter is intended to supersede the provisions of and prevent the application in this town of the Planned Unit Development Act of 1972 (C.R.S. § 24-67-101 et seq.), except as provided in section 16.28.270.

(Code 2002, § 16.28.020)

**16.28.030. Size; development according to plan; ownership; uses; trade off of setbacks and yards for open spaces.**

A planned unit development (PUD) is an area of land at least two acres in size which is developed according to a plan devised by the landowner and approved in advance by the town. The area may or may not be divided geographically into separately owned parcels, as the landowner determines, but, in any event, at least part of the area must be co-owned in undivided interests and be available for park or recreational use by persons living or working in the PUD. The town board may authorize residential uses and commercial uses in the same PUD and conceivably light industrial uses may be allowed in PUDs. Typically, the town board will not require setbacks or yards for individual buildings, and in return the landowner will set aside substantial areas of open space.

(Code 2002, § 16.28.030)

**16.28.040. Site requirement; waiver permitted when.**

Upon the specific request of the landowner or upon the recommendation of the planning commission or upon the motion of the town board, the two-acre minimum requirement may be waived if, after considering the land use requested, the town board finds that such waiver would be beneficial to the town and foster the objectives of this regulation and the town comprehensive plan.

(Code 2002, § 16.28.040)

**16.28.050. Zoning as PUD—Required for planned unit development and limited thereto.**

Land areas are eligible for PUD development only if the area has been zoned as a planned unit development district. Conversely, the only development permitted in a planned unit development district is that done pursuant to an approved PUD plan.

(Code 2002, § 16.28.050)

**16.28.060. Zoning as PUD—Requirements.**

Land area shall be zoned as planned unit development district only upon the application of each landowner of the area and only if the town board has concluded on the basis of a conceptual plan submitted by the landowner.

(Code 2002, § 16.28.060)

**16.28.070. Conceptual plan; contents.**

The conceptual plan shall indicate the types of land uses, the general location and number of buildings and other structures, the general location and dimensions of open areas, the general location of internal streets and walkways, and the style of architecture proposed.

(Code 2002, § 16.28.070)

**16.28.080. Simultaneous PUD plan and zoning approval request permitted.**

A landowner may apply to have an area zoned as a planned unit development district and at the same time apply for approval of a PUD plan.

(Code 2002, § 16.28.080)

**16.28.090. Zoning and PUD plan approval required before development.**

A land area shall not be developed as a PUD until the area has been zoned as a planned unit development district and until a PUD plan has been approved.

(Code 2002, § 16.28.090)

**16.28.100. PUD plan contents.**

The PUD plan is a comprehensive plan submitted to the town in advance of development, projecting the development and use of an area of land, showing in detail the types and designs of buildings, the uses to which buildings will be put, the locations of the buildings and the location and designs of streets, lanes, parking areas, parks and other open areas. The plan consists of the application for PUD approval, all information, maps, and other data submitted with the application, and all testimony and exhibits presented by the applicant at hearings held in conjunction with PUD approval.

(Code 2002, § 16.28.100)

**16.28.110. Application for PUD plan approval; signatures required; contents.**

The process of seeking approval for a PUD plan shall be initiated by the submission of a written application to the town clerk. The application shall be signed by each landowner of the land included in the proposed PUD. The application form shall require all of the following information, data, and documents:

- (1) The legal description of the area;

- (2) A survey plat showing the outer boundaries of the area and showing elevation contours at two-foot intervals;
  - (3) A site plan showing the location of all buildings, signs, streets, lanes, parking areas, parks, open areas, recreational facilities and all other improvements; the site plan shall show the dimensions of all structures, streets, parking areas, and recreational facilities, and shall show the distances between structures and boundary lines;
  - (4) Preliminary drawings of all buildings, with elevations;
  - (5) A landscape plan showing the location of landscaped areas and containing a narrative statement describing how the area will be landscaped;
  - (6) A preliminary engineering plan for streets, sidewalks, lanes, utility lines, and drainage facilities;
  - (7) An indication of the location, height, and size of proposed signs, lighting and advertising devices;
  - (8) A narrative statement of how each building and structure will be used, the volume of business expected to be conducted at any commercial or industrial establishment, the number of dwelling units in each building, and all other information calculated to disclose, to the extent possible, the uses to which the area will be put and the impact of those uses on the area and on land adjoining the area;
  - (9) A statement of how the co-owned area will be managed, used and maintained, and including a projected budget for a reasonable period of time for the operation and maintenance of such areas;
  - (10) A preliminary development schedule.
- (Code 2002, § 16.28.110)

**16.28.120. Scheduling planning commission hearing.**

The town clerk shall schedule a date for a public hearing on the application before the planning commission at a regular or special meeting. The hearing shall be scheduled as soon as practicable, considering the business demands of the planning commission, but, in any case, within 45 days of the filing of the application.

(Code 2002, § 16.28.120)

**16.28.130. Review for building and fire code compliance; effect of noncompliance; approval not to affect building code enforcement.**

The application and supporting documentation shall be reviewed to determine whether the proposed construction would appear to violate applicable building or fire codes. If it is determined that the proposed construction would violate any applicable building or fire code, no further processing of the application shall occur until the application has been changed by

the applicant to eliminate the prospective violations. The fact that the evaluation report detects no prospective building or fire code violations shall not affect the right and responsibility of the town to strictly enforce the requirements of applicable building or fire codes in later reviewing final construction plans and specification in connection with building permit applications.  
(Code 2002, § 16.28.130)

**16.28.140. Planning commission hearing; report; access to reports by parties in interest.**

The planning commission shall review the application and supporting documentation at a public hearing. The planning commission shall, if it recommends approval, recommend any conditions and safeguards which it feels should be imposed on the landowner.  
(Code 2002, § 16.28.140)

**16.28.150. Town board hearing—Scheduling; notice.**

The town board shall review the application and supporting documentation at a regular or special hearing occurring within 90 days of the filing of the application. The town clerk shall prepare a notice of the hearing, giving the date, time and place of the hearing and the area involved, and inviting attendance at the hearing. The notice shall be published one time in a newspaper of general circulation in the town at least ten days before the hearing, or posted in three public locations. The town clerk shall cause at least two signs containing the same information as contained in the notice to be posted at the site. The posted signs shall be located so as to be reasonably calculated to give notice to persons occupying land in the neighborhood and shall be in place during ten or more days immediately before the hearing.  
(Code 2002, § 16.28.150)

**16.28.160. Town board hearing—Purpose; parties in interest defined; conduct; consideration of reports.**

The hearing before the town board shall be conducted to give parties in interest an opportunity to present arguments and evidence favoring or opposing the application. The term "parties in interest" includes any of the landowners applying for PUD approval or any persons selected by them to present their position. Any individuals owning or occupying land in the neighborhood surrounding the proposed POD if such land, in the judgment of the board, probably would be affected by the POD, and any persons selected by such owners or occupiers of neighboring land to present their position. The board may limit the number of persons presenting arguments and evidence in order to avoid unnecessary duplication. The board may adopt procedural rules for the conduction of such hearings.  
(Code 2002, § 16.28.160)

**16.28.170. Town board decision; deadline; form; reasons to be included.**

Within 30 days following the last public hearing or within 30 days following the public hearing or within 30 days following the last public hearing if more than one is held, the town

board shall decide for or against approval of the PUD plan. The decision shall state, with as much particularity as is reasonably practicable, the reasons for the approval or disapproval of the PUD plan.

(Code 2002, § 16.28.170)

**16.28.180. Evaluation criteria of public interest and safeguards to public landowners.**

The basic criterion for the town board to consider in judging a PUD plan is whether it would or would not serve the public interest and whether the self-regulating aspects of the proposed PUD would or would not provide safeguards to the public and to the persons owning and occupying the land area of the PUD, which would be approximately equivalent to the area of safeguards provided by the town subdivision regulations. In making that determination, the town board shall consider the proposed PUD in terms of compatibility of land uses within the PUD and between those in the neighborhood and those proposed for the PUD, traffic, appearance and recreational potentials, the likelihood that the PUD will achieve the objectives described in this section, and any other matters which the town board determines will be relevant in making its decision.

(Code 2002, § 16.28.180)

**16.28.190. Approval by town board—Grounds; nonconformance of plan to conceptual plan is grounds for denial.**

The town board shall approve the PUD plan if it concludes that the PUD will promote the public interest, will achieve the basic objectives of these regulations, and will not injure the legitimate concerns of the citizens of the town in general and of the persons living and working in the surrounding neighborhood in particular. The town may, however, deny approval to a PUD plan solely on the basis that it fails to sufficiently conform to the conceptual plan on the basis of which the planned unit development district zoning was granted.

(Code 2002, § 16.28.190)

**16.28.200. Approval by town board—Simultaneous zoning and plan requests.**

In cases where the landowner applies to have an area zoned as a planned unit development district and at the same time applies for approval of a PUD plan, the town board may approve the zoning application but deny approval of the specific PUD plan proposed.

(Code 2002, § 16.28.200)

**16.28.210. Approval by town board—Approval document.**

If the town approves the PUD plan, the town board shall direct the preparation by the town attorney of an approval document. The purpose of the document shall be to identify and describe, in as much detail as possible, all aspects of the PUD plan as approved. An additional purpose of the approval document will be to set forth any conditions and undertakings which



the landowner must satisfy in the course of construction and development. After such document has been executed, the town clerk shall cause the approval document, or an abbreviated form of it, to be recorded in the real estate records of the county.

(Code 2002, § 16.28.210)

**16.28.220. Disapproval by town board; zoning initiation at request of landowner.**

If a PUD plan is disapproved by the town board, the town board shall thereupon, if requested by the landowner, initiate a zoning amendment procedure to place the land in an appropriate zoning district other than the planned unit development district.

(Code 2002, § 16.28.220)

**16.28.230. Conformance to approval document required; review of plans and specifications therefor as building permit requirement.**

All construction and other activity on land in a PUD shall be in strict conformity to the approval document. Only if that determination is made favorably to the applicant may building permits be issued. The mistaken issuance of any building permit shall not constitute the waiver of the requirements and limitations of the approval document.

(Code 2002, § 16.28.230)

**16.28.240. Noncompliance with approval document unlawful.**

Any construction or other activity which is not in strict compliance to the approval document shall constitute an unlawful act.

(Code 2002, § 16.28.240)

**16.28.250. Uses and densities in completed PUD to conform to approval document; nonconformance unlawful.**

After completion of all construction and other development of a PUD, the buildings and land shall be used for activities authorized by the approval document, and at density levels specified therein, and any contrary use or activity shall be an unlawful act.

(Code 2002, § 16.28.250)

**16.28.260. Buyers after approval document is recorded are subject to it.**

By acquiring any ownership or possessory interest in land included in a PUD after an approval document or an abbreviated form thereof has been recorded in the real estate records of the county, an individual becomes obligated to comply with the requirements and limitations of the approval document as though such person has been a landowner at the time the approval document was issued.

(Code 2002, § 16.28.260)

**16.28.270. Open space and common areas; state maintenance and upkeep provisions apply.**

It is declared that this title shall not supersede the Planned Unit Development Act of 1972, appearing as C.R.S. § 24-67-101 et seq., with respect to the provisions of that Act pertaining to the continued maintenance and upkeep of open space and other commonly owned areas and the consequences of failing to maintain such areas. In all other respects, these regulations supersede said Act.

(Code 2002, § 16.28.270)

**CHAPTER 16.32. DESIGN STANDARDS****16.32.010. Compliance with regulations.**

No final plat shall be approved unless it complies with the standards set out in this chapter.  
(Code 2002, § 16.32.010)

**16.32.020. General standards.**

(a) The design and development of subdivisions shall preserve, insofar as it is possible, the natural terrain, natural drainage, existing topsoil, and trees.

(b) Land subject to hazardous conditions, such as landslides, mudflows, rock falls, snow drifts, shallow water table, open quarries, floods, and polluted or non-potable water supply, shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

(c) Provision shall be made to preserve groves of trees, streams, unusually attractive topography, and other desirable natural landscape features.

(d) A proposed subdivision shall be designed in such a manner as to be coordinated with adjoining subdivisions with respect to the alignment of street rights-of-way and utility and drainage easements and open spaces.

(e) A proposed subdivision shall not by reason of its location or design, cast an undue burden on public utility systems and community facilities on or adjacent to the tract. Where extension and enlargement of public utility systems and community facilities are necessary, the subdivider shall make provision to offset higher net public cost or earlier incursion of public costs of installation, operation and maintenance, and anticipated revenue derived from the fully developed subdivision in determining added net public cost.

(Code 2002, § 16.32.020)

**16.32.030. Street plan and general requirements.**

(a) *Street plan.* The arrangement extent, width, type and location of all streets shall be designed in relation to existing or planned streets, to topographic conditions, to public convenience and safety, and in relation to the proposed use of land to be served. Streets shall be extended to the boundaries of the property, except where such extension is prevented by the topography or other physical conditions or where the connection of streets with existing or probable future streets is deemed unnecessary for the advantageous development of adjacent properties. All building sites shall have access to a public street.

(b) *Stub streets.* Stub streets or extensions of new streets must be provided to connect to existing stub streets for an efficient street system. Not more than six lots shall front on a stub street except where a temporary turnaround is provided.

(c) *Right-of-way width.* Streets shall have a 60-foot right-of-way width.

(d) *Half-streets.* Half-streets shall not be permitted unless:

(1) They are required to complete a half-street already in existence.

(2) They are required to extend an existing street.

(e) *Dead-end streets (not culs-de-sac).* Dead-end streets shall not be permitted.

(f) *Cul-de-sac streets.* Permanent cul-de-sac streets not exceeding 400 feet in length may be permitted and must be provided with a right-of-way radius at the turnaround of 65 feet or more. Radius of roadway must be 55 feet or more.

(g) *Number of streets at intersection.* No more than two streets shall intersect at one point.

(h) *Angle of street intersection.* Streets shall intersect at 90 degrees, except where this may be impractical. Angles of less than 90 degrees may be designed, subject to the approval of the planning commission.

(i) *Centerlines of intersecting streets.* Two streets meeting a third street from opposite sides shall meet at the same point or their centerlines shall be offset at least 200 feet. This requirement shall not apply to the alignment of opposing cul-de-sac streets.

(Code 2002, § 16.32.030)

**16.32.040. Street names.**

Streets shall have the names of existing streets which are in alignment in the town. There shall be no duplication of street names within the area. The subdivider shall bear full costs for material and installation of street signs.

(Code 2002, § 16.32.040)

**16.32.050. Street curvature and alignment.**

(a) *Horizontal curves.* To ensure adequate sight distances, when street roadway lines deflect more than five degrees, connection shall be made by horizontal curves. The minimum centerline radius for streets shall be 100 feet.

(b) *Vertical curves.*

- (1) Vertical curves shall be used at changes of grade exceeding one percent, and shall be designed to provide minimum sight distances of 200 feet.
- (2) No vertical grade shall be less than 0.2 percent in order to facilitate adequate drainage.
- (3) Maximum percent of street grade shall be eight percent.
- (4) Where a horizontal curve occurs on a grade of five percent, the maximum allowable percent of grade on the curve shall be reduced by 0.5 percent of each 50 feet that the curve radius is less than 400 feet.
- (5) Street grades shall not exceed 4.0 percent for a distance extending at least 40 feet in each direction from a street intersection.

(Code 2002, § 16.32.050)

**16.32.060. Frontage near major highways.**

Where a residential subdivision abuts a major highway, service roads may be required. A subdivision that adjoins or contains an existing or proposed freeway or arterial provided in the comprehensive plan may be required to provide service roads at least 36 feet in roadway width with a 60-foot right-of-way width.

(Code 2002, § 16.32.060)

**16.32.070. Block standards.**

The lengths, widths, and shapes of blocks shall be determined with due regard to the following:

- (1) Provisions of adequate building sites suitable to the special needs of the type of use contemplated;
- (2) Requirements of title 17 as to lot size and dimensions;
- (3) Need for convenient access, control, and safety of vehicular and pedestrian traffic circulation, and of emergency vehicles;
- (4) Limitations and opportunities of topography;
- (5) Maximum block length between intersecting streets shall be 1,500 feet.

(Code 2002, § 16.32.070)

**16.32.080. Lot sizes and standards.**

(a) *Lot dimension and orientation.* Lot size, width, depth, shape and orientation, and minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated, and shall facilitate the placement of buildings with sufficient access, outdoor space, privacy and view. No lot shall be more than three times as long as it is wide.

(b) *Depth and width of reserved properties.* Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking, landscaping or planting area, and loading areas required by the type of use and development contemplated.

(c) *Lot standards.*

(1) *Town and county boundaries.* No single lot shall be divided by a municipal or county boundary line.

(2) *No separation by roads.* A lot shall not be divided by a road, alley, or other lot.

(3) *Access.* Each lot shall be provided with satisfactory access to an existing public street.

(4) *Corner lots.* Corner lots for residential use shall have extra width to accommodate the required building setback line on both street frontages.

(5) *Wedge shaped lots.* In the case of wedge-shaped lots, no lot shall be less than 30 feet in width at the front property lines.

(6) *Lot lines.* Side lot lines shall be at substantially right angles and radial to curved streets. Where lot lines are not at right angles to the street lines, this shall be indicated.

(7) *Fronting on public streets.* Double-frontage and reverse frontage lots shall not be permitted except where essential to provide separation of residential properties adjacent commercial uses.

(Code 2002, § 16.32.080)

**16.32.090. Easements.**

(a) Easements shall follow rear and side lot lines whenever practical and shall have a minimum total width of 20 feet apportioned equally in abutting properties.

(b) Easements shall be designed so as to provide efficient installation of utilities. Special guying easements at corners may be required. Public utility installations shall be so located as to permit multiple installations within the easements to avoid cross-connections, minimize trenching, and adequately separate incompatible systems.

(c) The developer shall establish rough cut final utility grades prior to utility installations.  
(Code 2002, § 16.32.090)

**16.32.100. Alleys.**

Service access to the interior of blocks may be permitted in certain instances, in which case such alleys must be indicated in the plats.

(Code 2002, § 16.32.100)

**16.32.110. Driveways.**

Driveways shall be provided for vehicular access to each structure or parking or loading area.

(Code 2002, § 16.32.110)

**16.32.120. Water supply and distribution.**

(a) All lots shall be provided water from the town water system.

(b) The water distribution system within any development or subdivision shall be shown graphically. The graphics shall illustrate existing and proposed water lines, fire hydrants, valves, tees and all obvious and identifiable appurtenances thereto. Static pressure and flow rate shall be delineated at each fire hydrant within the subdivision, and at each fire hydrant outside the subdivision for a distance of 600 feet. The method for analyzing the pipe network system to acquire design values shall be the "Hardy Cross Method." Frictional losses shall be from published data or furnished by the town. Head losses shall be computed using the "Darcy Weisbach" equation.

(c) The burden of proof shall lie upon the subdivider developer to show that sufficient water is available at peak demand to provide acceptable pressures for domestic use and firefighting needs.

(d) All water mains shall be within dedicated public rights-of-way.

(e) No water main shall be closer than ten feet to any sanitary sewer main or service.

(f) Fire hydrants shall be no further than 500 feet apart.

(g) No water main or service shall have less than 4½ feet of cover for pipelines 20 inches and smaller nor less than four feet of cover for pipelines larger than 20 inches as measured from finished grade to top of pipe.

(h) The minimum size water main in any local street shall be eight inches. The town reserves the right to oversize the pipe if it deems such action necessary.

(i) The minimum size water main in any collector street shall be eight inches. The town reserves the right to oversize or undersize the pipe if it deems such action necessary.

(j) The minimum size water main in any arterial street shall be 12 inches. The town reserves the right to oversize or undersize the pipe if it deems such action necessary.

(k) Material and installation specifications shall be in accordance with the town's water department standards.

(Code 2002, § 16.32.120)

**16.32.130. Storm drainage system; requirements.**

(a) Drainage areas shall be left in a natural state unless otherwise approved by the planning commission.

(b) A plan to prevent pollution or disturbance of a natural waterway shall be submitted whenever and wherever modification of topography, as required by construction, within any distance of a waterway that stands to be affected by said construction.

(c) A drainage plan shall be designed for any lot, parcel, or subdivision, by an engineer licensed by the state.

(d) The drainage plan shall be shown graphically and shall include, but not be limited to, the following information:

- (1) Existing topography of the site;
- (2) Proposed topography of the site;
- (3) Proposed improvements to the site;
- (4) Aboveground and underground storm sewer facilities proposed;
- (5) Aboveground and underground storm sewer facilities proposed;
- (6) Details of any structure designed to facilitate the diversion or containment of stormwater;
- (7) Calculated flows (Qs) for a five-year storm frequency and a 100-year storm frequency at all street intersections, intersecting watercourses, inlets to belowground facilities, and outlets from belowground facilities;
- (8) Five-year and 100-year flows (Qs) from any adjacent properties, with said flows (Qs) being a consideration in said plan;
- (9) The sequence of construction of all facilities as relates to the development construction;
- (10) Easements dedicated for watercourses, pipelines, etc. for the purpose of maintaining the same;
- (11) Method of detaining any storm through a 100-year frequency with a discharge equal to, or less than that of a five-year historic frequency;
- (12) The carrying capacity of all aboveground and belowground facilities;
- (13) The top of foundation elevation for each lot;

- (14) The design elevation at the highest corner of each lot and the design elevation at the lowest corner of each lot;
  - (15) A general location map for the subdivision showing the entire drainage basin involved and development accurately outlined on the same. The acreage within and without the development shall be shown.
- (e) The town shall designate the information source from which all storm design values must be extracted for the purpose of the design.
- (f) It is suggested and encouraged that detention and retention facilities serve a multipurpose function, i.e., parks, recreation, etc.
- (g) Flow arrows clearly showing the runoff flow pattern throughout the development must be given.
- (h) The impact of a five-year frequency storm discharge on any downstream structures and waterways must be furnished.
- (i) Pipe size shall be sufficient to accommodate the computed flow of a five-year storm with zero head. No underground stormwater pipe smaller than 18 inches diameter shall be used without written permission of the planning commission. No underground stormwater pipe smaller than 12 inches diameter shall be allowed. The town reserves the right to oversize any pipe.
- (j) The velocity in an unlined water course shall not be designed to reach that velocity which may cause erosion of said watercourses. No open watercourse exceeding two feet in depth shall be constructed without lining and fencing unless specifically permitted in writing by the planning commission.
- (k) Upon construction completion of the drainage facilities, whether in whole or in part and prior to said facilities being acceptable to the town, a letter from an engineer licensed in the state shall be submitted to the planning commission attesting that said facilities have been constructed in accordance with the design approved by the commission. Said letter shall bear the signature and seal of said engineer. The drainage facilities shall be considered as unacceptable by the town until said letter is received and acknowledged by the planning commission.
- (l) No lot, parcel, or development shall be allowed to discharge stormwater at a rate which exceeds the historic runoff rate of a calculated five-year storm, unless first approved by the planning commission.
- (m) It will be unacceptable for any storm of 100-year frequency and smaller to be designed to exceed the dedicated rights-of-way and drainage easement boundaries.



(n) No landowner shall alter the drainage pattern of any lot such as to increase the quantity or decrease the time of stormwater runoff onto adjacent properties, nor shall any landowner impede the flow of stormwater through easements dedicated in whole or in part for drainage. (Code 2002, § 16.32.130)

**16.32.140. Aquifers; construction restrictions.**

- (a) Any use of land which would pollute or contaminate an aquifer is prohibited.
  - (b) The following regulations apply to development over aquifers that are within 20 feet of the land surface and the areas of aquifer recharge:
    - (1) Construction of buildings shall not be permitted unless approved by the state health department and the state geological survey;
    - (2) Building construction shall have foundations designed by a professional engineer.
- (Code 2002, § 16.32.140)

**16.32.150. Floodplain use restrictions.**

For regulations regarding floodplain use restrictions, refer to Ordinance No. 142. (Code 2002, § 16.32.150)

**16.32.160. Partial development of a parcel.**

Where an entire parcel is not subdivided, the subdivider must indicate their intended plans for disposition of the remainder of the parcel. (Code 2002, § 16.32.160)

**16.32.170. Fire safety requirements.**

- (a) All subdivisions shall be required to provide minimum fire protection.
  - (b) Fire hydrants shall be spaced no more than 500 feet apart.
  - (c) A fire hydrant shall be located at the entrance of each cul-de-sac street.
  - (d) Minimum waterline size shall be six inches within all subdivisions.
  - (e) Fire hydrants that have 2½ inch outlets shall have the national standard and one-half-inch streamers shall have national standard threads, four threads per inch.
  - (f) Minimum residual pressure of 20 to 30 psi under fireflow conditions at the fire hydrant will be considered to provide minimum fire protection.
  - (g) Fire hydrants shall be located on dedicated street rights-of-way, and be accessible to the standard fire pumper.
- (Code 2002, § 16.32.170)

**16.32.180. Street lights.**

Ornamental street lighting and associated street lighting supply circuits shall be installed. The minimum requirements shall be 7,000-lumen lamps at a maximum spacing of 400 feet. The street lighting plan specifying the number, kind, and approximate location of street lights must be included with the final plat.

(Code 2002, § 16.32.180)

**CHAPTER 16.36. IMPROVEMENTS AND UTILITIES****16.36.010. Improvements to be constructed by subdivider.**

The following improvements, if not already in place, shall be constructed at the expense of the subdivider in a manner which is consistent with sound construction practices. Where specific requirements are spelled out in other sections of these regulations, they shall apply.

- (1) Road grading and surfacing;
- (2) Storm drainage system, as required;
- (3) Water distribution system;
- (4) Street signs at all street intersections;
- (5) Permanent reference monuments and monument boxes;
- (6) Street lighting.

(Code 2002, § 16.36.010)

**16.36.020. Improvements required for development of half-streets.**

(a) Development of half-streets shall not be permitted unless:

- (1) The developer obtains for the town a dedication from the abutting land owner of the other one-half of the street;
- (2) The developer obtains from the abutting landowner an agreement, in a form satisfactory to the town, which guarantees the cost of the improvements and construction of the same within time suitable to the town; and
- (3) The developer guarantees the construction of the improvements on the half-street which the developer is dedicating.

(b) Building permits shall not be issued for lots fronting on half-streets unless the requirements of this section and are complied with.

(Code 2002, § 16.32.020)

**16.36.030. Construction inspection, material testing and final plans.**

(a) The developer shall notify the town in advance of any construction work in order to permit the town to conduct certain inspections.

(b) The developer shall, at their expense and as directed by the town, provide the town with a reasonable number of test reports of materials used in the subdivision improvements. Such testing to be made on asphaltic paving material, street base material, and other material as may be reasonably be required by the town.

(c) The developer shall provide the town, at no expense, three sets of "as built" drawings and plans of all subdivision improvements as constructed by the developer within 120 days following the completion of the improvements and one reproducible set of drawings and plans within 30 days of the town's acceptance of the improvements, signed and dated by the person attesting to the accuracy of the as-builts.

(Code 2002, § 16.32.030)

**16.36.040. Final inspection.**

Following the completion of the installation or construction of streets, water works improvements, and other subdivision improvements, the developer shall call for, and the town shall provide, a final inspection of required subdivision improvements. Upon approval of said construction, the town shall issue to the developer a statement approving the subdivision improvements.

(Code 2002, § 16.32.040)

**16.36.050. Issuance of building permits and certificates of occupancy.**

(a) A building permit shall not be issued until the following improvements have been installed by the developer and inspected by the town:

- (1) Water mains;
- (2) Fire hydrant within 500 feet of construction site.

(b) A certificate of occupancy shall not be issued until all of the improvements to be constructed by the developer are completed and approved by the town. Exception: if a condition exists which is beyond the control of the developer, such as weather or frozen ground, and prevents completion of the development, then a certificate of occupancy may be issued provided the following items are completed:

- (1) All required utilities are installed, including fire hydrants.
- (2) Street grading and base construction are complete.

- (3) The required developments under this section shall be inspected, approved by the town prior to issuance of a certificate of occupancy.  
(Code 2002, § 16.32.050)

#### **CHAPTER 16.40. VARIANCES**

##### **16.40.010. Application requirements.**

Application for variance of modification of these regulations shall be submitted to the planning commission. Such application shall include a statement setting forth the nature and extent of the requested variance or modification together with evidence supporting the need for such variance.

(Code 2002, § 16.40.010)

##### **16.40.020. Criteria for consideration.**

Where the planning commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variance is based on a finding that unusual topography or other exceptional conditions not caused by the subdivider make such variance necessary, and that the granting thereof will not have the effect of nullifying the intent and purpose of these regulations.

(Code 2002, § 16.40.020)

##### **16.40.030. Grant conditions.**

In granting variances and modifications, the planning commission may require such conditions as will, in its judgment, secure substantially the objectives of the requirements and standards so varied or modified.

(Code 2002, § 16.40.030)

#### **CHAPTER 16.44. PROCEDURE FOR MINOR REPLATS**

##### **16.44.010. Regulations and review standards.**

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (1) "Minor replat" means the division of a lot, tract, or parcel of land into not more than five lots, plats, sites, or other divisions of land, for the purpose, whether immediate or future, of sale or building development.

(b) *Abbreviated review.* An abbreviated review can be obtained for those requesting a minor replat which changes the number of lots in a recorded plat. The purpose of the abbreviated review is to serve as a means of obtaining a more expedient resubdivision approval than that of the complete subdivision process. The minor replatting of a recorded plat may be granted if the applicant can demonstrate that the proposed replatting meets all of the following criteria:

- (1) No lot or parcel of land shall be created or sold that is less than the minimum requirements for the area or dimensions as established by subdivision regulations, title 17, or other applicable regulations or ordinances;
- (2) Drainage and utility easements shall not be changed, unless supported by complete engineering data supporting the change;
- (3) Street locations and street rights-of-way shall not be changed;
- (4) No perimeter boundary of a recorded subdivision plat is affected;
- (5) The plat shall not be altered in a way which will adversely or substantially affect the character of the plat filed;
- (6) The minor replat shall not create more than five lots.

(c) *Review conference.* Prior to a request for a minor replat, the modified plans shall be submitted for review by the planning commission in an informal conference with the subdivider/applicant. The conference is intended to be for the mutual exchange of information and reasons for the minor replat requests. A primary concern shall be the degree to which the proposed subdividing meets the town's land use policies and the comprehensive plan. The planning commission shall communicate its decision to the subdivider/applicant within ten days of receiving the completed application.

(d) *Submittal requirements.* The minor replat shall be an original drawing in black ink on 24-inch by 36-inch single/double matte Mylar or a photographic blackline positive Mylar of the same and shall contain the following information:

- (1) Subdivision name, prior subdivision name, city, county, and state;
- (2) Legal description of the subdivision and land area contained therein;
- (3) An ownership and encumbrance report from a title company showing all holders of legal interest in the affected property;
- (4) Amendment history section outlining previous approval dates of final plats and the changes being proposed;
- (5) Surveyor's certificate;
- (6) Boundary lines, fully dimensioned of the subdivision and all newly created lots;
- (7) Scale (graphic and written), and north arrow;

- (8) The submittal may include letters of comment from any referral agencies, departments, and/or homeowners' associations, where appropriate; and
- (9) Other information deemed necessary by the town staff to respond to the request.

(e) *Review and recordation.* Where the replatting complies with the appropriate requirements of these regulations, the plat, along with the developer's agreement, if any, shall be submitted to the town board for their final approval. This submittal is required prior to the filing of such plats and developer's agreement with the county clerk and recorder. Such plat shall specifically indicate the revisions being made to the previously recorded plat.

(f) *Fees.* A fee of \$100.00, plus \$10.00 per lot, shall be submitted with each application for a minor replat. The fees established by this section may be modified by the town board by resolution. This fee may be modified in the future by the passage of a resolution by the town board.

(Code 2002, § 16.42.010)

## CHAPTER 16.48. FEES

### 16.48.010. Submittal and recording fees.

There shall be required a fee for each plan and plat submitted for approval. The fees, which may from time to time be established and revised by resolution of the board, for the following stages shall be paid at the time of submission of such plans or plats to the town:

- (1) Sketch plan.
- (2) Preliminary plan.
- (3) Final plat.
- (4) Postage for mailing of certified copies of notice to adjoining landowners, and publication cost for publication of notice as may be required.
- (5) Recording fee, as required by the county clerk and recorder.

(Code 2002, § 16.44.010)

### 16.48.020. Additional costs.

Any additional costs may be required as made necessary by unusual circumstances and more than ordinary review and other services to be provided by the town, or by any person or agency with which the town may contract for various services in connection with review of a proposed subdivision.

(Code 2002, § 16.44.020)

**16.48.030. Fee schedule.**

The fees set forth herein may be changed or supplemented from time to time by a fee schedule adopted by resolution of the town board.

(Code 2002, § 16.44.030)

**CHAPTER 16.52. VESTED PROPERTY RIGHTS****16.52.010. Intent.**

The intent of this chapter is to provide the procedures necessary to implement the provisions of C.R.S. § 24-68-101 et seq., as amended, and to effectuate local control over creation of vested property rights to the fullest extent permitted under the law.

(Code 2002, § 16.46.010)

**16.52.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Site specific development plan" means a map, plat, or site plan that has been submitted to the town by a landowner or such landowner's representative describing the reasonable certainty, type and intensity of use for a specific parcel of property. Such plan may be in the form of the following: final site plan, final subdivision plat, planned unit development plan, use by special review, or as otherwise agreed by the town board and the owner for a specific project or development phase which occurs prior to building permit application for those vested rights, and has submitted an application and receives approval by the town board. A "site specific development plan" deemed to have been created shall not include a variance, sketch plan, or preliminary plan.
- (2) "Vested property right" means the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan. A property right which becomes vested upon final approval of an ordinance or resolution, as the case may be, shall remain vested for a period of three years. This vesting period shall not be extended by any amendments to a site specific development plan unless expressly authorized by the town board. The town shall conduct a hearing at the request of the landowner, which hearing follows the successful approval of the development at all other required stages of the development review process. Failure of the landowner to request such hearing renders the approval not a site specific development plan, and no vested rights shall be deemed to have been created.

(Code 2002, § 16.46.020)

**16.52.030. Notice and hearing.**

(a) No site-specific development plan shall be approved until after a public hearing, preceded by written notice of such hearing which is published in a newspaper of general circulation at least ten days prior to such hearing. Such notice may, at the town's option, be combined with the notice required for final plan approval, or any other required notice. At such hearing, interested persons shall have an opportunity to be heard.

(b) The town board may approve a site-specific development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. The conditional approval shall result in a vested property right, although failure to abide by such terms and conditions will result in a forfeiture of vested property rights.

(Code 2002, § 16.46.030)

**16.52.040. Development agreements.**

The town board may enter into development agreements with landowners that provide property rights shall be vested for a period exceeding three years where warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.

(Code 2002, § 16.46.040)

**16.52.050. Notice of approval.**

Each map, plat, or other document constituting a site-specific development plan shall contain the following language: "Approval of this plan may create a vested property right pursuant to C.R.S. § 24-68-101 et seq., as amended." Failure to contain this statement shall invalidate the creation of the vested property right. In addition, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected and stating that a vested property right has been created shall be published once, not more than 14 days after approval of the site-specific development plan, in a newspaper of general circulation.

(Code 2002, § 16.46.050)

**16.52.060. Approval; effective date; amendments.**

A site-specific development plan shall be deemed approved when the town board approves the related ordinance or resolution subject to the right of appeal and judicial review. In the event amendments to a site-specific development are proposed and approved, the effective date of such amendments, for purposes of duration of a vested property right, shall be the date of approval of the original site-specific development plan, unless the town board specifically finds to the contrary and incorporates such finding in its approval of the amendment.

(Code 2002, § 16.46.060)



**16.52.070. Payment of costs.**

In addition to any and all other fees and charges imposed by this Code, the applicant for approval of a site-specific development plan shall pay all costs occasioned to the town as a result of the site-specific development plan review, including publication of notices, public hearing and review costs, which costs may be established by the town board by resolution.

(Code 2002, § 16.46.070)

**16.52.080. Other provisions unaffected.**

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and are applicable to all property subject to land use regulation by the town, including, but not limited to, building, fire, plumbing, electrical, and mechanical codes.

(Code 2002, § 16.46.080)

**16.52.090. Limitations.**

Nothing in this chapter is intended to create any vested property right, but only to implement the provisions of C.R.S. § 24-68-101 et seq. In the event of the repeal of said article or a judicial determination that said article is invalid or unconstitutional, this chapter shall be deemed to be repealed, and the provisions hereof no longer effective.

(Code 2002, § 16.46.090)

**CHAPTER 16.56. VIOLATION****16.56.010. Penalty.**

Any person who violates any of the provisions of these regulations is guilty of a violation of this chapter and shall be punished as provided therein.

(Code 2002, § 16.48.010)

**16.56.020. Injunction.**

Any violation of these regulations shall be subject to immediate injunctive action. It is expressly declared that the town has no adequate remedy at law for any violation of these regulations and that immediate, irreparable harm will result to the town from any such violation. Upon being informed of a violation of these regulations, the town attorney may apply to any court of competent jurisdiction for injunctive relief.

(Code 2002, § 16.48.020)



Title 17

**ZONING**

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**CHAPTER 17.04. DISTRICTS****17.04.010. Establishment of districts.**

In order to carry out the provisions of this title, the town is hereby divided into the following zoning districts:

- R-1 Single-family Residential District
- R-2 Multiple-family Residential District
- MH Mobile Home Park District
- C Commercial District
- I Industrial District
- A Agricultural District

(Code 2002, § 17.04.010; Ord. No. 120, 1972)

**17.04.020. Zoning map.**

The boundaries of these districts are established as shown on a map entitled "Zoning District Map" of the town, which map is hereby made a part of this title. The zoning district map shall be kept in the office of the town clerk, and made available for public examination and review during normal working hours.

(Code 2002, § 17.04.020; Ord. No. 120, 1972)

**CHAPTER 17.08. APPLICATION AND REGULATIONS****17.08.010. Existing buildings.**

The regulations herein are not retroactive in their application on existing buildings.  
(Code 2002, § 17.08.010; Ord. No. 120, 1972)

**17.08.020. General application.**

Except as otherwise provided, no buildings, or other structure, or land shall be used, and no building or other structure shall be erected, reconstructed, moved into or within the town limits, or structurally altered except in conformance with the regulations herein specified for the district in which such building is located.

(Code 2002, § 17.08.020; Ord. No. 120, 1972)

**CHAPTER 17.12. R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT****17.12.010. Uses permitted.**

The following uses shall be permitted in the R-1 district:

- (1) Single-family dwellings;

- (2) Public schools, parks, playgrounds, and recreational areas;
  - (3) Churches and church schools;
  - (4) Hospitals;
  - (5) Public utilities (mains, transmission and distribution lines, substations and exchanges only);
  - (6) Home occupations;
  - (7) Identification signs; one single-face sign per lot, and only if such signs are unlighted, less than three square feet in area, and describes the use on the lot upon which it is located;
  - (8) Fences, hedges and walls, provided such uses are less than 3½ feet in height when constructed of materials tending to obstruct motorists' vision, and when located within 75 feet of the centerline intersection of two streets or roads;
  - (9) Accessory buildings and uses normally appurtenant to single-family residences.
- (Code 2002, § 17.10.010; Ord. No. 120, 1972)

**17.12.020. Minimum lot area.**

The minimum lot area in the R-1 district shall be 10,000 square feet per dwelling.  
(Code 2002, § 17.10.020; Ord. No. 120, 1972)

**17.12.030. Minimum lot width.**

The minimum lot width in the R-1 district shall be 75 feet per dwelling.  
(Code 2002, § 17.10.030; Ord. No. 120, 1972)

**17.12.040. Minimum front yard.**

The minimum front yard in the R-1 district shall be as follows:

- (1) Principal buildings: 25 feet.
  - (2) Accessory buildings: 25 feet.
- (Code 2002, § 17.10.040; Ord. No. 120, 1972)

**17.12.050. Minimum side yard.**

The minimum side yard in the R-1 district shall be as follows:

- (1) Principal buildings: Ten feet on each side.
  - (2) Accessory buildings: Five feet on each side.
  - (3) Side yard abutting a street: 25 feet.
- (Code 2002, § 17.10.050; Ord. No. 120, 1972)



**17.12.060. Minimum rear yard.**

The minimum rear yard in the R-1 district shall be as follows:

- (1) Principal buildings: 30 feet.
- (2) Accessory buildings: Five feet.

(Code 2002, § 17.10.060; Ord. No. 120, 1972)

**17.12.070. Minimum floor area (not including basement, carport, or garage).**

The minimum floor area in the R-1 district shall be 750 feet per dwelling.

(Code 2002, § 17.10.070; Ord. No. 120, 1972)

**17.12.080. Floor area ratio.**

The floor area ratio in the R-1 district shall not exceed 0.4.

(Code 2002, § 17.10.080; Ord. No. 120, 1972)

**17.12.090. Minimum off-street parking.**

The minimum off-street parking in the R-1 district shall be two spaces per dwelling.

(Code 2002, § 17.10.090; Ord. No. 120, 1972)

**17.12.100. Minimum open space.**

The minimum open space in the R-1 district shall be 30 percent total lot area per dwelling.

(Code 2002, § 17.10.100; Ord. No. 120, 1972)

**17.12.110. Livestock and poultry restrictions.**

The keeping of livestock shall not be permitted. The keeping of poultry shall be limited to keeping chickens in accordance with the following restrictions:

- (1) The keeping of chicken roosters or more than 12 chicken hens is prohibited.
- (2) The keeping of up to 12 chicken hens is permitted.
- (3) Chickens will be housed in a coop that may not exceed 120 square feet.
- (4) The coop will provide proper protection from any seasonal climatic condition.
- (5) The coop will have an attached yard allowing the birds to roam and gain access to sunlight and open air.
- (6) The yard will provide a minimum of ten square feet per bird and be enclosed on all four sides and at the top with fencing adequate to:
  - a. Prevent the chickens from escaping; and
  - b. Protect the chickens from predators.

- (7) There will be no free-range chickens within the residential area.
  - (8) Animal health must be maintained with proper feed and water.
  - (9) Aid from a veterinarian must be given if deemed necessary.
  - (10) Animal cruelty laws pertain to chickens.
  - (11) There will be no on-site slaughtering outside, within public view.
  - (12) Coops and yards must be located at least 15 feet from any neighboring property line.
  - (13) Coops may not be attached to residential dwellings.
  - (14) There will be an annual permit fee to be set and from time to time revised by resolution of the board and entered on the town fee schedule to register up to 12 birds.
  - (15) This permit will be renewable annually if no violations to the chicken ordinance have occurred.
- (Ord. No. 277, § 1, 10-21-2010)

**17.12.120. Dwelling must face street.**

The structure for a dwelling must be placed in such a manner that the longest side and having the primary entrance must face the street.

(Code 2002, § 17.10.120; Ord. No. 120, 1972)

**CHAPTER 17.16. R-2 MULTIPLE-FAMILY RESIDENTIAL DISTRICT**

**17.16.010. Uses permitted.**

The following uses shall be permitted in the R-2 district:

- (1) Any uses permitted in the R-2 district, single-family dwelling must conform to the requirements as set forth in chapter 17.12.
  - (2) Two-family dwelling.
  - (3) Multiple-family dwelling.
- (Code 2002, § 17.12.010; Ord. No. 120, 1972)

**17.16.020. Minimum lot area.**

The minimum lot area in the R-2 district shall be as follows:

- (1) Two-family dwelling: 5,000 square feet per dwelling.
- (2) Multiple-family dwelling:
  - a. Four bedrooms or over: 5,000 square feet.
  - b. Three bedrooms: 3,500 square feet.

c. Two bedrooms: 2,600 square feet.

d. One bedroom or efficiency: 2,000 square feet.

(Code 2002, § 17.12.020; Ord. No. 120, 1972)

**17.16.030. Minimum lot width.**

The minimum lot width in the R-2 district shall be as follows:

(1) Two-family dwelling: 75 feet.

(2) Multiple-family dwelling: 100 feet.

(Code 2002, § 17.12.030; Ord. No. 120, 1972)

**17.16.040. Minimum front yard.**

The minimum front yard for all dwellings in the R-2 district shall be 25 feet.

(Code 2002, § 17.12.040; Ord. No. 120, 1972)

**17.16.050. Minimum side yard.**

The minimum side yard in the R-2 district shall be as follows:

(1) Two-family dwelling: ten feet on each side.

(2) Multiple-family dwelling: two side yards having a combined width of 15 feet and neither side yard less than five feet.

(Code 2002, § 17.12.050; Ord. No. 120, 1972)

**17.16.060. Minimum rear yard.**

The minimum rear yard in the R-2 district shall be as follows:

(1) Two-family dwelling: 30 feet.

(2) Multiple-family dwelling: 25 feet.

(Code 2002, § 17.12.060; Ord. No. 120, 1972)

**17.16.070. Minimum ground floor area per dwelling unit (not including basement, garage or carport).**

The minimum ground floor area in the R-2 district shall be as follows:

(1) Two-family dwelling: 600 square feet per dwelling unit.

(2) Multiple-family dwelling: 500 square feet per dwelling unit.

(Code 2002, § 17.12.070; Ord. No. 120, 1972)

**17.16.080. Floor area ratio.**

The floor area ratio in the R-2 district shall be as follows:

- (1) Two-family dwelling: not to exceed 0.5.
  - (2) Multiple-family dwelling: not to exceed 0.5.
- (Code 2002, § 17.12.080; Ord. No. 120, 1972)

**17.16.090. Minimum off-street parking.**

The minimum off-street parking in the R-2 district shall be as follows:

- (1) Two-family dwelling: two spaces per dwelling.
  - (2) Multiple-family dwelling: two spaces per dwelling.
- (Code 2002, § 17.12.090; Ord. No. 120, 1972)

**17.16.100. Minimum open space.**

The minimum open space in the R-2 district shall be as follows:

- (1) Two-family dwelling: not less than 3,000 square feet per dwelling unit.
  - (2) Multiple-family dwelling: not less than 900 square feet per dwelling unit.
- (Code 2002, § 17.12.100; Ord. No. 120, 1972)

**17.16.110. Maximum building height.**

Requirements are the same as for the single-family residential district.  
(Code 2002, § 17.12.110; Ord. No. 120, 1972)

**17.16.120. No livestock or poultry permitted.**

No livestock or poultry are permitted in the R-2 district.  
(Code 2002, § 17.12.120; Ord. No. 120, 1972)

**CHAPTER 17.20. MH MOBILE HOME DISTRICT****17.20.010. Uses permitted.**

The following uses shall be permitted in the MH district:

- (1) When approved as a planned unit development.
  - (2) Planned unit development on a site not less than five acres in area.
- (Code 2002, § 17.16.010; Ord. No. 120, 1972)

**17.20.020. General requirements.**

(a) Reference should be made to the subdivision ordinance for the town for the requirements and procedure for submission of a planned unit development plan.

(b) All mobile homes must have permanent foundation and tongues, axles, and wheels must be removed, and taxed ad valorem as a permanent dwelling.

(Code 2002, § 17.16.020; Ord. No. 120, 1972)

**17.20.030. No livestock or poultry.**

No livestock or poultry are permitted in the MH district.

(Code 2002, § 17.16.030)

**CHAPTER 17.24. C COMMERCIAL DISTRICT****17.24.010. Uses permitted.**

The following uses shall be permitted in the C district:

- (1) Any general business and commercial retail activity, including:
  - a. Automobile repair shops;
  - b. Bakeries;
  - c. Banks;
  - d. Laundries;
  - e. Personal service shops;
  - f. Restaurants and tea rooms;
  - g. Printing and publishing establishments.
- (2) Boardinghouses and roominghouses.
- (3) Hotels and motels, including incidental business.
- (4) Medical and dental clinics.
- (5) Membership clubs, subject to approval of the planning commission.
- (6) Nurseries and greenhouses.
- (7) Private schools and uses 2, 3, 4, 5 permitted under III-A.
- (8) Professional offices.
- (9) Identification signs, provided such signs are for identification of a business located on the premises and do not exceed ten square feet for any one sign and provided the total

area of signs displayed by any one establishment does not exceed one square foot or sign surface for each three feet of frontage actually occupied by the building within such business is located.

(10) Governmental offices, police and fire stations.  
(Code 2002, § 17.20.010; Ord. No. 120, 1972)

**17.24.020. General requirements.**

(a) Goods sold shall consist primarily of new merchandise and any goods produced on the premises shall be sold at retail on the premises unless otherwise permitted herein for special uses.

(b) Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, noise, vibration, refuse matter, or water-carried waste.

(c) The following uses which may create unusual traffic hazards must receive special approval by the planning commission:

- (1) Places serving food or beverages outside of an enclosed building.
- (2) Places of amusement or recreation.
- (3) Advertising sign boards.
- (4) Gasoline stations.

(Code 2002, § 17.20.020; Ord. No. 120, 1972)

**17.24.030. Minimum lot area.**

The minimum lot area in the C district shall be 6,000 square feet per motel, hotel, roominghouse or resort lodge.

(Code 2002, § 17.20.030; Ord. No. 120, 1972)

**17.24.040. Minimum lot width.**

The minimum lot width in the C district shall be 50 feet per motel, hotel, roominghouse or resort lodge.

(Code 2002, § 17.20.040; Ord. No. 120, 1972)

**17.24.050. Minimum front yard.**

Where all frontage on side of the street between intersecting streets is zoned as a commercial district, no setback shall be required. Where the frontage of one side of a street between two intersecting streets is zoned partly as residential and partly as business, the setback requirements of the R-2 Multiple-Family Residential District shall apply to the entire frontage.

(Code 2002, § 17.20.050; Ord. No. 120, 1972)

**17.24.060. Minimum side yard.**

(a) No side yard shall be required of a building constructed of masonry or fireproof materials, provided the walls are located on a property line. In all other cases, a side setback of three feet shall be required. In the event rear access to the property is not available, then a 12-foot setback shall be required on one side.

(b) For motels, hotels, and roominghouses, the side yard requirements for multiple-family dwelling of the R-2 Residential District shall apply.

(Code 2002, § 17.20.060; Ord. No. 120, 1972)

**17.24.070. Minimum rear yard.**

The minimum rear yard for all buildings in the C district shall be two feet.

(Code 2002, § 17.20.070; Ord. No. 120, 1972)

**17.24.080. Minimum floor area.**

The minimum floor area in the C district shall be as follow:

- (1) Per unit for motels, hotels: 300 square feet.
- (2) Per occupant for roominghouses and boardinghouses. 200 square feet.
- (3) All other permitted uses: 300 square feet.

(Code 2002, § 17.20.080; Ord. No. 120, 1972)

**17.24.090. Maximum building height.**

The maximum building height in the C district shall not exceed 40 feet or three stories in height.

(Code 2002, § 17.20.090; Ord. No. 120, 1972)

**CHAPTER 17.28. I INDUSTRIAL DISTRICT****17.28.010. Uses permitted.**

(a) A lot, parcel, or tract of land may be used, and/or buildings or structures may be erected, altered, or remodeled and used for a use that is determined by the planning commission and the town board. This use shall not be injurious and offensive to the occupants of adjacent premises by reason of emission or creation of excessive noise, vibration, smoke, dust, or other particulate matter, toxic, noxious materials, odors, fire or explosive hazards or glare or heat and in conjunction with any other ordinances or codes of the town. (Ord. No. 120, 1972)

(b) The following uses shall be permitted upon approval as conditional uses subject to special review:

- (1) Use of property as a marijuana cultivation facility. The term "marijuana cultivation facility" means any "marijuana cultivation facility" as such term is defined in Colo. Const. art. XVIII, § 16(2)(h) and any "optional premises cultivation operation" as such term is defined in C.R.S. § 12-43.3-104(12).
- (2) Use of property as a marijuana product manufacturing facility. The term "marijuana product manufacturing facility" means any "marijuana product manufacturing facility" as such term is defined in Colo. Const. art. XVIII, § 16(2)(j) and any "medical marijuana-infused products manufacturer" as such term is defined in C.R.S. § 12-43.3-104(10).

(Code 2002, § 17.24.010; Ord. No. 120, 1972; Ord. No. 295, § 4, 6-18-2016; Ord. No. 308, § 4, 6-21-2018)

**17.28.020. General requirements.**

(a) The planning commission is authorized to recommend to the town board approval or denial of all uses in the industrial district. Applicant for industrial district use must receive prior approval of the planning commission and town board.

(b) Application for industrial district use shall be accompanied by the following:

- (1) Certified boundary survey of property for which application is made.
- (2) Plot plan showing location of all proposed buildings, parking areas, ingress and egress, waste disposal areas, other construction features, and landscaping.
- (3) Description of proposed operation in sufficient detail to indicate effects of operation in producing air and water pollution, odor, noise, glare, fire or other safety hazards, and traffic congestion.
- (4) Plans for disposal of sewage or other wastes.
- (5) Plans for water supply.
- (6) Plan showing drainage facilities.
- (7) Architectural elevations for any proposed buildings.
- (8) Proposed number of shifts to be worked and maximum number of employees.
- (9) Identification signs: size, type, location and number.

(c) Residential uses will be limited to living quarters for custodian, guard, or maintenance personnel only, in connection with an industrial use being carried on upon the same premises.  
(Code 2002, § 17.24.020; Ord. No. 120, 1972)



**17.28.030. Requirements for conditional uses subject to special review.**

(a) In addition to meeting the general requirements set forth in section 17.28.020, any application for a conditional use that is subject to special review shall include the following:

- (1) A certified statement regarding the current and proposed ownership of the subject property, including a current ownership and encumbrance report in standard form issued by a title company authorized to do business in the state.
- (2) A written statement and any graphics necessary to describe the precise nature of the proposed use and its operating characteristics and to illustrate how all conditional use review criteria have been satisfied.
- (3) A map showing the proposed development of the site, including topography, building locations, parking, traffic circulation, usable open space, landscaped area and utilities and drainage features.
- (4) Preliminary building plans and elevations sufficient to indicate the dimensions, general appearance and scale of all buildings.
- (5) Such additional material as the town may prescribe or the applicant may submit pertinent to the application.
- (6) Surrounding and interested property ownership report. A description of the way in which the proposed use is expected to impact surrounding and interested property owners and a current list of the names and addresses of the surrounding property owners (within 300 feet of the property). The applicant shall certify that the report is complete and accurate.

(b) The town may approve a conditional use application if it finds that each of the following criteria are satisfied:

- (1) The conditional use will comply with and satisfy all applicable provisions of the zoning code and subdivision regulations unless a variance is being requested.
- (2) The conditional use will conform with or further the goals, policies and strategies set forth in the town comprehensive plan.
- (3) The conditional use will be adequately served with public utilities, services, and facilities (i.e., water, sewer, electric, schools, street system, fire protection, public transit, storm drainage, refuse collection, parks system, etc.) and not impose an undue burden above and beyond those of the permitted uses of the district.
- (4) The conditional use will not substantially alter the basic character of the district or neighborhood in which it is in or impair the development or redevelopment potential of the district or neighborhood.

- (5) The conditional use will result in efficient on- and off-site traffic circulation and will not have a significant adverse impact on the adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
- (6) Potential negative impacts of the conditional use on the rest of the neighborhood or of the neighborhood on the conditional use have been mitigated through setbacks, architecture, screen walls, landscaping, site arrangement or other methods. The applicant shall, at a minimum, satisfactorily address impacts, including traffic; activity levels; light; noise; odor; building type, style and scale; hours of operation; dust; and erosion control.
- (7) The applicant has submitted evidence that all applicable local, state and federal permits have been or will be obtained.

(Ord. No. 295, § 5(17.24.025), 6-18-2016)

**17.28.040. Minimum front yard.**

(a) The minimum front yard for all buildings and structures in the I district shall be 50 feet.

(b) The first 15 feet of the front yard shall be used exclusively for landscaping and ingress and egress.

(Code 2002, § 17.20.030; Ord. No. 120, 1972)

**17.28.050. Minimum side yard.**

(a) No side yard shall be required of a building constructed of masonry or fireproof materials, provided the walls are located on a property line.

(b) A side yard of 15 feet on each side shall be required if a building is to be constructed of non-fireproof materials.

(c) In the event rear access to the property is not available, a side yard of 12 feet shall be required on each side.

(Code 2002, § 17.24.040; Ord. No. 120, 1972)

**17.28.060. Minimum rear yard.**

All buildings and structures shall have a rear yard of not less than 15 feet which may include one-half the width of an alley. The following shall apply:

(1) One space for each two employees.

(2) One space for each 1,000 square feet of floor area.

(Code 2002, § 17.24.050; Ord. No. 120, 1972)

**17.28.070. Maximum building height.**

The maximum building height for all buildings and structures in the I district shall be 40 feet. (Code 2002, § 17.24.070; Ord. No. 120, 1972)

**CHAPTER 17.32. A AGRICULTURAL DISTRICT**

**17.32.010. Uses permitted.**

The following uses shall be permitted in the A district:

- (1) Farm dwelling or building appurtenant to agricultural use.
- (2) Crop production.
- (3) Grazing of livestock. The number of livestock permitted by right is one animal unit equivalents per acre. Livestock in excess of these requirements for the agricultural zone district shall not be permitted nor shall any animals be permitted which are not listed in the following table naming the animal unit equivalents for A Agricultural District:

	<i>Animal Unit Equivalents</i>	<i>Number of Animals Equivalent to One Animal Unit</i>	<i>Maximum Number Per Acre</i>
Cattle	1	1	1
Horse	1	1	1
Swine	1	1	1
Mule	1	1	1
Burro	1	1	1
Sheep	1	1	1
Goat	1	1	1
Llama	1	1	1
Alpaca	1	1	1
Poultry	1/12	12	12
Rabbit	0.005	40	40
Ostrich	1	1	1

A newly annexed property's pre-existing nonconforming uses may continue as currently existing but only to the extent permitted by the board of trustees pursuant to an annexation agreement.

- (4) Greenhouse.
- (5) Nursery.
- (6) Sod (turf) farm.
- (7) Storage: farm products, private farm equipment.

- (8) Truck farming.
- (9) Single-family dwelling on minimum lot size of five acres.
- (10) Identification signs as permitted in R-1 district.
- (11) Parks and open space.

(Code 2002, § 17.28.010; Ord. No. 120, 1972; Ord. No. 250, § 1, 11-3-2005; Ord. No. 277, § 4, 10-21-2010)

**17.32.020. Minimum lot area.**

The minimum lot area in the A district shall be five acres.  
(Code 2002, § 17.28.020; Ord. No. 120, 1972)

**17.32.030. Minimum lot width.**

The minimum lot width in the A district shall be 175 feet.  
(Code 2002, § 17.28.030; Ord. No. 120, 1972)

**17.32.040. Minimum front yard.**

The minimum front yard in the A district shall be 50 feet.  
(Code 2002, § 17.28.040; Ord. No. 120, 1972)

**17.32.050. Minimum side yard.**

On corner lots, the side yard shall be 50 feet for the principal builder.  
(Code 2002, § 17.28.050; Ord. No. 120, 1972)

**17.32.060. Minimum rear yard.**

The minimum rear yard in the A district shall be as follows:

- (1) Principal buildings: 20 feet.
  - (2) Accessory buildings: ten feet.
- (Code 2002, § 17.28.060; Ord. No. 120, 1972)

**17.32.070. Minimum floor area.**

The minimum floor area in the A district shall be 1,000 square feet per dwelling.  
(Code 2002, § 17.28.070; Ord. No. 120, 1972)

**CHAPTER 17.36. SUPPLEMENTARY REGULATIONS****17.36.010. In general.**

Regulations specified in other sections of this title shall be subject to the following interpretations and exceptions.

(Code 2002, ch. 17.32(intro. ¶); Ord. No. 120, 1972)

**17.36.020. Uses permitted.**

(a) *Illumination of uses.* Any light used to illuminate signs, parking areas, or for any other purposes shall be so arranged as to reflect the light away from nearby residential properties and away from the vision of passing motorists.

(b) *Signs.* In addition to other requirements of this chapter, all signs for identification or outdoor advertising purposes shall comply with the following conditions:

- (1) No sign shall be located so that safety of a moving vehicle will be impaired by distracting the vision of the driver of the vehicle.
- (2) No sign shall project into a public right-of-way.
- (3) All signs exceeding one square foot of surface for each three feet of lot frontage shall be subject to approval of the town board according to the provisions of chapter 17.44.
- (4) No sign shall be animated or flashing.
- (5) No sign shall be painted directly on any exterior wall of any building or structure.
- (6) No sign shall project above the roof line of any structure or building on the same lot on which the sign is placed, nor shall any sign exceed the building height limit of the zone district in which it is placed.

(Code 2002, § 17.32.010; Ord. No. 120, 1972)

**17.36.030. Minimum lot area and minimum lot width.**

(a) *Small lots.* Where an individual lot was held in separate ownership from adjoining properties or was platted and recorded at the time of passage of the ordinance from which this chapter is derived and has less area and/or less width than required in other sections of this title, such a lot may be occupied according to the permitted uses provided for the district in which such lot is located, except in the case of motels, hotels, lodges, and resorts which shall not be subject to the preceding exception.

(b) *Reduction.* No part of an area or width required for a lot for the purpose of complying with the provisions of this chapter shall be included as an area or width required for another building.

(Code 2002, §§ 17.32.020, 17.32.030; Ord. No. 120, 1972)

**17.36.040. Minimum front yard.**

Developed areas. Where lots comprising 50 percent or more of the frontage on one side of a street between intersecting streets have been improved with buildings at the time of passage of the ordinance from which this chapter is derived, the average front yard of such buildings shall be the minimum front yard required for all new construction on such block.

(Code 2002, § 17.32.040; Ord. No. 120, 1972)

**17.36.050. Minimum floor area.**

In measuring the minimum floor area as required, all measurements shall be along outside walls of the living area, not including garage or carport area.

(Code 2002, § 17.32.050; Ord. No. 120, 1972)

**17.36.060. Minimum off-street parking.**

Each space shall be not less than ten feet wide, 20 feet long and seven feet high, shall have vehicular access to a street or alley, and shall be located on the same lot as the principal use which it serves in the R-1 and R-2 districts and within 200 feet of the principal use in the C and I districts.

(Code 2002, § 17.32.060; Ord. No. 120, 1972)

**17.36.070. Exclusions.**

(a) No junk or waste shall be stored outdoors.

(b) No junk material, wastes or trash shall be removed from one parcel of property and disposed of by depositing upon another parcel of property or in the streets or public rights-of-way except by being delivered to an authorized dump site.

(c) On corner lots, no planting of shrubs, trees or flowers, or the erection of any solid fence or structure over 30 inches above level of roadway or street which obstructs the view of traffic shall be permitted within the triangle measured from the point of intersection of the lot lines abutting the streets a distance of 155 feet along each such lot line.

(d) It shall be unlawful to sell any products at retail or wholesale from any temporary stand, temporary structure, motor vehicle or trailer except agricultural products grown on the premises upon which the stand is located.

(Code 2002, § 17.32.070; Ord. No. 120, 1972)

**CHAPTER 17.40. NONCONFORMING USES****17.40.010. Repairs and maintenance.**

Ordinary repairs and maintenance of a nonconforming building shall be permitted.

(Code 2002, § 17.36.010; Ord. No. 120, 1972)

**17.40.020. Restoration.**

A nonconforming building which has been damaged by fire or other causes may be restored to its original condition, provided such work is commenced within one year of such calamity. (Code 2002, § 17.36.020; Ord. No. 120, 1972)

**17.40.030. Abandonment.**

(a) Whenever a nonconforming use has been discontinued for a period of one year, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this chapter.

(b) Whenever a nonconforming use arising from or related to the use of a mobile home which does not satisfy the definition of the term "dwelling, single-family" and where such nonconforming use has been discontinued, such use shall not thereafter be reestablished and any future use shall be in conformance with the provisions of this chapter. (Code 2002, § 17.36.030; Ord. No. 120, 1972; Ord. No. 212, 1998)

**17.40.040. Change in use.**

A nonconforming use shall not be changed to a use of lower or less restrictive classification. Such nonconforming use may, however, be changed to another use of the same or higher classification. (Code 2002, § 17.36.040; Ord. No. 120, 1972)

**17.40.050. Extensions.**

A nonconforming use shall not be extended. (Code 2002, § 17.36.050; Ord. No. 120, 1972)

**17.40.060. Cessation.**

All industrial uses located at the time of the enactment of the ordinance from which this chapter is derived in any residential or commercial district shall be discontinued within one year after the effective date of the ordinance from which this title is derived if such uses are not contained within an enclosed and covered building and/or if such uses are detrimental and injurious to the adjoining lands because such uses create unusual and obnoxious odors, smoke, sounds, dust, vibration, or traffic problems. (Code 2002, § 17.36.060; Ord. No. 120, 1972)

**17.40.070. Moving.**

No building or structure which does not conform to all of the regulations of the district in which it is located shall be moved in whole or in part to another location unless every portion of such building or structure is moved and the use thereof is made to conform to all regulations of the district into which it is moved.

(Code 2002, § 17.36.070; Ord. No. 120, 1972)

**CHAPTER 17.44. BUILDING REVIEW****17.44.010. Purpose.**

With the purpose of conserving the value of buildings and encouraging the most appropriate use of land throughout the town, the town board may review all building and sign permits where the character of the proposed construction might be so at variance with the established exterior architectural appeal and functional plan of the structures already located in the neighborhood as to depreciate the value of such established buildings. The town board must restrict its review in such case to the effect of the proposed construction on the health, safety, morals, and general welfare of the town, keeping particularly in mind the unique characteristics of existing structures which have established special land values and prosperity for the entire community.

(Code 2002, § 17.40.010; Ord. No. 120, 1972)

**17.44.020. Method of review.**

After receiving exterior elevations of the proposed structure, viewing the site on which such construction is proposed to be placed and notifying the applicant of the time and place of a hearing on such subject, the town board may either approve, disapprove, or approve subject to certain conditions, any application which may require such building review. For each case, the town board may obtain testimony from local architects or other qualified personnel on the possible effects of the proposed construction on established land values.

(Code 2002, § 17.40.020; Ord. No. 120, 1972)

**CHAPTER 17.48. BOARD OF ADJUSTMENT, VARIANCES****17.48.010. Powers and duties.**

The board of adjustment shall have the following powers and duties, all of which shall be exercised subject to the laws of the state and subject to appropriate conditions and safeguards, in harmony with the purpose and intent of this title and in accordance with the public interest and the most appropriate development of the area:

- (1) To hear and decide appeals from, and review any order, requirements, decision or determination made by an administrative official or body charged with enforcement of the regulations established by this title.



- (2) To hear and decide requests for special exceptions as referred to such board in other sections of this title.
  - (3) To authorize, upon appeal in specific cases, variances from the terms of this chapter, where, by reason of exceptional shape, size, or topography of lot, or other exceptional situation or condition of the building or land, practical difficulty or unnecessary hardship would result to owners of said property from a strict enforcement of this title.
- (Code 2002, § 17.44.010; Ord. No. 120, 1972)

**17.48.020. Procedures.**

The board of adjustment shall hold a public hearing on all applications and appeals with the following special conditions required:

- (1) For application for variances relating to the use requirements of this chapter, a written notice of said hearing shall be sent by first class mail at least five days, or delivered personally at least three days prior to the hearing date, to owners of property within 300 feet of the property in question.
  - (2) For applications for variance not relating to the use requirement of this chapter, a written notice of said hearing shall be sent by first class mail at least five days, or delivered personally at least three days, prior to the hearing date to owners of property adjacent to the property in question.
  - (3) For application for variances relating to the use requirements of this chapter, a fee of \$10.00 shall be charged to cover the cost of advertising and processing. For all other applications, a fee of \$5.00 shall be charged to cover such costs. The foregoing fees may be revised from time to time by resolution of the board.
  - (4) Unless otherwise stated in the board of adjustment minutes, all variance permits shall be valid for a period of time not to exceed six months from the time such variance is granted.
- (Code 2002, § 17.44.020; Ord. No. 120, 1972)

**CHAPTER 17.52. AMENDMENTS**

**17.52.010. General procedure.**

Amendments to this title shall be in accordance with the laws of the state which require the following action before adoption of any such amendment:

- (1) Study and recommendation of the proposed amendment by the town planning commission.

- (2) Completion of a public hearing before the town board after at least 15 days' legal notice of the time and place of such hearing shall have been given.

(Code 2002, § 17.48.010; Ord. No. 120, 1972)

**17.52.020. Special procedure.**

Before submitting a report and recommendation on any proposed amendment to this title, as required in section 17.52.010, the town planning commission shall hold a public hearing on the proposed amendment with the following special conditions required:

- (1) A legal notice of said hearing shall be at least 15 days prior to the hearing date, which notice may be concurrent with that required to be given by the town board of its hearing.
- (2) For proposed amendments to the zoning district map, a written notice of said hearing shall be sent by first class mail at least 15 days prior to the hearing date to property owners within the area in question, and within 300 feet of the area in question.
- (3) For proposed amendments to the zoning district map, a fee of \$15.00 shall be charged to cover the cost of advertising and processing. For all other proposed amendments, a fee of \$5.00 shall be charged to cover such costs. The foregoing fees may be revised from time to time by resolution of the board.

(Code 2002, § 17.48.020; Ord. No. 120, 1972)

**CHAPTER 17.60. DEFINITIONS**

**17.60.010. Terms defined.**

The following words, terms and phrases, when used in this title, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. When not consistent with the content, words used in the present tense include the future, words in the singular number include the plural number, words in the plural number include the singular number, and the masculine includes the feminine. The word "shall" is mandatory, while the word "may" is permissive.

- (1) "Accessory building" means a detached subordinate building, the use of which is customarily incidental to that of the main building or to the main use of the land and which is located on the same lot with the main building or use.
- (2) "Accessory use" means a use naturally and normally incidental to, subordinate to, and devoted exclusively to the main use of the premises.
- (3) "Alley" means a public way permanently reserved as a secondary means of access to abutting property.

- (4) "Boardinghouse" or "roominghouse" means a building or portion thereof which is principally used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. The "compensation" shall include compensation in money, services, or other things of value.
- (5) "Building" means any permanent structure built for the shelter or enclosure of persons, animals, chattels, or property of any kind and not including advertising sign boards or fences.
- (6) "Building height" means the vertical distance measured from the established curb level to the highest point of the underside of the ceiling beams for a flat roof, to the deck line for a mansard roof, and to the mean level of the underside of the rafters between the eaves and the ridge for a gable, hip, or gambrel roof. Chimneys, spires, towers, elevator penthouses, tanks, and similar projections, other than signs, shall be included in calculating the height.
- (7) "Dwelling" means a building or portion thereof which is used as the private residence or sleeping place of one or more human beings, but not including hotels, motels, tourist courts, resort, cabins, clubs, or hospitals. In addition, all dwellings shall be constructed as permanent buildings, not temporary structures such as tents, railroad cars, trailers, street cars, metal prefabricated sections, or similar units.
- (8) "Dwelling, multiple-family," means a building, or portions thereof, designed for or occupied by three or more families living independently of each other.
- (9) "Dwelling, single-family," means a detached building designed exclusively for occupancy by one family. As defined herein, the term "single-family dwelling does not include a mobile home unless such mobile home meets each of the following criteria:
  - a. Is attached to a permanent foundation and perimeter enclosure of concrete or masonry materials;
  - b. Has had its wheels removed;
  - c. Has a minimum floor area of 864 square feet;
  - d. Has a minimum width of 24 feet and a minimum length of 36 feet;
  - e. Is compatible with the surrounding area and is in harmony with the character of the neighborhood.
- (10) "Dwelling, two-family," means a detached building designed exclusively for occupancy by two families living independently of each other.
- (11) "Dwelling unit" means one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having not more than one kitchen.

- (12) "Family" means an individual or two or more persons related by blood or marriage; or a group of not to exceed five persons (excluding servants) living together as a single housekeeping unit in a dwelling unit.
- (13) "Floor area" means, for the purpose of determining the floor area ratio, conversions of existing structures and maximum size of business establishments, the sum of the gross horizontal areas of several floors measured in square feet, including the basement floor, but not including the cellar floor of the building, measured from the exterior faces or the exterior walls or from the center line of walls separating two buildings. The floor area of a building shall also include elevator shafts and stairwells as each floor, floor space used for mechanical equipment, except equipment open or enclosed located on the roof, penthouse, attic space, or having headroom of seven feet, ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses, provided that any space devoted to off-street parking or leading shall not be included in floor area.
- (14) "Floor area ratio" means the numerical value obtained through dividing the gross floor area of buildings by the net lot area on which such buildings are located.
- (15) "Home occupation" means any use conducted principally within a dwelling and carried on by inhabitants which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.
- (16) "Junk" means any manufactured goods, appliances, fixtures, furniture, machinery, motor vehicle or trailer which is abandoned, demolished, dismantled, or that is so worn or deteriorated or in such condition to be unusable in its existing state, salvage materials, scrap metal, scrap material, waste, bottles, tin cans, paper, boxes, crates, rags, used lumber and building material, motor vehicle and machinery parts, and used tires.
- (17) "Lot" means a parcel of real property as shown with a separate and distinct number or letter on a plat recorded in the county courthouse or, when not so platted, in a recorded subdivision, a parcel of real property abutting upon at least one public street and held under separate ownership.
- (18) "Lot area" means the total horizontal area within the lot lines of a lot.
- (19) "Lot line, front," means the property line dividing a lot from a street. On a corner lot, only one street line shall be considered as a front line and the shorter street frontage shall be considered the front line.
- (20) "Lot line, rear," means the line opposite the front lot line.
- (21) "Lot line, side," means any lot lines other than front lot lines or rear lot lines.

- (22) "Mobile home" means a structure which is transportable; when installed, exceeds either eight feet in width or 32 feet in length; and built on a chassis and is designed, when connected to the required utilities, to be used as a year-round sleeping and living quarters, with or without a permanent foundation.
- (23) "Motel" or "hotel" means a building designed for occupancy as the temporary abiding place (30 days or less) of individuals who are lodged with or without meals and with such building having six or more guest rooms.
- (24) "Nonconforming building" means a building or structure or portion thereof conflicting with the provisions of this title applicable to the zone in which it is situated.
- (25) "Nonconforming use" means the use of a structure or premises conflicting with the provisions of this title.
- (26) "Occupied" means and includes arranged, designed, built, altered, converted, rented or leased, or intended to be occupied.
- (27) "Open space" means open space on a building site, exclusive of a space devoted to vehicular streets, drives, and parking areas and including pedestrian ways, space for active and passive recreation and landscaping.
- (28) "Planned unit development (PUD)" means a unified development in a single ownership or control, which is subdivided and developed according to a comprehensive plan and where the specific requirements of a given district may be modified.
- (29) "Roof line" means the highest point on any building where an exterior wall enclosed usable floor area including floor area provided for housing mechanical equipment.
- (30) "Room" means an unsubdivided portion of the interior of a dwelling unit, excluding bathrooms, kitchens, closets, hallways, and service porches.
- (31) "Sign" means any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion illumination, or projected images.
- a. "Animated sign" means any sign or part of a sign which changes physical position by any movement or rotation.
  - b. "Flashing sign" means any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effect by any means whatsoever.
- (32) "Street" means a public thoroughfare which affords the principal means of access to abutting property.

- (33) "Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground but not including fences or walls used as fences less than six feet in height, poles, lines, cables, or other transmission or distribution facilities of public utilities.
- (34) "Use" means the purpose for which land or building is designed, arranged, or intended or for which either is or may be occupied or maintained.
- (35) "Width of lot" means the distance parallel to the front lot line measured between side lot lines through that part of the building or structure where the lot is narrowest.
- (36) "Yard" means an open space, other than a court, on a lot unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.
- (37) "Yard, front," means a yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.
- (38) "Yard, rear," means a yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.
- (39) "Yard, side," means a yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building or accessory building attached thereto.
- (Code 2002, ch. 17.52(intro. ¶), §§ 17.52.010—17.52.400; Ord. No. 120, 1972)

## CHAPTER 17.64. VIOLATIONS AND PENALTIES

### 17.64.010. Fines.

Any person or corporation, whether as principal agent, employee, or otherwise, who violates any of the provisions of this title shall be punished in accordance with chapter 1.12. Each day of the existence of any violation shall be deemed a separate offense.  
(Code 2002, § 17.58.010; Ord. No. 290, § 14, 5-16-2015)

### 17.64.020. Injunction, abatement.

The erection, construction, enlargement, conversion, moving or maintenance of any building which is continued, operated or maintained contrary to any provisions of this title is hereby declared to be a violation of this title and unlawful. The town attorney shall immediately, upon any such violation having been called to their attention, institute injunction, abatement, or any other appropriate action to prevent, enjoin, abate or remove such violation. Such action may also be instituted by any property owner who may be especially damaged by any violation of this title.  
(Code 2002, § 17.58.020)

**17.64.030. Remedies.**

The remedy provided for herein shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(Code 2002, § 17.58.030)

**CHAPTER 17.68. OFF-STREET PARKING AS APPURTENANT USE ONLY****17.68.010. Permitted in zones with an existing dwelling only.**

Off-street parking is permitted in the R-1, R-2, and MH zones only as an appurtenant use to an existing dwelling. Such is not a permitted use in such zones without the existence of a principal dwelling meeting all the requirements of a dwelling for the relevant zone.

(Code 2002, § 17.60.010; Ord. No. 178, 1996)

**17.68.020. Maximum off-street parking.**

The off-street parking for motor vehicles, trailer, or any other vehicles for which registration is required shall not exceed the following:

- (1) R-1 Single-Family Residential District: five vehicles per single-family dwelling.
- (2) R-2 Multiple-Family Residential District: three vehicles per dwelling unit.
- (3) MH Mobile Home Park District: three vehicles per mobile home.

(Code 2002, § 17.60.020)

**CHAPTER 17.80. SIGN CODE****17.80.010. Intent and purpose.**

The purpose of this chapter is as follows:

- (1) To protect the public from signs which are structurally unsafe;
- (2) To promote traffic safety and the free movement of traffic, and protect the public from the hazardous conditions which result from signs that obscure or distract the vision of motorists, bicyclists and pedestrians;
- (3) To facilitate easy, safe and pleasant communication between people and their surroundings;
- (4) To conserve the character and economic value of buildings and neighborhoods;
- (5) To provide a balance between legitimate identification and advertising needs and the visual discord which signs sometimes cause, and to provide a sense of balance or proportion between a sign and the building or property which it serves;

- (6) To encourage the erection of signs which are legible in their surroundings, compatible with the visual character of the surrounding area, appropriate to the activities identified; and
- (7) To ensure that adequate and effective advertising signage opportunities exist within a regulatory framework which protects the constitutionally guaranteed right of free speech.

(Code 2002, § 17.68.010)

**17.80.020. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "Address sign" means any sign designed to identify a particular parcel of land, provided such contains only the street address and name of the owner of the property or the name of the property and does not exceed two square feet in area for residential land uses and five square feet in area for nonresidential land uses.
- (2) "Animated sign" means a moving sign that utilizes motion, implied or actual, in a horizontal or vertical plane or both. The only animated type of signs that are permitted are "time and temperature" and "barber pole" signs.
- (3) "Approved wall area" means an exterior wall of a building with a public pedestrian entrance and facing a public street, alley or parking lot which provides parking for the subject building.
- (4) "Arcade sign" means any sign projecting beneath and attached to the underside of any balcony, canopy, awning or other structural overhang or passageway.
- (5) "Artistic mural or sculpture" means a freestanding statue or sculpture, a graphic illustration or design, an architectural design or an architectural design or relief applied directly to or incorporated within a wall of a building, which does not advertise or promote a particular business, service or product. A company, firm, association, society, etc., logo is not considered within the scope of this definition and is not considered a sign.
- (6) "Awning" means a temporary hood, cover or shelter which may be fixed or retractable, and which projects from the exterior wall of a building over a window, walk, door or similar building feature. An awning is often constructed of fabric, metal or glass and is not supported by the ground.
- (7) "Billboard" means any sign in excess of 50 square feet in size utilized to advertise a product or service that is not produced or conducted on the same property as the sign.



- (8) "Building front" means the exterior walls of a building facing a public street or streets or other public right-of-way other than alleys, or one exterior wall containing the primary entrance to the building if not directly facing upon a public street.
- (9) "Building identification signs" means signs which identify by name or number individual buildings within institutional or residential building group complexes which are limited to signs attached to the building, not more than two signs per building, and not more than four square feet each. These signs may be illuminated or nonilluminated.
- (10) "Bulletin board" means a sign which announces meeting times or special events of public interest such as a church service, civic meeting or similar event.
- (11) "Canopy" means a roof-like structure serving the purpose of protecting vehicles and/or pedestrians and which may be freestanding or attached to a building, is provided with supports, and is open on three sides if attached and on all sides if freestanding.
- (12) "Changeable copy sign" means a sign, either illuminated or nonilluminated, which is designed so that the message or any part of the message may be periodically changed, either mechanically or electronically. However, such change in message occurs no sooner than every 15 seconds. Any sign wherein the message changes sooner than 15 seconds shall be considered a flashing sign.
- (13) "Commemorative plaque" means any memorial or commemorative plaque or tablet that contains the primary name of a building, the date of erection and use of the building, when the sign is built into the building, mounted flat against the wall of the building, or is designed to designate any particular location of historical significance as determined by the town.
- (14) "Commercial center identification sign" means a freestanding or wall sign which identifies all or some of the tenants in a multi-tenant building.
- (15) "Construction signs" means a temporary sign not exceeding 32 square feet announcing subdivision, development, construction or other improvement of a property by a builder, contractor or other person furnishing services, materials or labor to said premises. For the purposes of this Code, a construction sign shall not be considered to be a "real estate sign," as defined herein, and shall contain only project name; developer, architect, builder, and/or consultants; lending institution and opening date.
- (16) "Courtesy signs" means nonilluminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as "credit cards accepted" and "redemption stamps offered," and which are not to exceed four square feet per face or eight square feet in total area. Such signs may be attached to the building as projecting or wall signs, suspended from a canopy or included as an integral part of a freestanding sign.

- (17) "Development" means a single lot, parcel or tract of land or portions or combinations of lots, parcels or tracts of land which are held in single or common ownership and which exist as a distinct functional entity. Multi-use buildings and multiple-building complexes which are held in singular or common ownership, either by individual, corporation, partnership or other legally recognized entity, shall be considered a development for the purpose of signage.
- (18) "Erect" means to build, construct, attach, hang, place, suspend, affix, relocate or reconstruct any sign or sign-supporting structure.
- (19) "Flag" means the flag, pennant or insignia of any nation, organization of nations, state, county, town, any religious, civic, or fraternal organization or any educational institution.
- (20) "Flashing sign" means a sign that is illuminated with intermittent lighting, animated lighting or with varying intensities of light at intervals of 15 seconds or less, including a moving light or lights.
- (21) "Freestanding sign" means a sign that is permanent and self-supporting, being nondependent upon support from a building or other structure, including signs placed upon fences or nonsupporting walls.
- (22) "Garage sale sign" means a sign advertising the existence of a garage sale for the sale of personal property and advertising the date, time and location of the garage sale, with such signs having a maximum area of six square feet, a maximum height of three feet and a minimum setback of ten feet, posted for the period of three days prior and three days following the date of the garage sale. Such signs shall not block or interfere with traffic visibility.
- (23) "Gasoline price" sign means for gasoline or service stations, two signs listing only the prices and types of gasoline available are permitted with each sign, not to exceed ten square feet in area or six feet in height.
- (24) "Holiday decorations" means temporary decorations or displays when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration.
- (25) "Illuminated sign" means a sign that is illuminated with constant intensities of light of a nonvarying nature. There are three types of illuminated lights as follows:
- a. "Direct illumination" means lighting by means of an unshielded light source which is effectively visible as a part of the sign. Neon lighting is considered direct lighting.
  - b. "Indirect illumination" means lighting which illuminates the front of a sign or the entire building facade upon which the sign is displayed, the source of the light

being shielded from public view and from surrounding properties. The term "indirect illumination" does not include lighting which is primarily used for purposes other than sign illumination, such as parking lot light.

- c. "Internal illumination" means lighting by means of a light source which is within a sign having a translucent background and which silhouettes opaque letters or designs, or lighting within or behind letters or designs which are themselves made of translucent or opaque material.
- (26) "Informational and directional signs" means a freestanding or wall-type sign, not located within a public street right-of-way, which gives necessary direction or non-advertising information to motor vehicle operators or pedestrians, such as entrance, exit, parking limitations or location of onsite buildings or facilities. Such sign will be related to the permitted use on the lot on which the sign is located, provided that each sign does not exceed two square feet in total area and is nonilluminated, internally illuminated or indirectly illuminated. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self-Service," "Vacancy," "Entrance," "Exit" and similar informational signs located at least five feet from the property line.
- (27) "Informational directional sign, off-premises," means a single- or double-faced sign designed to give direction to a church, school, philanthropic organization or similar use of a nonretail or business nature. Such signs may contain only the name of the organization, direction and number of blocks. Such signs shall be metal, no more than two square feet and mounted on minimum two-inch square steel pole. The bottom of the sign shall be a minimum of seven feet above grade. Such signs may be located in the right-of-way.
- (28) "Interior or window signs" means signs within any structure or attached to the inside of any window of a structure.
- (29) "Lot" means a tract, building site, parcel or portion of land separated from other parcels or portions by description, as on a subdivision plat of record or survey map or by metes and bounds, for the purpose of sale, lease or use.
- (30) "Nonconforming sign" means a sign which does not conform with the regulations set forth in this chapter, but which did meet the requirements of the regulations existing at the date of its erection.
- (31) "Painted sign" means a sign that is painted directly onto the exterior surface of a building, wall or structure.
- (32) "Political sign" means a noncommercial sign, which is exempt from permit requirements, erected or placed so as to advertise, announce, declare or state a political message, whether relating to a political campaign or election or any other issue of public concern which is protected by the First Amendment's right of free speech. Such a sign is subject to all applicable provisions of this Code.

- (33) "Portable sign" means any sign which is supported by one or more uprights or braces upon the ground and which is of portable design.
- (34) "Projecting sign" means a sign which is affixed to any building, wall or structure and which extends beyond the building wall more than 15 inches.
- (35) "Public information sign" means a sign giving only information about public places owned and operated by federal, state or local government.
- (36) "Public sign" means an official sign that is required by law or ordinance or is necessary for public information. Any sign erected by any governmental agency, including, but not limited to, federal, state, county and town governments, school and recreation districts, but not including private water and sanitary sewer districts, is a public sign.
- (37) "Real estate signs" means temporary, non-illuminated signs indicating the availability for sale, rent or lease of a specific lot, building or portion of a building upon which such signs are erected or displayed, which do not exceed six square feet in total area and four feet in height for residential properties or 20 square feet in total area and six feet in height for nonresidential properties and which are located on properties to be sold, limited to one such sign per street frontage. Such signs shall not remain in place more than seven days following sale or rental of the subject property.
- (38) "Revolving sign" means a sign utilizing an axis point to pivot the sign surface. Revolving signs are specifically prohibited.
- (39) "Roof sign" means a sign erected, constructed and maintained above the eaves and attached to the roof of a building. Roof signs are specifically prohibited.
- (40) "Semipublic sign" means a sign giving information as to church location, educational institutions or service club locations.
- (41) "Sight distance triangle" means that area formed by drawing a straight line back from intersecting property lines 25 feet from said intersection and connecting same with a separate line, creating a triangle.
- (42) "Sign" means any object or device or part thereof situated outdoors or indoors, viewed from outdoors by the general public, which object or device or the effect produced thereby is used to advertise, announce, identify, declare, demonstrate, display, instruct, direct or attract attention by means including, but not limited to, words, letters, figures, designs, fixtures, colors, motion, illumination, sound or projecting images.
- (43) "Sign permit" means a building permit issued for the erection, construction, enlargement, alteration, repair, relocation, improvement, removal, conversion or demolition of any sign issued pursuant to the building code of the town or this sign code.
- (44) "Sign structure" means any supports, uprights, braces or framework of a sign which does not include any portion of the sign message.

- (45) "Special event signs" means signs in conjunction with and in conformance with state statutes regarding special events such as philanthropic campaign, church, circus, carnival or community celebrations, provided that such signs are removed within ten days of the termination of the event of which they are a part.
- (46) "Street frontage," for the purpose of signage, means frontage upon a street is obtained by ownership, easement or leasehold only if used for vehicular access to the property, or if not used for vehicular access, only if such street frontage is at least 50 feet in width. Where the regulations allow "one sign per street frontage," the intent is that the sign allowed is placed upon or facing the street, unless specifically otherwise permitted.
- (47) "Surface area of sign" means the total area enclosed by the shortest eight straight lines that can be drawn around the entire sign, including any architectural embellishment or background material or color forming an integral part of the display and used to differentiate the sign from its surroundings. Sign support structures which do not bear advertising material shall be excluded in computation of sign area. Signs without backing (i.e., freestanding, projecting, A-frame or pedestal signs) are allowed the maximum square footage for each side for double-faced signs; however, signs having more than two sides or faces shall not exceed the total face area allowed for a double-faced sign.
- (48) "Temporary sign" means any sign, banner, pennant, valance or other outdoor advertising sign constructed of light fabric, cardboard, wallboard, plywood, sheet metal, paper or other light materials, with or without a frame, intended or designed to be displayed for a limited period of time.
- (49) "Traffic directional sign" means a private traffic directional sign guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three square feet per sign per face in area and eight feet in height, do not contain any advertising or trade name identification and are nonilluminated, internally or indirectly illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed three square feet per face in area but shall not exceed seven square feet per face. Such signs shall not exceed four feet in height and shall be set back at least five feet from the property line.
- (50) "Under canopy sign" means a sign affixed underneath a canopy or awning advertising the business or products sold within the building. Such signs are not to exceed two square feet.
- (51) "Unlawful sign" means any sign or outdoor advertising device erected in the absence of a permit required by this chapter, or in violation of any of the limitations, prohibitions or requirements of this chapter.
- (52) "Unsafe sign" means any sign or advertising structure found unsafe or insecure or creating a hazard or menace to the public safety, health and welfare.

- (53) "Wall sign" means a sign constructed of durable materials or painted and which is permanently affixed to an exterior surface of any building, wall or structure and which does not extend more than 15 inches beyond the building wall, except that signage placed upon marquees, canopies or awnings shall be considered as wall signs.
- (54) "Warning sign" means a temporary or permanent sign erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines and similar devices.

(Code 2002, § 17.68.020)

**17.80.030. Permit requirements.**

No sign or modification to an existing sign shall be erected, placed or displayed outdoors within the town limits until a permit for such sign has been issued by the town, unless such sign is exempt from a permit in accordance with this chapter. Permit fees shall be in accordance with the fee schedule adopted by the town at the time of the permit request.

(Code 2002, § 17.68.030)

**17.80.040. General provisions.**

(a) *Nonconforming signs.* The lawful use of a sign existing at the effective date of the ordinance from which this chapter is derived may be continued, although such use does not conform to the provisions of this chapter, subject to the following provisions:

- (1) Rebuilding, enlargement, relocation, extension, replacement or reconstruction of a nonconforming sign is prohibited unless such sign is brought into conformance with this chapter.
- (2) In the event the use of a nonconforming sign is discontinued for a period of 60 consecutive days, the nonconforming sign shall thereafter conform to the provisions of the zoning district in which it is located or be removed. For the purpose of this section, the term "discontinued" shall apply to uses which customarily operate on a continuous basis versus a seasonal basis. Seasonal uses shall be subject to a 12-month period of nonuse prior to requiring full compliance with these regulations.
- (3) A nonconforming sign that is destroyed or damaged more than 50 percent of its net worth due to natural causes may not be reconstructed except in accordance with the provisions of this chapter; however, any sign destroyed or damaged to any extent by vandalism or other unnatural cause may be rebuilt to its original state within two months or be reconstructed in conformance with this chapter.
- (4) Normal maintenance such as painting and message replacement within 60 days of prior use which does not require modification of the sign structure, supports or members shall be allowed.

In order to provide an incentive for removal of nonconforming signs, permit fees and town use tax may be waived where a nonconforming sign is removed and replaced by a sign conforming with these regulations. Authorization for the waiver of use tax is to be approved by the town administrator or designee.

(b) *Discontinued business, etc.* Whenever a use of land and/or building using an identification sign is discontinued, except for seasonal uses, the sign shall be removed or obscured by the person owning the property within 30 days after the discontinuance of such use. Any such sign which is nonconforming to these regulations and which is not used to advertise an active business within 60 days of discontinuance shall be removed or otherwise brought into compliance.

(c) *Removal or reconstruction of dangerous signs.* All signs which are prohibited in this chapter relating to obstruction to view at street intersections, all illuminated signs that are erected in such a location that a traffic signal light is in a direct line between the sign and oncoming traffic, all signs that employ a lighting or control mechanism which causes radio, radar or television interference, any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress or for firefighting purposes or so placed as to interfere with any opening required for light or ventilation, and any other signs that are unsafe or dilapidated shall conform to the provisions of this chapter either by removal or reconstruction, whichever applies, within 60 days after the owner of such sign is notified for the violation.

(d) *Location of certain signs.* All signs, except public signs, semipublic signs and public information signs, allowed by this chapter shall be located on the lot for which they advertise. Unless otherwise allowed by this chapter, there shall be no sign advertising on the public right-of-way.

(e) *Attachment to public structures.* Attachment of any sign to utility poles or other poles or structures within public rights-of-way is prohibited, except as approved by the board of trustees.

(f) *Conformance to building code.* The design of all sign structure members and foundation shall conform to the requirements of the building code relative to allowable stresses, materials and engineering standards. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the building code, and material construction shall be of the quality and grade required by the building code. All signs and structures shall be of the quality and grade required by this chapter and/or by the building code. All signs and structures shall be designed and constructed to meet the town-adopted code for the same.

(g) *Exterior signs only.* No more than a total of three signs per use is allowed.

(h) *Sign setback requirements.*

- (1) *From adjacent properties.* Ten feet where adjacent to residential-zoned properties; no setback where adjacent to nonresidential-zoned properties. Where a sign exists on an adjacent property and that sign is within 20 feet of the proposed location of a new sign on the adjacent property, an offset, either vertical or horizontal, shall be required, such that the existing sign is not visually blocked by the new sign.
- (2) *From a public right-of-way.* One-foot setback up to six feet in vertical height; one foot for every foot of height greater than six feet.

(i) *Landscaping requirement.* for new development or redevelopment, all freestanding signs shall be placed within a landscaped planter base.

(Code 2002, § 17.68.040)

**17.80.050. Signs not subject to permit.**

The following signs, which shall be non-illuminated unless specifically stated to the contrary, are permitted in all zoning districts and require no permit for erection:

- (1) Public signs.
- (2) Interior or window signs.
- (3) Commemorative plaques.
- (4) Address signs.
- (5) Special event signs.
- (6) Real estate signs.
- (7) Building identification signs.
- (8) Information and directional signs:
  - a. Traffic directional signs. Private traffic directional signs guiding or directing vehicular or pedestrian traffic onto or off of a lot or within a lot, when such do not exceed three square feet per sign face in area and eight feet in height, do not contain any advertising or trade name or color identification and are non-illuminated. Private traffic control signals shall conform to the standards of the Colorado Manual of Uniform Traffic Control Devices and exceed three square feet per face in area but shall not exceed seven square feet per face. Such signs shall not exceed four feet in height and shall be set back at least five feet from the property line and shall not be located in the sight distance triangle. (An example might be a "no parking" sign.)
  - b. Signs commonly associated with and limited to information and directions related to the permitted use on the lot on which the sign is located, provided that each such sign does not exceed two square feet in total area and is non-illuminated,



internally illuminated or indirectly illuminated. Such signs shall contain no advertising color schemes or logos of the proposed business. This category shall be interpreted to include such signs as "No Smoking," "Restroom," "No Solicitors," "Self-Service," "Vacancy," "Entrance," "Exit" and similar informational signs located at least five feet from the property line and not in the sight distance triangle.

- c. Off-premises informational directional signs. A single- or double-faced sign designed to give direction to a church, school, philanthropic organization or similar use of a nonretail or business nature. Such sign may contain only the name of the organization, direction and number of blocks. Such sign shall be metal, no more than two square feet, and shall be mounted on a minimum two-inch square steel pole. The bottom of the sign shall be a minimum of seven feet above grade. Such signs may be located in the right-of-way but not within the sight distance triangle and shall be subject to a revocable permit authorizing the use of the right-of-way for the same.
- (9) Courtesy signs. Non-illuminated or indirectly illuminated signs which identify, as a courtesy to customers, items such as "credit cards accepted" and "redemption stamps offered," are not to exceed four square feet per face or eight square feet in total area. Such signs may be attached to the building as wall signs, suspended from a canopy or included as an integral part of a freestanding sign.
  - (10) Flags. The flag, pennant or insignia of any nation, organization of nations, state, county, town, any religious, civic or fraternal organization or any educational institution not to exceed 20 square feet.
  - (11) Holiday decorations, as defined in section 17.80.020.
  - (12) Warning signs, as defined in section 17.80.020.  
(Code 2002, § 17.68.050)

**17.80.060. Signs requiring a permit.**

A permit is required for the following signs:

- (1) Animated sign. The size of sign is based upon the sign type (i.e., freestanding, wall or projecting).
- (2) Arcade sign.
  - a. Nonresidential uses.
  - b. Maximum height cannot exceed bottom of eave, balcony, canopy, awning or other structural overhang or passageway to which it is attached.
  - c. Minimum height, seven feet above grade.

- d. Maximum one per building entrance for nonresidential uses.
  - e. Maximum area, four square feet for nonresidential uses.
  - f. Must be placed on an approved wall area.
- (3) Awning sign.
- a. Permitted on the bottom 18 inches of first floor awnings.
  - b. Allowed at 0.5 square feet per linear foot of awning.
  - c. Maximum of 12-inch letter height.
  - d. Maximum of one per awning.
  - e. Must be located on an approved wall area.
  - f. May be illuminated.
- (4) Bulletin board.
- a. Nonresidential, nonagricultural and multiple-family uses only.
  - b. Maximum area, 32 square feet.
  - c. Maximum height, eight feet.
  - d. Maximum one per street frontage.
  - e. Must be set back a minimum of ten feet from any private property line and from a public right-of-way; one-foot setback for signs up to six feet in vertical height; one foot for every foot of height greater than six feet.
- (5) Freestanding residential district sign.
- a. Permitted in residential zones only.
  - b. Maximum sign area is 100 square feet.
  - c. Maximum of one per street frontage, said street being on the boundary of the development.
  - d. Maximum height all residential districts, six feet.
  - e. Maximum height in all multiple-family use districts, 12 feet.
  - f. Must be set back from any private property line and from a public right-of-way one foot setback for signs up to six feet in vertical height; one foot for every foot of height greater than six feet.
  - g. May be illuminated.
- (6) Residential development entryway sign.
- a. One for each major entryway;
  - b. Not to exceed 20 square feet in area or six feet in height;

- c. Freestanding-type signs must be set back onto the property a minimum of ten feet, unless incorporated into a traffic island entrance, then 25 feet back from the face of the street curb and three feet from the edge of the traffic island;
- d. Fence or wall-incorporated-type signs may be placed parallel with and at the property line following the same height and sight distance requirements as for a wall or fence;
- e. Subject to a revocable permit in favor of the town if situated in the right-of-way.

(7) Freestanding nonresidential district sign.

- a. Maximum height: 25 feet.
- b. Maximum number of signs per development: one per street frontage, not to exceed two per development, except as may be permitted by a master sign plan approved by the board of trustees.
- c. All such signs shall be set back from the property line a distance equal to the height of the sign, except a sign six feet in height shall be set back from the property line a distance of one foot.
- d. Maximum sign area: based upon the following table:

<i>Maximum Sign Area (square feet)</i>		
<i>Floor Area of Building</i>	<i>Single Use Development</i>	<i>Multiple Use Development</i>
0—1,500 sq. ft.	35 sq. ft.	60 sq. ft.
1,500—5,000 sq. ft.	35 sq. ft. plus 1 sq. ft. per each additional 50 sq. ft. of floor area over 1,501	60 sq. ft. plus 1 sq. ft. per each additional 40 sq. ft. of floor area over 1,501
5,000—50,000 sq. ft.	100 sq. ft. plus 1 sq. ft. per each additional 1,000 sq. ft. of floor area over 50,001 up to a maximum size of 300 sq. ft.	300 sq. ft. plus 1 sq. ft. per each additional 1,000 sq. ft. of floor area over 50,001 up to a maximum size of 400 sq. ft.

(8) Illuminated sign.

- a. Within 100 feet of residential use or district, internal lighting only.
- b. Over 100 feet from a residential district, any type of lighting source is allowed, except search or flashing lights, or directed so that the light shall not adversely affect surrounding premises or safe vision on public or private roadways, including highways.

- (9) Portable sign.
  - a. A-frame or pedestal style only;
  - b. Maximum area: six square feet;
  - c. One per street frontage;
  - d. Must be set back a minimum of ten feet from the street right-of-way line if over 42 inches or two feet if 42 inches high or less;
  - e. Must be anchored to the ground or weighted sufficiently to prevent movement by force of wind;
  - f. May not interfere or block pedestrian or vehicular traffic.
- (10) Projecting sign.
  - a. Maximum height: top of wall or parapet; not to be roof-mounted;
  - b. Maximum projection: shall be in accordance with building codes, requirements for "Construction in Public Right-of-Way";
  - c. Maximum size: two square foot for each one foot of height of the building wall to which the sign is to be attached;
  - d. Projecting and wall sign not permissible on same wall;
  - e. Maximum number: one per street frontage.
- (11) Public information sign. As defined with the approval of the town board or its designee.
- (12) Temporary subdivision sign.
  - a. Temporary model home sign.
    - 1. One per model home;
    - 2. Not to exceed 12 square feet each and not over six feet in height if a freestanding type; and
    - 3. Must be set back from property lines a minimum of ten feet or a distance equal to height, whichever is greater.
  - b. Temporary residential subdivision sign.
    - 1. Temporary signs are prohibited upon public rights-of-way. Temporary signs found by an enforcement officer to be located within town rights-of-way shall be removed by such enforcement officer with no requirement of notice.
    - 2. Construction signs shall not exceed 32 square feet and 12 feet in height. One per street frontage is allowed between the time a building permit is issued and the time a certificate of occupancy is obtained.
    - 3. Political and real estate signs may be located on property only by permission of the landowner.

- c. Temporary commercial/industrial sign.
  - 1. Banners are permitted for any nonresidentially zoned or used property to advertise special events or sales subject to the following provisions:
    - (i) May be placed upon a building wall or roof or a fence but shall not be attached to landscaping, freestanding posts or utility poles;
    - (ii) The total size allowed for any single banner or total combination of multiple banners shall be determined using the same criteria that applies to wall signs. If the banner is to be affixed to a fence, size shall be the same as if it was attached to the nearest adjacent building wall having street frontage;
    - (iii) Any banner that becomes discolored, ragged, shredded, detached, etc., shall be removed or repaired.
  - 2. Pennants, streamers and similar devices, and balloons or other inflatable devices, shall be permitted upon nonresidentially zoned or used properties only, subject to the following provisions:
    - (i) Any one or a concurrent or successive combination of pennants, streamers or balloons or other inflatable devices shall be permitted to advertise special events or sales not more than five times per year for up to 30 days or seven times per year for up to 15 days each time;
    - (ii) Such devices shall be securely anchored or attached as to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians;
    - (iii) Roof mounting may be permitted by the town board or its designee;
    - (iv) It is not the intent of these regulations to prohibit or unreasonably regulate or to require permits for the legitimate display of traditional winter holiday season decorations; provided, however, that such display occurs between November 15 (year-end) and January 15 (new-year), and provided that such decorations or display is installed and maintained in a safe manner.

(13) Under canopy sign.

- a. Minimum clearance from the sidewalk is eight feet.
- b. One sign per frontage.
- c. Not counted against other allowed signage.

(14) Wall or painted sign.

- a. Maximum area to be no larger than two square feet for every linear foot of the side of the building having a public entrance and facing a public street, alley or parking

lot to which it is affixed. Signs affixed to attached or detached canopies and marquees or awnings shall be considered wall signs and shall be calculated based upon the length of the wall to which they are attached or adjacent.

- b. Each ground floor tenant or use shall have the right of wall signage upon any wall which fronts upon a public street or, if not fronting upon a public street, upon any wall which fronts upon a major interior drive having direct access to a public street. For uses that have a rear entry or delivery door, one non-illuminated wall sign per use, not to exceed ten square feet, is permitted.
- c. For buildings with flat roofs, wall signs shall not extend above the top of parapet or mansard, shall not extend more than three feet above the deck line.
- d. May not extend more than 15 inches beyond the surface of the wall and may not extend beyond the side of the wall.
- e. Commercial, industrial, multiple-family, public and semipublic uses only.
- f. Cannot be used on the same wall as a projecting sign.
- g. Must be placed on an approved wall area.

(Code 2002, § 17.68.060)

**17.80.070. Master sign plan.**

(a) The planning and zoning commission may approve a master sign plan for planned unit developments of any size and for any existing or proposed business center or office complex of at least two acres or more in size which are under unified control either by ownership, legal association or leasehold.

(b) The intent and purpose is to encourage well-planned and -designed signage within a large multiple building or multiple use complex which expresses unification and integration by elements of architectural style, size, color, placement and lighting, while at the same time allowing for reasonable individual business identification. An additional purpose is to encourage the elimination of existing nonconforming signs. The planning and zoning commission may grant a bonus for well-designed plans up to a 100 percent increase in the number of signs and/or 50 percent increase in the maximum square footage, and/or may permit signs in locations other than normally permitted, based upon a finding that the proposed master sign plan substantially meets the intent and purpose of this subsection relating to unification and integration of signage.

(c) Once approved at a public hearing by the planning and zoning commission, all master sign plans shall be recorded with the county recorder's office and shall constitute a covenant and must be complied with by all owners, proprietors, lessees or assigns, whether current or

future. No substantial variation from the plan shall be permitted without the planning and zoning commission's approval. Approval procedures under this provision shall be subject to those requirements for a conditional use, as set forth in this title.

(Code 2002, § 17.68.070)

**17.80.080. Prohibited signs.**

The following signs are prohibited:

- (1) Any sign which would violate sight distance triangle requirements.
- (2) Any nonpublic sign on the right-of-way.
- (3) A nonpublic sign on a property other than that which it advertises unless a special permit has been approved by the board of trustees pursuant to a public hearing. A special permit may be approved by the board, provided the property on which the sign is to be located is zoned commercial, and provided that the sign may only advertise the property owner's business. The board may place reasonable conditions on the approval of the special permit, including, but not limited to, size, color, style, and content.
- (4) Any sign which, even though in general conformance with the standards and requirements of this sign code, is a dangerous sign due to interference with a traffic control device by being in direct line between the control device and oncoming traffic or otherwise in visual competition with a traffic control device or resembling a traffic control device.
- (5) Any sign that is erected in such a location as to interfere with motor vehicle traffic.
- (6) Any sign employing a lighting or control mechanism which causes radio, radar, television, or telecommunication interference.
- (7) Any sign so erected, constructed or maintained as to obstruct or be attached to any fire escape, window, door or opening used as a means of egress or ingress or for firefighting purposes, or any sign so placed as to interfere with any opening required for light or ventilation.
- (8) Flashing, blinking or other moving signs and searchlights/klieg lights.
- (9) Animated signs, including revolving, whirling, twirling or any other sign which uses motion, either implied or actual, except that barber poles (not exceeding five feet in length which are not roof-mounted), windmills and time and temperature signs are permitted.
- (10) Structurally unsafe signs as determined by the chief building official, based upon criteria established in the adopted town codes regulating the same.
- (11) Roof signs.

- (12) Wheeled advertising devices, except for currently licensed, operative vehicles which are primarily used by their owners for service, delivery or general transportation on a regular basis.
- (13) Any merchandise displayed outside of a building in such a way as to attract attention when viewed by the general public by placement upon a pole, a fence, a platform, roof or other similar device or structure shall be considered as a sign and shall be prohibited unless otherwise approved by the planning and zoning commission. This shall not, however, be construed to prohibit merchandise customarily stored outside of buildings and placed upon shelves or tables, such as automobiles, campers, boats, plant materials, produce or lumber.
- (14) Any sign regulated by the state department of transportation rules and regulations pertaining to outdoor advertising not approved by the CDOT.  
(Code 2002, § 17.68.080)

**17.80.090. Supersession.**

If the terms and provisions of this article conflict with other requirements of this Code, the most stringent shall apply.  
(Code 2002, § 17.68.090)

**17.80.100. Enforcement and penalties.**

(a) Specific authority is granted to the enforcement officer to remove, or have removed, the following signs after posting of a notice at least 24 hours prior to removal upon the premises where such sign is located:

- (1) Signs which are prohibited as stated in this chapter;
- (2) Unlawful "temporary" or "portable" signs as defined in this chapter.

(b) Any person, firm or corporation, partnership or other entity of whatever description violating any regulation or provision of any of the sections of this chapter shall be subject to the enforcement of provisions hereof.

(c) Whenever an alleged violation of any of the provisions of this chapter has not been voluntarily abated within the time specified, the town has the right to have an enforcement officer remove or cause to be removed the violation.  
(Code 2002, § 17.68.100)



**CHAPTER 17.84. FLOOD DAMAGE PREVENTION****ARTICLE I. TITLE AND PURPOSE****17.84.010. Statutory authorization.**

The state legislature has, in C.R.S. title 29, art. 20 (C.R.S. 29-20-101 et seq.), delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

(Ord. No. 287, app. A(art. I, § A), 12-21-2013)

**17.84.020. Findings of fact.**

(a) The flood hazard areas of town are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety and general welfare of the public.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 287, app. A(art. I, § B), 12-21-2013)

**17.84.030. Statement of purpose.**

It is the purpose of this chapter to promote public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to critical facilities, infrastructure and other public facilities such as water, sewer and gas mains; electric and communications stations; and streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential buyers are notified that property is located in a flood hazard area. (Ord. No. 287, app. A(art. I, § C), 12-21-2013)

**17.84.040. Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
  - (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
  - (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
  - (4) Control filling, grading, dredging and other development which may increase flood damage;
  - (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- (Ord. No. 287, app. A(art. I, § D), 12-21-2013)

**17.84.050. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) "100-year flood" means a flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one percent annual chance flood). The terms "100-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every 100 years.
- (2) "100-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.
- (3) "500-year flood" means a flood having a recurrence interval that has a 0.2 percent chance of being equaled or exceeded during any given year (0.2 percent chance annual flood). The term "500-year flood" does not imply that the flood will necessarily happen once every 500 years.
- (4) "500-year floodplain" means the area of land susceptible to being inundated as a result of the occurrence of a 500-year flood.
- (5) "Addition" means any activity that expands the enclosed footprint or increases the square footage of an existing structure.

- (6) "Alluvial fan flooding" means a fan-shaped sediment deposit formed by a stream that flows from a steep mountain valley or gorge onto a plain or the junction of a tributary stream with the main stream. Alluvial fans contain active stream channels and boulder bars, and recently abandoned channels. Alluvial fans are predominantly formed by alluvial deposits and are modified by infrequent sheet flood, channel avulsions and other stream processes.
- (7) "Area of shallow flooding" means a designated Zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
- (8) "Base flood elevation (BFE)" means the elevation shown on a FEMA flood insurance rate map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.
- (9) "Basement" means any area of a building having its floor sub-grade (below ground level) on all sides.
- (10) "Channel" means the physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.
- (11) "Channelization" means the artificial creation, enlargement or realignment of a stream channel.
- (12) "Code of Federal Regulations (CFR)" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government. It is divided into 50 titles that represent broad areas subject to federal regulation.
- (13) "Community" means any political subdivision in the state that has authority to adopt and enforce floodplain management regulations through zoning, including, but not limited to, cities, towns, unincorporated areas in the counties, Indian tribes and drainage and flood-control districts.
- (14) "Conditional letter of map revision (CLOMR)" means FEMA's comment on a proposed project, which does not revise an effective floodplain map, that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodplain.
- (15) "Critical facility" means a structure or related infrastructure, but not the land on which it is situated, as specified in section 17.84.260, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. See section 17.84.260.

- (16) "Development" means any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- (17) "DFIRM database" means a database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA mapping specifications and guidelines outline requirements for the development and maintenance of DFIRM databases.
- (18) "Digital flood insurance rate map (DFIRM)" means a FEMA digital floodplain map. These digital maps serve as regulatory floodplain maps for insurance and floodplain management purposes.
- (19) "Elevated building" means a non-basement building:
- a. Built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and
  - b. Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.
- In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, the term "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.
- (20) "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
- (21) "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (22) "FEMA" means Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program.
- (23) "Federal Register" means the official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

- (24) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. The overflow of water from channels and reservoir spillways;
  - b. The unusual and rapid accumulation or runoff of surface waters from any source; or
  - c. Mudslides or mudflows that occur from excess surface water that is combined with mud or other debris that is sufficiently fluid so as to flow over the surface of normally dry land areas (such as earth carried by a current of water and deposited along the path of the current).
- (25) "Flood control structure" means a physical structure designed and built expressly or partially for the purpose of reducing, redirecting, or guiding flood flows along a particular waterway. These specialized flood modifying works are those constructed in conformance with sound engineering standards.
- (26) "Flood insurance rate map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.
- (27) "Flood insurance study (FIS)" means the official report provided by the Federal Emergency Management Agency. The report contains the flood insurance rate map as well as flood profiles for studied flooding sources that can be used to determine base flood elevations for some areas.
- (28) "Floodplain" or "floodprone area" means any land area susceptible to being inundated as the result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir.
- (29) "Floodplain administrator" means the community official designated by title to administer and enforce the floodplain management regulations.
- (30) "Floodplain development permit" means a permit required before construction or development begins within any special flood hazard area (SFHA). If FEMA has not defined the SFHA within a community, the community shall require permits for all proposed construction or other development in the community including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within floodprone areas. Permits are required to ensure that proposed development projects meet the requirements of the NFIP and this chapter.
- (31) "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works and floodplain management regulations.

- (32) "Floodplain management regulations" means this title, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term "floodplain management regulations" describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (33) "Floodproofing" means any combination of structural and/or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (34) "Floodway (regulatory floodway)" means the channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. The statewide standard for the designated height to be used for all newly studied reaches shall be one-half foot (six inches). Letters of map revision to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.
- (35) "Freeboard" means the vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.
- (36) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term "functionally dependent use" includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities but does not include long-term storage or related manufacturing facilities.
- (37) "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (38) "Historic structure" means any structure that is:
- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
  - b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;  
or
  - d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
    - 1. By an approved state program as determined by the Secretary of the Interior;  
or
    - 2. Directly by the Secretary of the Interior in states without approved programs.
- (39) "Letter of map revision (LOMR)" means FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations (BFEs), or the special flood hazard area (SFHA).
- (40) "Letter of map revision based on fill (LOMR-F)" means FEMA's modification of the special flood hazard area (SFHA) shown on the flood insurance rate map (FIRM) based on the placement of fill outside the existing regulatory floodway.
- (41) "Levee" means a manmade embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.
- (42) "Levee system" means a flood-protection system which consists of a levee and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.
- (43) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). Any floor used for living purposes which includes working, storage, sleeping, cooking and eating, or recreation or any combination thereof. This includes any floor that could be converted to such a use such as a basement or crawl space. The lowest floor is a determinate for the flood insurance premium for a building, home or business. An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

- (44) "Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (45) "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- (46) "Material safety data sheet (MSDS)" means a form with data regarding the properties of a particular substance. An important component of product stewardship and workplace safety, it is intended to provide workers and emergency personnel with procedures for handling or working with that substance in a safe manner, and includes information such as physical data (melting point, boiling point, flash point, etc.), toxicity, health effects, first aid, reactivity, storage, disposal, protective equipment, and spill-handling procedures.
- (47) "Mean sea level," for purposes of the National Flood Insurance Program, means the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.
- (48) "National Flood Insurance Program (NFIP)" means FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.
- (49) "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.
- (50) "No-rise certification" means a record of the results of an engineering analysis conducted to determine whether a project will increase flood heights in a floodway. A no-rise certification must be supported by technical data and signed by a registered Colorado professional engineer. The supporting technical data should be based on the standard step-backwater computer model used to develop the 100-year floodway shown on the flood insurance rate map (FIRM) or flood boundary and floodway map (FBFM).
- (51) "Physical map revision (PMR)" means FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain and/or floodway delineations, flood elevations, and/or planimetric features.



- (52) "Recreational vehicle" means a vehicle which is:
- a. Built on a single chassis;
  - b. 400 square feet or less when measured at the largest horizontal projections;
  - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
  - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (53) "Special flood hazard area" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.
- (54) "Start of construction" means the date the building permit was issued, including substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- (55) "Structure" means a walled and roofed building, including a gas or liquid storage tank, which is principally above ground, as well as a manufactured home.
- (56) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.
- (57) "Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before start of construction of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term "substantial improvement" does not, however, include either:
- a. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or

- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."
- (58) "Threshold planning quantity (TPQ)" means a quantity designated for each chemical on the list of extremely hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.
- (59) "Variance" means a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the National Flood Insurance Program regulations).
- (60) "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the National Flood Insurance Program regulations is presumed to be in violation until such time as that documentation is provided.
- (61) "Water surface elevation" means the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
- (Ord. No. 287, app. A(art. II), 12-21-2013)

## ARTICLE II. GENERAL PROVISIONS

### **17.84.060. Lands to which this chapter applies.**

This chapter shall apply to all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F) within the jurisdiction of the town.

(Ord. No. 287, app. A(art. III, § A), 12-21-2013)

### **17.84.070. Basis for establishing the special flood hazard area.**

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Nunn," dated February 2, 1979, with accompanying flood insurance rate maps and/or flood boundary floodway maps (FIRM and/or FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this chapter and

may be supplemented by studies designated and approved by the town board of trustees. The floodplain administrator shall keep a copy of the flood insurance study (FIS), DFIRMs, FIRMs and/or FBFMs on file and available for public inspection.

(Ord. No. 287, app. A(art. III, § B), 12-21-2013)

**17.84.080. Establishment of floodplain development permit.**

A floodplain development permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. No. 287, app. A(art. III, § C), 12-21-2013)

**17.84.090. Compliance.**

No structure or land shall hereafter be located, altered, or have its use changed within the special flood hazard area without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent the town board of trustees from taking such lawful action as is necessary to prevent or remedy any violation. These regulations meet the minimum requirements as set forth by the state water conservation board and the National Flood Insurance Program.

(Ord. No. 287, app. A(art. III, § D), 12-21-2013)

**17.84.100. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any ordinance, easement, covenant, nor deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 287, app. A(art. III, § E), 12-21-2013)

**17.84.110. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
  - (2) Liberally construed in favor of the governing body; and
  - (3) Deemed neither to limit nor repeal any other powers granted under state statutes.
- (Ord. No. 287, app. A(art. III, § F), 12-21-2013)

**17.84.120. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the special flood hazard area or

uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 287, app. A(art. III, § G), 12-21-2013)

**17.84.130. Severability.**

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter is declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. No. 287, app. A(art. III, § H), 12-21-2013)

ARTICLE III. ADMINISTRATION

**17.84.140. Designation of the floodplain administrator.**

The town clerk is hereby appointed as floodplain administrator to administer, implement and enforce the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 287, app. A(art. IV, § A), 12-21-2013)

**17.84.150. Duties and responsibilities of the floodplain administrator.**

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter, including the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures and any floodproofing certificate required by section 17.84.160.
- (2) Review, approve, or deny all applications for floodplain development permits required by adoption of the ordinance from which this chapter is derived.
- (3) Review floodplain development permit applications to determine whether a proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1344) from which prior approval is required.

- (5) Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.
  - (6) Make the necessary interpretation where interpretation is needed as to the exact location of the boundaries of the special flood hazard area (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
  - (7) When base flood elevation data has not been provided in accordance with section 17.84.070, obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the provisions of article IV of this chapter.
  - (8) For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
  - (9) Under the provisions of 44 CFR chapter 1, section 65.12, of the National Flood Insurance Program Regulations, a community may approve certain development in zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the community first applies for a conditional FIRM revision through FEMA (conditional letter of map revision), fulfills the requirements for such revisions as established under the provisions of section 65.12 of the National Flood Insurance Program Regulations and receives FEMA approval.
  - (10) Notify, in riverine situations, adjacent communities and the state coordinating agency, which is the state water conservation board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
  - (11) Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (Ord. No. 287, app. A(art. IV, § B), 12-21-2013)

**17.84.160. Permit procedures.**

(a) Application for a floodplain development permit shall be presented to the floodplain administrator on forms furnished by him or her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed land-

scape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to special flood hazard area. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) A certificate from a registered Colorado professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of section 17.84.200(2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  - (5) Maintain a record of all such information in accordance with section 17.84.150.
- (b) Approval or denial of a floodplain development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
  - (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - (10) The relationship of the proposed use to the comprehensive plan for that area.
- (Ord. No. 287, app. A(art. IV, § C), 12-21-2013)

**17.84.170. Variance procedures.**

(a) The appeal board, as established by the community, shall hear and render judgment on requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(c) Any person aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 17.84.160 have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(f) Upon consideration of the factors noted above and the intent of this chapter, the appeal board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter as stated in section 17.84.030.

(g) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(h) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(i) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon:

- a. Showing a good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (3) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(j) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

- (1) The criteria outlined in subsections (a) through (i) of this section are met; and
- (2) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No. 287, app. A(art. IV, § D), 12-21-2013)

**17.84.180. Penalties for noncompliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a penalty. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined by the town. Nothing herein contained shall prevent the town from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 287, app. A(art. IV, § E), 12-21-2013)

ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

**17.84.190. General standards.**

In all special flood hazard areas, the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;



- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - (5) All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces;
  - (6) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
  - (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
  - (8) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (Ord. No. 287, app. A(art. V, § A), 12-21-2013)

**17.84.200. Specific standards.**

In all special flood hazard areas where base flood elevation data has been provided as set forth in section 17.84.070, 17.84.150(7), or 17.84.250, the following provisions are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation. Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.
- (2) *Nonresidential construction.*
  - a. With the exception of critical facilities, outlined in section 17.84.260, new construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated to one foot above the base flood elevation or, together with attendant utility and sanitary facilities, be designed so that at one foot above the base flood elevation the structure is

watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- b. A registered Colorado professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Such certification shall be maintained by the floodplain administrator, as proposed in section 17.84.160.

(3) *Enclosures.*

- a. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
- b. Designs for meeting this requirement must either be certified by a registered Colorado professional engineer or architect or meet or exceed the following minimum criteria:
  1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  2. The bottom of all openings shall be no higher than one foot above grade.
  3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) *Manufactured homes.*

- a. All manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites:
  1. Outside of a manufactured home park or subdivision;
  2. In a new manufactured home park or subdivision;
  3. In an expansion to an existing manufactured home park or subdivision; or
  4. In an existing manufactured home park or subdivision on which manufactured home has incurred substantial damage as a result of a flood;shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air condition-

ing equipment and other service facilities (including ductwork), are elevated to one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- b. All manufactured homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4)a of this section shall be elevated so that either:
    1. The lowest floor of the manufactured home, electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), are one foot above the base flood elevation; or
    2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (5) *Recreational vehicles.* All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
- a. Be on the site for fewer than 180 consecutive days;
  - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.); or
  - c. Meet the permit requirements of section 17.84.160, and the elevation and anchoring requirements for manufactured homes in subsection (4) of this section.
- (6) *Prior approved activities.* Any activity for which a floodplain development permit was issued by town or a CLOMR was issued by FEMA prior to December 21, 2013, may be completed according to the standards in place at the time of the permit or CLOMR issuance and will not be considered in violation of this chapter if it meets such standards.

(Ord. No. 287, app. A(art. V, § B), 12-21-2013)

**17.84.210. Standards for areas of shallow flooding (AO/AH zones).**

Located within the special flood hazard area established in section 17.84.070 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) *Residential construction.* All new construction and substantial improvements of residential structures must have the lowest floor (including basement), electrical, heating,

ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified). Upon completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered Colorado professional engineer, architect, or land surveyor. Such certification shall be submitted to the floodplain administrator.

(2) *Nonresidential construction.*

a. With the exception of critical facilities, outlined in section 17.84.260, all new construction and substantial improvements of nonresidential structures, must have the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), elevated above the highest adjacent grade at least one foot above the depth number specified in feet on the community's FIRM (at least three feet if no depth number is specified), or together with attendant utility and sanitary facilities, be designed so that the structure is watertight to at least one foot above the base flood level with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. A registered Colorado professional engineer or architect shall submit a certification to the floodplain administrator that the standards of this section, as proposed in section 17.84.160, are satisfied.

b. Within Zones AH or AO, adequate drainage paths around structures on slopes are required to guide floodwaters around and away from proposed structures.

(Ord. No. 287, app. A(art. V, § C), 12-21-2013)

**17.84.220. Floodways.**

Floodways are administrative limits and tools used to regulate existing and future floodplain development. The state has adopted floodway standards that are more stringent than the FEMA minimum standard (see definition of the term "floodway" in article I of this chapter). Located within special flood hazard area established in section 17.84.070, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed by a licensed Colorado professional engineer and in accordance with standard engineering practice

that the proposed encroachment would not result in any increase (requires a no-rise certification) in flood levels within the community during the occurrence of the base flood discharge.

- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article IV of this chapter.
- (3) Under the provisions of 44 CFR chapter 1, section 65.12, of the national flood insurance regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a CLOMR and floodway revision through FEMA.  
(Ord. No. 287, app. A(art. V, § D), 12-21-2013)

**17.84.230. Alteration of a watercourse.**

For all proposed developments that alter a watercourse within a special flood hazard area, the following standards apply:

- (1) Channelization and flow diversion projects shall appropriately consider issues of sediment transport, erosion, deposition, and channel migration and properly mitigate potential problems through the project as well as upstream and downstream of any improvement activity. A detailed analysis of sediment transport and overall channel stability should be considered, when appropriate, to assist in determining the most appropriate design.
- (2) Channelization and flow diversion projects shall evaluate the residual 100-year floodplain.
- (3) Any channelization or other stream alteration activity proposed by a project proponent must be evaluated for its impact on the regulatory floodplain and be in compliance with all applicable federal, state and local floodplain rules, regulations and ordinances.
- (4) Any stream alteration activity shall be designed and sealed by a registered Colorado professional engineer or certified professional hydrologist.
- (5) All activities within the regulatory floodplain shall meet all applicable federal, state and town floodplain requirements and regulations.
- (6) Within the regulatory floodway, stream alteration activities shall not be constructed unless the project proponent demonstrates through a floodway analysis and report, sealed by a registered Colorado professional engineer, that there is not more than a 0.00-foot rise in the proposed conditions compared to existing conditions floodway resulting from the project, otherwise known as a no-rise certification, unless the community first applies for a CLOMR and floodway revision in accordance with section 17.84.220.

- (7) Maintenance shall be required for any altered or relocated portions of watercourses so that the flood-carrying capacity is not diminished.

(Ord. No. 287, app. A(art. V, § E), 12-21-2013)

**17.84.240. Properties removed from the floodplain by fill.**

A floodplain development permit shall not be issued for the construction of a new structure or addition to an existing structure on a property removed from the floodplain by the issuance of a FEMA letter of map revision based on fill (LOMR-F), unless such new structure or addition complies with the following:

- (1) *Residential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.
- (2) *Nonresidential construction.* The lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

(Ord. No. 287, app. A(art. V, § F), 12-21-2013)

**17.84.250. Standards for subdivision proposals.**

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be reasonably safe from flooding. If a subdivision or other development proposal is in a floodprone area, the proposal shall minimize flood damage.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet floodplain development permit requirements of sections 17.84.080 and section 17.84.160 and the provisions of this article.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 17.84.070 or 17.84.150.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 287, app. A(art. V, § G), 12-21-2013)

**17.84.260. Standards for critical facilities.**

A critical facility is a structure or related infrastructure, but not the land on which it is situated, as specified in rule 6 of the rules and regulations for regulatory floodplains in the state, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

- (1) *Classification of critical facilities.* It is the responsibility of the town to identify and confirm that specific structures in their community meet the following criteria: critical facilities are classified under the following categories:
  - a. Essential services;
  - b. Hazardous materials;
  - c. At-risk populations; and
  - d. Vital to restoring normal services.
    1. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
      - (i) These facilities consist of:
        - A. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers);
        - B. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions);
        - C. Designated emergency shelters;
        - D. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
        - E. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water,

power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines); and

- F. Air transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- (ii) Specific exemptions to this category include wastewater treatment plants (WWTP), non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
  - (iii) Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the town board of trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the town board of trustees on an as-needed basis upon request.
2. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials.
- (i) These facilities may include:
    - A. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing);
    - B. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials;
    - C. Refineries;
    - D. Hazardous waste storage and disposal sites; and
    - E. Aboveground gasoline or propane storage or sales centers.
  - (ii) Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the Occupational Safety and Health Administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the work place, and the chemicals are stored in



quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either 500 pounds or the TPQ listed (whichever is lower) for the 356 chemicals listed under 40 CFR 302 (2010), also known as extremely hazardous substances (EHS); or 10,000 pounds for any other chemical. This threshold is consistent with the requirements for reportable chemicals established by the state department of health and environment. OSHA requirements for MSDS can be found in 29 CFR 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 CFR 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 CFR 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation this article, but exclude later amendments to or editions of the regulations.

- (iii) Specific exemptions to this category include:
  - A. Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use.
  - B. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
  - C. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this article.

- 3. At-risk population facilities include medical care, congregate care, and schools. These facilities consist of:
  - (i) Elder care (nursing homes);
  - (ii) Congregate care serving 12 or more individuals (day care and assisted living);
  - (iii) Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving 12 or more children);

4. Facilities vital to restoring normal services including government operations.
  - (i) These facilities consist of:
    - A. Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
    - B. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
  - (ii) These facilities may be exempted if it is demonstrated to the town board of trustees that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this article, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the town board of trustees on an as-needed basis upon request.

(2) *Protection for critical facilities.* All new and substantially improved critical facilities and new additions to critical facilities located within the special flood hazard area shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this article, protection shall include one of the following:

- a. Location outside the special flood hazard area; or
- b. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two feet above the base flood elevation.

(3) *Ingress and egress for new critical facilities.* New critical facilities shall, when practicable as determined by the town board of trustees, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

(Ord. No. 287, app. A(art. V, § H), 12-21-2013)

**17.84.270. Certification.**

(a) It is hereby found and declared by town board of trustees (community name) that flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to

effectively comply with minimum standards for coverage under the National Flood Insurance Program; and in order to effectively remedy the situation described herein, it is necessary that this article become effective immediately.

(b) Therefore, an emergency is hereby declared to exist, and this article, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

(Ord. No. 287, app. A(art. V(intro. ¶)), 12-21-2013)



## CODE COMPARATIVE TABLE

### 2002 CODE

This table gives the location within this Code of those sections of the 2002 Code, as updated, which are included herein. Sections of the 2002 Code, as updated, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

<b>2002 Code Section</b>	<b>Section this Code</b>	<b>2002 Code Section</b>	<b>Section this Code</b>
1.01.020	1.04.010	2.24.010	2.28.010
1.01.030	1.04.020	2.24.020	2.28.020
1.01.040	1.04.030	2.24.030	2.28.030
1.01.050	1.04.040	2.24.040	2.28.040
1.01.060	1.04.050	2.28.010	2.36.010
1.01.080	1.04.060	2.28.020	2.36.020
1.04.010	1.08.010	2.28.030	2.36.030
1.06.010	1.12.010	2.36.010	2.44.010
1.06.020	1.12.020	—	2.44.150
1.06.030	1.12.030	2.36.020	2.44.020
2.04.010	2.04.010	2.36.030	2.44.030
2.04.020	2.04.020	2.36.040	2.44.040
2.04.030	2.04.030	2.36.050	2.44.050
2.04.040	2.04.040	2.36.060	2.44.060
2.04.050	2.04.050	2.36.070	2.44.070
2.04.060	2.04.050	2.36.080	2.44.080
2.04.070	2.04.060	2.36.090	2.44.090
2.04.080	2.04.070	2.36.100	2.44.100
2.04.090	2.04.080	2.36.110	2.44.110
2.04.100	2.04.090	2.36.120	2.44.120
2.04.111	2.04.100	2.36.130	2.44.130
2.04.113	1.08.140	2.36.140	2.44.140
2.04.114	1.08.150	2.36.160	2.44.160
2.04.115	1.08.160	2.36.170	2.44.170
2.04.117	2.04.120	2.36.180	2.44.180
2.08.010	2.12.010	2.36.190	2.44.190
2.08.020	2.12.020	2.36.200	2.44.200
2.08.030	2.12.030	2.36.210	2.44.210
2.08.040	2.12.040	2.40.010	2.48.010
2.08.050	2.12.050	2.44.010	2.52.010
2.08.060	2.12.060	2.44.020	2.52.020
2.08.070	2.12.070	2.44.030	2.52.030
2.12.010	2.16.010	2.44.040	2.52.040
2.12.020	2.16.020	2.44.050	2.52.050
—	2.20.020	2.44.060	2.52.060
2.12.030	2.16.030	2.44.080	2.52.070
—	2.20.030	2.44.090	2.52.080
2.16.010	2.20.010	2.44.100	2.52.090

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<b>2002 Code Section</b>	<b>Section this Code</b>	<b>2002 Code Section</b>	<b>Section this Code</b>
2.44.110	2.52.100	6.04.020	6.04.020
2.44.120	2.52.110	6.04.030	6.04.030
2.44.130	2.52.120	6.04.040	6.04.040
2.44.140	2.52.130	6.04.050	6.04.050
2.44.150	2.52.140	6.04.060	6.04.060
3.04.010	3.04.010	6.04.070	6.04.070
3.04.020	3.04.020	6.04.080	6.04.080
3.04.030	3.04.030	6.04.090	6.04.090
3.04.040	3.04.040	6.04.100	6.04.100
3.04.050	3.04.050	6.04.110	6.04.110
3.04.060	3.04.070	6.04.120	6.04.120
3.04.070	3.04.080	6.04.130	6.04.130
3.08.010	3.08.010	6.04.140	6.04.140
3.08.020	3.08.030	6.04.150	6.04.150
3.08.020(intro ¶)	3.08.020	8.04.010	8.04.010
3.08.030(A)	3.04.060	8.04.020	8.04.020
3.08.030(B)	3.04.030	8.04.030	8.04.030
3.08.030(C)	3.04.030	8.04.040	8.04.040
3.08.030(D)	3.04.030	8.04.050	8.04.050
3.08.030(E)	3.04.030	8.04.060	8.04.060
3.08.030(F)	3.04.030	8.04.070	8.04.070
3.08.030(G)	3.04.030	8.04.090	8.04.080
3.08.030(H)	3.04.030	8.04.100	8.04.090
3.08.030(I)	3.04.030	8.04.110	8.04.100
3.08.030(J)	3.04.030	8.04.120	8.04.110
3.08.040	3.08.040	8.04.130	8.04.120
3.08.050	3.08.050	8.08.010	8.08.010
3.12.010	3.12.010	8.08.020	8.08.020
3.12.020	3.12.020	8.08.030	8.08.030
3.12.030	3.12.030	8.08.040	8.08.040
3.16.010	3.16.010	8.08.050	8.08.050
3.24.010	3.20.010	8.08.060	8.08.060
3.24.020	3.20.020	8.08.070	8.08.070
3.24.030	3.20.030	8.08.080	8.08.080
3.24.040	3.20.040	8.12.010	8.12.010
3.25.101	3.24.010	8.12.020	8.12.020
5.04.010	5.04.010	8.12.030	8.12.030
5.04.020	5.05.020	8.12.040	8.12.040
5.04.030	5.04.030	9.04.020	9.04.020
5.04.040	5.04.040	9.04.030	9.04.030
5.04.050	5.04.050	9.04.040	9.04.040
5.04.060	5.04.060	9.04.050	9.04.050
5.04.070	5.04.070	9.08.010	9.08.010
5.04.080	5.04.080	9.08.020	9.08.020
5.04.090	5.04.090	9.08.030	9.08.030
5.04.100	5.04.100	9.08.040	9.08.040
5.04.110	5.04.110	9.08.050	9.08.050
5.04.120	5.04.120	9.012.010	9.12.010
5.04.130	5.04.130	9.16.010	9.16.010
6.04.010	6.04.010	9.16.020	9.16.020

## CODE COMPARATIVE TABLE

<b>2002 Code Section</b>	<b>Section this Code</b>	<b>2002 Code Section</b>	<b>Section this Code</b>
9.16.030	9.16.030	9.040.010	9.04.010
9.16.050	9.16.040	9.40.010	9.40.010
9.16.060	9.16.050	9.40.020	9.40.020
9.16.070	9.16.060	9.40.030	9.40.030
9.20.010	9.20.010	9.40.040	9.40.040
9.20.020	9.20.020	9.44.010	9.44.010
9.20.030	9.20.030	9.44.020	9.44.020
9.20.040	9.20.040	10.04.010	10.04.010
9.20.050	9.20.050	10.04.020	10.04.020
9.20.060	9.20.060	12.04.010	12.04.010
9.20.070	9.20.070	12.04.020	12.04.020
9.20.080	9.20.080	12.04.030	12.04.030
9.24.010	9.24.010	12.04.040	12.04.040
9.24.030	9.24.020	12.04.050	12.04.050
9.24.040	9.24.030	12.04.060	12.04.060
9.24.050	9.24.040	12.04.070	12.04.070
9.24.060	9.24.050	12.04.080	12.04.080
9.24.070	9.24.060	12.08.010	12.08.010
9.24.080	9.24.070	12.08.020	12.08.020
9.24.090	9.24.080	12.08.030	12.08.030
9.24.100	9.24.090	12.08.040	12.08.040
9.24.110	9.24.100	12.08.050	12.08.050
9.24.120	9.24.110	12.08.060	12.08.060
9.24.130	9.24.120	12.08.070	12.08.070
9.24.140	9.24.130	12.08.080	12.08.080
9.28.010	9.28.010	12.08.090	12.08.090
9.28.020	9.28.020	12.08.100	12.08.100
9.28.030	9.28.030	12.08.110	12.08.110
9.28.040	9.28.040	12.08.120	12.08.120
9.28.050	9.28.050	13.04.010	13.04.010
9.28.060	9.28.060	13.04.020	13.04.020
9.32.010	9.32.010	13.08.010	13.08.010
9.32.020	9.32.020	13.08.020	13.08.020
9.32.030	9.32.030	13.08.030	13.08.030
9.32.040	9.32.040	13.08.040	13.08.040
9.32.050	9.32.050	13.08.050	13.08.050
9.32.060	9.32.060	13.08.060	13.08.060
9.32.070	9.32.070	13.08.070	13.08.070
9.32.080	9.32.080	13.08.080	13.08.080
9.32.090	9.32.090	13.08.090	13.08.090
9.32.100	9.32.100	13.08.100	13.08.100
9.32.110	9.32.110	13.08.120	13.08.120
9.32.120	9.32.120	13.08.130	13.08.130
9.32.130	9.32.130	13.08.140	13.08.140
9.36.010	9.36.010	13.08.150	13.08.150
9.36.020	9.36.020	13.08.160	13.08.160
9.36.030	9.36.030	13.08.170	13.08.140
9.36.040	9.36.040	13.08.180	13.08.170
9.36.050	9.36.050	13.08.190	13.08.180
9.36.060	9.36.060	13.08.200	13.08.190

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<b>2002 Code Section</b>	<b>Section this Code</b>	<b>2002 Code Section</b>	<b>Section this Code</b>
13.08.210	13.08.200	16.12.010	16.12.010
13.08.220	13.08.210	—	16.12.040
13.08.230	13.08.220	16.12.020	16.12.020
13.12.010	13.12.010	16.12.030	16.12.030
13.12.020	13.12.020	16.12.050	16.12.050
13.12.030	13.12.030	16.12.060	16.12.060
13.12.040	13.12.040	16.12.070	16.12.070
13.12.050	13.12.050	16.12.080	16.12.080
15.04.010	15.04.010	16.12.090	16.12.090
15.04.020	15.04.020	16.16.010	16.16.010
15.04.030	15.04.030	16.16.020	16.16.020
15.04.040	15.04.040	16.16.030	16.16.030
15.04.060	15.04.050	16.16.040	16.16.040
15.04.070	15.04.060	16.16.050	16.16.050
15.04.080	15.04.070	16.20.010	16.20.010
15.04.090	15.04.080	16.20.020	16.20.020
15.04.100	15.04.090	16.20.030	16.20.030
15.04.110	15.04.100	16.20.040	16.20.040
15.04.120	15.04.110	16.20.050	16.20.050
15.08.010	15.08.010	16.20.060	16.20.060
15.08.020	15.08.020	16.20.070	16.20.070
15.08.030	15.08.030	16.20.080	16.20.080
15.08.040	15.08.040	16.20.090	16.20.090
15.08.050	15.08.050	16.20.100	16.20.100
15.08.060	15.08.060	16.20.110	16.20.110
15.08.070	15.08.070	16.20.120	16.20.120
15.08.080	15.08.080	16.24.010	16.24.010
15.08.090	15.08.090	16.24.020	16.24.020
15.08.110	15.08.110	16.24.030	16.24.030
15.08.120	15.08.120	16.24.040	16.24.040
15.12.010	15.12.010	16.24.050	16.24.050
15.12.020	15.12.020	16.24.060	16.24.060
15.12.030	15.12.030	16.24.070	16.24.070
15.12.040	15.12.040	16.24.080	16.24.080
15.12.050	15.12.050	16.24.090	16.24.090
15.16.010	15.16.010	16.24.100	16.24.100
15.16.020	15.16.020	16.24.110	16.24.110
15.16.030	15.16.030	16.24.120	16.24.120
16.04.010	16.04.010	16.24.130	16.24.130
—	16.04.110	16.24.140	16.24.140
16.04.020	16.04.020	16.24.150	16.24.150
16.04.030	16.04.030	16.24.160	16.24.160
16.04.040	16.04.040	16.24.170	16.24.170
16.04.050	16.04.050	16.24.180	16.24.180
16.04.060	16.04.060	16.24.190	16.24.190
16.04.070	16.04.070	16.24.200	16.24.200
16.04.080	16.04.080	16.24.210	16.24.210
16.04.090	16.04.090	16.28.010	16.28.010
16.04.100	16.04.100	16.28.020	16.28.020
16.08.010—16.08.400	16.08.010	16.28.030	16.28.030



## CODE COMPARATIVE TABLE

2002 Code Section	Section this Code	2002 Code Section	Section this Code
16.28.040	16.28.040	16.42.010	16.44.010
16.28.050	16.28.050	16.44.010	16.48.010
16.28.060	16.28.060	16.44.020	16.48.020
16.28.070	16.28.070	16.44.030	16.48.030
16.28.080	16.28.080	16.46.010	16.52.010
16.28.090	16.28.090	16.46.020	16.52.020
16.28.100	16.28.100	16.46.030	16.52.030
16.28.110	16.28.110	16.46.040	16.52.040
16.28.120	16.28.120	16.46.050	16.52.050
16.28.130	16.28.130	16.46.060	16.52.060
16.28.140	16.28.140	16.46.070	16.52.070
16.28.150	16.28.150	16.46.080	16.52.080
16.28.160	16.28.160	16.46.090	16.52.090
16.28.170	16.28.170	16.48.010	16.56.010
16.28.180	16.28.180	16.48.020	16.56.020
16.28.190	16.28.190	17.04.010	17.04.010
16.28.200	16.28.200	17.04.020	17.04.020
16.28.210	16.28.210	17.08.010	17.08.010
16.28.220	16.28.220	17.08.020	17.08.020
16.28.230	16.28.230	17.10.010	17.12.010
16.28.240	16.28.240	17.10.020	17.12.020
16.28.250	16.28.250	17.10.030	17.12.030
16.28.260	16.28.260	17.10.040	17.12.040
16.28.270	16.28.270	17.10.050	17.12.050
16.32.010	16.32.010	17.10.060	17.12.060
16.32.020	16.32.020	17.10.070	17.12.070
—	16.36.020	17.10.080	17.12.080
16.32.030	16.32.030	17.10.090	17.12.090
—	16.36.030	17.10.100	17.12.100
16.32.040	16.32.040	17.10.120	17.12.120
—	16.36.040	17.12.010	17.16.010
16.32.050	16.32.050	17.12.020	17.16.020
—	16.36.050	17.12.030	17.16.030
16.32.060	16.32.060	17.12.040	17.16.040
16.32.070	16.32.070	17.12.050	17.16.050
16.32.080	16.32.080	17.12.060	17.16.060
16.32.090	16.32.090	17.12.070	17.16.070
16.32.100	16.32.100	17.12.080	17.16.080
16.32.110	16.32.110	17.12.090	17.16.090
16.32.120	16.32.120	17.12.100	17.16.100
16.32.130	16.32.130	17.12.110	17.16.110
16.32.140	16.32.140	17.12.120	17.16.120
16.32.150	16.32.150	17.16.010	17.20.010
16.32.160	16.32.160	17.16.020	17.20.020
16.32.170	16.32.170	17.16.030	17.20.030
16.32.180	16.32.180	17.20.010	17.24.010
16.36.010	16.36.010	17.20.020	17.24.020
16.40.010	16.40.010	17.20.030	17.24.030
16.40.020	16.40.020	—	17.28.040
16.40.030	16.40.030	17.20.040	17.24.040

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2002 Code Section	Section this Code	2002 Code Section	Section this Code
17.20.050	17.24.050	17.68.060	17.80.060
17.20.060	17.24.060	17.68.070	17.80.070
17.20.070	17.24.070	17.68.080	17.80.080
17.20.080	17.24.080	17.68.090	17.80.090
17.20.090	17.24.090	17.68.100	17.80.100
17.24.010	17.28.010		
17.24.020	17.28.020		
17.24.040	17.28.050		
17.24.050	17.28.060		
17.24.070	17.28.070		
17.28.010	17.32.010		
17.28.020	17.32.020		
17.28.030	17.32.030		
17.28.040	17.32.040		
17.28.050	17.32.050		
17.28.060	17.32.060		
17.28.070	17.32.070		
Ch. 17.32(intro. ¶)	17.36.010		
17.32.010	17.36.020		
17.32.020	17.36.030		
17.32.030	17.36.030		
17.32.040	17.36.040		
17.32.050	17.36.050		
17.32.060	17.36.060		
17.32.070	17.36.070		
17.36.010	17.40.010		
17.36.020	17.40.020		
17.36.030	17.40.030		
17.36.040	17.40.040		
17.36.050	17.40.050		
17.36.060	17.40.060		
17.36.070	17.40.070		
17.40.010	17.44.010		
17.40.020	17.44.020		
17.44.010	17.48.010		
17.44.020	17.48.020		
17.48.010	17.52.010		
17.48.020	17.52.020		
Ch. 17.52(intro. ¶)	17.60.010		
17.52.010—17.52.400	17.60.010		
17.58.010	17.64.010		
17.58.020	17.64.020		
17.58.030	17.64.030		
17.60.010	17.68.010		
17.60.020	17.68.020		
17.68.010	17.80.010		
17.68.020	17.80.020		
17.68.030	17.80.030		
17.68.040	17.80.040		
17.68.050	17.80.050		

## CODE COMPARATIVE TABLE

### LEGISLATION

This table gives the location within this Code of those ordinances and other legislation which are included herein. Ordinances and other legislation not listed herein have been omitted as repealed, superseded or not of a general and permanent nature.

<b>Legislation</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
Ord. No. 120	1972	—	17.04.020
		—	17.08.010
		—	17.08.020
		—	17.12.010
		—	17.12.020
		—	17.12.030
		—	17.12.040
		—	17.12.050
		—	17.12.060
		—	17.12.070
		—	17.12.080
		—	17.12.090
		—	17.12.100
		—	17.12.120
		—	17.16.010
		—	17.16.020
		—	17.16.030
		—	17.16.040
		—	17.16.050
		—	17.16.060
		—	17.16.070
		—	17.16.080
		—	17.16.090
		—	17.16.100
		—	17.16.110
		—	17.16.120
		—	17.20.010
		—	17.20.020
		—	17.24.010
		—	17.24.020
		—	17.24.030
		—	17.24.040
		—	17.24.050
		—	17.24.060
		—	17.24.070
		—	17.24.080
		—	17.24.090
		—	17.28.010
		—	17.28.020
		—	17.28.040

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Legislation	Date	Section	Section this Code
		—	17.28.050
		—	17.28.060
		—	17.28.070
		—	17.32.010
		—	17.32.020
		—	17.32.030
		—	17.32.040
		—	17.32.050
		—	17.32.060
		—	17.32.070
		—	17.36.010
		—	17.36.020
		—	17.36.030
		—	17.36.040
		—	17.36.050
		—	17.36.060
		—	17.36.070
		—	17.40.010
		—	17.40.020
		—	17.40.030
		—	17.40.040
		—	17.40.050
		—	17.40.060
		—	17.40.070
		—	17.44.010
		—	17.44.020
		—	17.48.010
		—	17.48.020
		—	17.52.010
		—	17.52.020
		—	17.60.010
Ord. No. 124	1974	—	13.08.010
		—	13.08.020
		—	13.08.030
		—	13.08.040
		—	13.08.050
		—	13.08.060
		—	13.08.070
		—	13.08.080
		—	13.08.090
		—	13.08.100
		—	13.08.120
		—	13.08.130
		—	13.08.140
		—	13.08.150
		—	13.08.160
		—	13.08.170
		—	13.08.180
		—	13.08.190
		—	13.08.220

## CODE COMPARATIVE TABLE

Legislation	Date	Section	Section this Code		
Ord. No. 127	1975	—	2.04.050		
		—	2.04.060		
Ord. No. 152	1977	—	6.04.010		
		—	6.04.020		
		—	6.04.030		
		—	6.04.040		
		—	6.04.050		
		—	6.04.060		
		—	6.04.070		
		—	6.04.080		
		—	6.04.090		
		—	6.04.100		
		—	6.04.110		
		—	6.04.120		
		—	6.04.130		
		—	6.04.140		
Ord. No. 153	1987	—	6.04.150		
		—	3.12.010		
		—	3.12.020		
Ord. No. 164	1992	—	3.12.030		
		—	2.48.010		
		—	3.20.010		
Ord. No. 166	1992	—	3.20.020		
		—	3.20.030		
		—	3.16.010		
Ord. No. 168	1994	—	12.04.010		
		—	12.04.020		
Ord. No. 169	1995	—	12.04.030		
		—	12.04.040		
		—	12.04.050		
		—	12.04.060		
		—	12.04.080		
		Ord. No. 174	1996	—	3.04.010
				—	3.04.020
				—	3.04.030
				—	3.04.040
				—	3.04.050
—	3.04.060				
—	3.04.070				
—	3.04.080				
—	3.08.010				
—	3.08.020				
Ord. No. 176	1996	—	3.08.030		
		—	3.08.040		
		—	3.08.050		
		—	16.04.110		
		—	17.68.010		
Ord. No. 178	1996	—	16.04.010		
		—	16.04.020		
Ord. No. 179	1996	—	16.04.030		
		—			

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Legislation	Date	Section	Section this Code
		—	16.04.040
		—	16.04.050
		—	16.04.060
		—	16.04.070
		—	16.04.080
		—	16.04.090
		—	16.04.100
		—	16.08.010
Ord. No. 181	1996	—	5.04.010
		—	5.05.020
		—	5.04.030
		—	5.04.040
		—	5.04.050
		—	5.04.060
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Ord. No. 211	1998	—	2.04.020
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Ord. No. 218	2000	—	13.08.210
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Ord. No. 226	2002	—	13.08.070
Ord. No. 237	12-18-2003	1	15.04.020
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Ord. No. 242	6-3-2004	1	6.04.140
Ord. No. 250	11-3-2005	1	17.32.010
Ord. No. 260	8-3-2006	1	9.24.130

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		1(2.20.070)	2.24.070
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		1(2.20.090)	2.24.090
		1(2.20.100)	2.24.100
Ord. No. 263	5-3-2007	1	15.04.020
		2(15.04.130)	15.04.120
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Ord. No. 263-B	8-2-2007	1(12.12.010)	12.12.010
		1(12.12.020)	12.12.020
		1(12.12.030)	12.12.030
		1(12.12.040)	12.12.040
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		1(12.12.060)	12.12.060
		1(12.12.070)	12.12.070
		1(12.12.080)	12.12.080
		1(12.12.090)	12.12.090
		1(12.12.100)	12.12.100
		1(12.12.110)	12.12.110
		1(12.12.120)	12.12.120
		1(12.12.130)	12.12.130
		1(12.12.140)	12.12.140
		1(12.12.150)	12.12.150
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		1(12.12.170)	12.12.170
		1(12.12.180)	12.12.180
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Ord. No. 276	8-26-2010	1	1.08.140
Ord. No. 277	10-21-2010	1	17.12.110
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Ord. No. 278	7-21-2011	I	5.20.010
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Ord. No. 280	10-20-2011	1(10.04.010)	10.04.010
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		5.12-3	5.08.040
		5.12-4	5.08.050
		5.12-5	5.08.060
		att.(ch. 5.12(intro ¶))	5.08.010
Ord. No. 286	9-21-2013	1	5.24.010
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Ord. No. 287	12-21-2013	App. A(art. I, § A)	17.84.010
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		App. A(art. IV, § E)	17.84.180
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		5	3.28.050
Ord. No. 315	3-21-2019	1(10.04.010)	10.04.010
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## STATE LAW REFERENCE TABLE

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